

2685

January 24, 1968

PERSONAL & CONFIDENTIAL

My dear Maharaja Saheb,

I have been considerably exercised over the "Orissa Freedom of Religion Bill, 1967" passed by the State Vidhan Sabha in December 1967.

2. While I think its operative provisions (Clauses 3, 4, 5, & 6) are sound in principle, its scope as defined in clause 2 of the Bill is dangerously wide. My objections to the Bill, in the light of those definitions, are both:-

(a) personal, in that the Bill invades individual freedom of conscience and the right to propagate one's faith;

and (b) political, in that while it may do us little harm in Orissa it may be avidly copied in other States and do us great harm all over India by alienating the sympathies of the minorities from our Party.

I feel strongly that a measure such as this, having very serious all-India implications, should have been cleared with the Central Parliamentary Board of the Party before being introduced in the State Legislature.

3. Most unfortunately, I was not aware of this Bill when I met you in Bhubaneswar on 8th January. I came to know of it only on the 12th on my return to Bombay. I then discussed it with Mr. Masani who, I found, was also exercised over it and was wholly in agreement with me.

4. In view of the urgency of the matter, further action could not be delayed until the meeting of the Central Parliamentary Board at the end of this month at Ernakulam. I therefore decided, as a purely personal question of individual freedom of conscience, to speak to the President of India (Dr Zakir Hussein) about it when I went to Delhi the following week. I then made over to him a Note on the subject, of which I enclose a copy. And making it clear that I was approaching him purely in my individual capacity, I suggested that he should withhold his assent to the Bill (if that were possible) unless it was amended in the way suggested in the Note.

5. You will, I am sure, appreciate that all this bother and, indeed, embarrassment could have been avoided had you consulted the Central Office of the Party before introducing such a Bill, and certainly before passing it.

..2/-

6. I propose to bring the matter before the Central Parliamentary Board on the 27th. At that time I am anxious to place your views also before the Board if you could let me have them in time.

Kind regards,

Yours sincerely,

N. Dandekar
(N. Dandekar)

Mr. R. N. Singh Deo,
Chief Minister,
Bhubaneswar,
Orissa.

Encl: *

CC: Mr. M-R. Masani, M-P.
Bombay

NOTE by Mr. Dandekar

Subject: The Orissa Freedom of Religion Bill, 1967

1. This measure may be justifiable in principle, but goes much too far in the direction of preventing conversions altogether, even in those cases where, in exercise of freedom of conscience, a change of faith by a person may be wholly honest and genuine.
2. Unless amended in certain directions, it is unconstitutional under Article 25 in two respects:-
 - (a) It virtually prohibits the preaching and propagation of religion in the sense of persuasion, by persons of one faith, to convert to their faith persons of other faiths.
 - (b) It invades the individual's personal right to freedom of conscience and freedom to practice the religion of his choice, by the simple expedient of denying him the opportunity for choice in practice.
3. These defects can be cured by the following amendments to Section 2 of the Bill:-
 - (i) In sub-section (b),
delete " or social ex-communication"
 - (ii) In sub-section (c),
delete " or any other fraudulent contrivance"
 - (iii) In sub-section (d),
for the words " the grant of any benefit, either pecuniary or otherwise "
substitute the words " the offer to grant any pecuniary benefit to any person in consideration of his agreeing to be converted "
4. It is therefore respectfully requested that the President may be pleased to withhold his assent to this Bill until the amendments suggested above are carried out.

Copy made over to the
President of India Dr Zakir Hussein

N. Dandekar

Tele { Phone : ~~234~~ 1178
Gram : SWATANTRA

Shri R.N.Singh Deo,
PRESIDENT,

SWATANTRA PARTY
(ORISSA UNIT)



Date 24-1-68

No. _____

My dear Raju,

Please refer to your letter dated the 8th January regarding the Orissa Freedom of Religion Act, 1967 and your letter dated 16th January, 1968. I am enclosing herewith a note which explains the position in regard to the letter of the Archbishop. I am also enclosing 3 extra copies of the Note.

Regarding Kendu Leaves, I am enclosing 5 copies of a Note. I would add that a Writ has been filed on behalf of the persons who have protested in the Orissa High Court yesterday.

I am also enclosing for your information a copy of my letter dated the 16th January, 1968 to Rajaji, Prof. Ranga and Messrs. Masani and Dandekar together with 3 copies of a Note on the establishment of Aluminium Industry in Orissa. Please give one copy each of this note to Rajaji, Prof. Ranga, Masani and Dandekar.

To ensure that you get this letter with enclosures in time, I am sending this with Shri Sundarmani Patel, M.P.

Yours sincerely,

Shri S.V.Raju,
Swatantra Party Central Office,
Sassoon Building,
143, Mahatma Gandhi Road,
Bombay 1

sd/-
(R.N. SINGH DEO)

NOTE ON
THE ORISSA FREEDOM OF RELIGION ACT, 1967.

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The above Act was passed by the Orissa Legislative Assembly on 20th December, 1967 and received the assent of the Governor on the 9th January, 1968. This has come into force from 10th January, 1968, when the Act was published in the Orissa Gazette. The Government of Orissa have been congratulated by letters and telegrams received from different parts of India for having taken measures on the lines of the Act. Besides some organisation these who have sent messages include citizens in different walks of life like Advocates, Members of Parliament, etc. It would be seen from the provisions of the Act (copy enclosed) that conversions from one religious faith to another by force, fraud, or inducement has been prohibited. There is no specific mention of any particular religious faith. It is, however, significant to note that protests at the passing of the above Legislation have been voiced only by the Christian Missionaries like the National Christian Council, the Christian Union of India, the Catholic Union of India, the Catholic Bishops Conference of India, and the Evangelical Fellowship of India. Unless it be that the activities of any particular Mission partake of the nature of activities prohibited under the Act, it does not appear that there is any justification for agitation over this matter.

A study of the activities of the different religious institutions in Orissa for the last several years has brought to light various problems. It is noticed that Missionary institutions have concentrated their activities almost entirely in the tribal and undeveloped areas in the southern and western regions of the State. The economic as well as educational standards of the tribals, as is well known, is the lowest in the entire country. There is, therefore, all the scope for exploitation

of the tribals. With the educational and cultural standards of the tribal people, it is difficult to understand any intellectual approach at their level to religion. An objective analysis of the situation prevailing in these areas and the methods adopted by the religious organisations for conversion will convince anybody that a change of religious faith is brought about merely by an appeal to the stomach. It is, therefore, futile to argue that a tribal changes his faith as a result of intellectual change in his mind. A change in the intellectual process is understandable in developed areas with a large percentage of literacy of the higher order which is to be noticed in developed urban areas. It is significant that the activities of religious organisations are extremely limited in such areas and there is concentrated effort only in undeveloped areas with predominantly tribal population. The reasons are obvious. The large-scale conversion of innocent and unsophisticated tribals by Christian Missions have thrown up counter activities by other religious organisations. The confrontation between different religious organisations has been a source of threat to law and order. Such activities have also been responsible for aggravating communal and religious ill-feelings.

The methods adopted and the law and order and other problems arising therefrom are analyzed below:-

- (a) Social, educational, medical and other relief work have always been treated as positive complementary to proselytisation. There is open discrimination in the matter of such relief as between Christians and non-Christians. In Medical institution, while a Christian is treated free or charged a nominal fee, non-Christians are charged heavily. It is not reasonable to argue that such an approach is anything but offering inducement for the purpose of conversion.

(b) It has been rightly stated in the Statement of Objects and reasons of The Act that conversion in its very process involves an act of undermining another's faith. Even in the case of an intellectual, there may hardly be any case for conversion unless he is convinced that some other religious faith is superior to his own. This assumes a very crude shape when approached at an intellectually undeveloped class like the tribals.

(c) Criticism of Hindu Gods and Goddesses and idolatry in Christian literature, leaflets and pamphlets is a normal feature.

(d) Several instances of conversion by dubious and deceitful methods such as intimidation, coercion, temptation, etc. have come to notice from time to time.

(e) Above all, there have been cases of mass conversions of entire families including even minor boys and girls. Even assuming for a moment that any Mission succeeds in bringing about an intellectual change among tribal adults, how can one visualise such a transformation in the case of minor boys and girls. Numerous instances of conversion of boys and girls of the age of even two to five years have come to notice.

(f) Some of the literature distributed by Missionary organisations do not hesitate to advise the exploitation of sufferings of the people caused by drought etc. for the purpose of conversion. The entire emphasis is on securing conversion by service which can only be called an inducement. The instructions in the literature emphasise the intensification of preaching work in the interior with the promise of free education, medical aid and other benefits.

(g) Even grant of interest-free loans has been resorted to for conversion.

Activities on the above lines have brought about a good deal of resentment among the general public. This has inevitably led to rival

activities of different religious organisations creating law and order situations. Some of the instances creating law and order situations are broadly indicated below:-

- (a) In Sundargarh District the Roman Catholic Missionaries wanted to construct a Mission building by the side of the proposed Arya Samaj Ashram of the Munda Adivasis. The Munda Adivasis objected to such construction and this led to troubles necessitating orders under section 144 Cr.P.C. to prevent a breach of the peace. On expiry of the duration of the order, the Missionary wanted to restart the construction whereupon the Adivasis mobilised volunteers to obstruct. The local authorities had to tackle the situation with a good deal of difficulty.
- (b) Consequent on the serving of beef curry in the Sundargarh Mission Girls Hostel during September, 1966, ill-feeling between the Christians and Hindus developed and the tension spread to the interior. This also created a difficult situation for the law and order authorities.
- (c) The Mission Fathers of some places in Sundargarh District threatened the guardians to stop all help to their boys if they did not take admission in the Mission managed Schools in preference to other Schools. The teachers of Mission Schools are fully utilised for conversion purposes.
- (d) At Lanjiberna the Mission Fathers selected a land close to a Hindu Temple for construction of a Church. This gave rise to a good deal of resentment in the local area.
- (e) A villager of Kardaga in Sundargarh District who was reconverted to Hinduism is suspected to have been killed by his son who is a converted Christian, as he was deprived of a share of his property by the father. The local Christians threatened the people with dire consequences if they reported the matter to the Police.

(f). There was very acute tension as a result of confrontation on construction of a Church in Jagada near Rourkella. While the Syrian Church started construction, the local R.S.S. and Arya Samaj objected. This created lot of tension.

(g). In Phulbani District one Appalinar Digal, a Government servant declared his re-conversion to Hinduism. Consequent on this the authorities of the local Christian Mission have been harassing the father of Shri Digal and threatening to stop the pension of his father who is a retired Roman Catholic Preacher.

(h). Two preachers of the Roman Catholic Mission had to be prosecuted for spoiling the bhog of a Hindu Temple by passing urine and thereby wounding the religious feeling of the Hindus.

(i). In the Sambalpur District when a Bible Van was engaged in preaching, a pedestrian was approached by the workers of the Van to take some booklets and leaflets. This was objected to by Hindus who threw down the books from the Van and set fire.

(j) At Lungei in Sundargarh District, an attempt was made by Christian Missionaries to construct a Missionary Centre and a Convent. As the place was predominantly inhabited by Hindus, this was objected to and the construction was obstructed with bows and arrows. Police had to start proceedings under section 107 Cr.P.C. The position would have been extremely serious, but for the timely action taken by the local authorities.

The activities of the above nature remained a constant threat to law and order specially having regard to the growing confrontation between the different religious organisations and it is in this context that legislation had to be undertaken on the lines of The Orissa Freedom of Religion Act, 1967.

The grounds on which the different Christian Missionary organisations have protested at the above legislation can be generally

analysed as follows :

(a) The Bill limits the right to freely practise, profess and propagate religion which is a fundamental right under Art. 25 of the Constitution.

(b) It is unnecessary to provide such legislation as it should be possible to deal with the matters provided in the Act under the normal criminal law.

(c) The Act is likely to result in harassment and persecution. Reference has been made to the speech of late Pandit Nehru in the Lok Sabha during 1955 in connection with a similar non-official Bill moved in Parliament that the measure might very well be a cause of harassment to a large number of persons.

With regard to (a), the fundamental right provided under Art. 25 is clearly subject to public order, morality and health. In the background discussed above, the legislation had to be undertaken primarily to maintain public order. What is attempted to be checked is not the freedom of conscience and the right to freely practise, profess and propagate religion, but the adoption of undesirable methods for the purpose, specifically referred to in the Act. There is, therefore, no reason to treat the legislation as an infringement of the fundamental right. It is obviously not intended that the right freely to practise, profess and propagate religion will be allowed even by adopting undesirable means like force, fraud and inducement. For the matter of that conversion with such means can well be treated as an interference with freedom of conscience and the right freely to profess, practise and propagate religion, which is enjoined under the Constitution. Such infringement becomes extremely serious in relation to intellectually undeveloped classes like the tribals.

With regard to item (b), it is clear from the scheme of the Indian Penal Code that offences of the nature provided for in the Criminal

Freedom of Religion Act, 1967 were not taken into consideration at all by the framers. Chapter XV of the Indian Penal Code provides for offences relating to religion. Offences arising out of force, fraud, or inducement are provided for in the Indian Penal Code in a different context altogether and a close study of the Code will make it clear that it is extremely doubtful if any of the penal provisions can be directly correlated to the offence provided for in the Orissa Freedom of Religion Act, 1967. The very fact that there is no corresponding provision in the special Chapter in the Indian Penal Code covering offences relating to religion would establish that the framers of the Code did not intend an offence of the nature provided in the Orissa Act under the Penal Code.

With regard to item (c), the speech of late Pandit Mehru refers to too much power having been vested with the Police. This may have been the provisions of the Bill in question which was being discussed in the Lok Sabha during 1955. In so far as the Orissa Act is concerned, adequate safeguards have been provided against harassment. It has been specifically provided that an Officer not below the rank of Inspector of Police can investigate into an offence. That apart, it has also been provided that no prosecution shall be launched except with the specific sanction of the District Magistrate. The Collector and the District Magistrate is responsible not only for law and order, but also for the entire District administration. The scrutiny at his level, therefore, provides the required safeguard against any prosecution being launched except in strict conformity with the provisions of the Act. There is no reason, therefore, to apprehend any harassment or persecution. The State Government have in fact issued instructions to all law and order agencies to ensure that the intentions of the Act are not exceeded.

Abolition of monopoly system in the trade of kendu leaf was one of the items of the 21 points programme of the Swatantra-Jana Congress Joint Manifesto during the last election.

The State Forest Advisory Board was of opinion that the present system of working appears to be satisfactory from the point of view of the revenue of the State and giving satisfactory emoluments to the growers and wages to the pluckers.

The market prices of kendu leaves are very sensitive and prices fluctuate from year to year due to various factors. The kendu leaf trade is flourishing this year and the rates are rising abnormally high. Consequent to the drought last year, the kendu leaf crops in Madhya Pradesh, Bihar as well as U.P. were adversely affected as a result of which there is greater demand for Orissa leaves due to which the prices have shown a rising tendency. The Orissa Forest Corporation which sold leaves in 1966 at the rate of Rs.122.00 per quintal, has this year obtained different rates for first, second and third grade leaves which showed a rising tendency from July onwards upto December. Thus, 'A', 'B' and 'C' class leaves of the Forest Corporation which fetched at the highest tender rates of Rs.165.00, Rs.145.00 and Rs.136.00 per quintal bag in the month of July 1967, received an average rate of Rs.180.00 per quintal in August and Rs.195.00 per quintal in September. In October, 1967, the Corporation received at the ^{rate} of Rs.187.00, Rs.177.00 and Rs.175.00 respectively for the different grades of leaves. In November the rates varied from Rs.203.00 to Rs.250 while in December, the best grade leaves were sold at the rate of Rs.275.00 and the leaves of inferior grade at the rate of Rs.250.00. From a study of these figures, it was ascertained that the market has shown a rising trend and the difference in rates for the different grades of leaves were not much.

Because of the abnormal rising trend in the trade, the danger of speculative tenders was apparent and in order to avoid this, the desirability

of renewal of the existing agreement on revised terms and conditions were considered. It was further felt that the abolition of monopoly system or any immediate change in policy at this stage may jeopardise the revenue which our State can ill afford now. Further, any alternate scheme will have to be thoroughly examined from different angles and such scheme must also safeguard the State revenue and the interest of the pluckers and growers as well as of the trade. It was felt that in view of our requirements for increased revenue from kendu leaves and our commitment to the Planning Commission for plan resources, the main consideration this year should be the stability of State revenue while giving some greater benefit to the pluckers and growers in accordance with the recommendations of the Forest Advisory Board. Further, it was felt that we shall study the feasibility of the abolition of monopoly system from the different angles during the current year and in the light of our experience, we will come forward sufficiently ahead next year with the modified scheme. It was also felt that in case of renewal on revised terms, the heavy establishment in different units will be least upset while we will be assured of the State revenue instead of taking a risk of speculative tenders. Moreover although the kendu leaves Trade is seasonal, it requires heavy capital investment in godowns, establishment, coppicing, pruning, drying, processing and bagging of leaves. Hence tenders are usually called for three years. But calling for tenders would amount to perpetuation of the present monopoly system for three years. Even though our electoral promises are meant to be implemented within the five years, it was felt desirable not to delay it for another three years. Hence, in view of the decision to revise and modify the scheme before the season next year, there was no point in calling for tenders in a speculative and abnormal market for one year.

The State Executive of the Swatantra Party at its meeting on 29th October, 1957 had many of these considerations in view and had appreciated the need for stability of assured State revenue in the present situation. Hence, it did not expect sudden ending of the present system and therefore

left the matter to the discretion of Government with a stipulation to safeguard the State revenues and the interests of the growers and pluckers.

For different categories of units giving a net profit of Rs.25.00 and above per bag, Rs.10.00 to Rs.24.00 per bag and below Rs.9.00 per bag, an extra profit at the rate of Rs.20.00, Rs.15.00 and Rs.10.00 for these three slabs were considered justified. Notices accordingly have been issued to existing eligible purchasers fixing 24. 1. 1968 for their offer.

The wages to be paid to the pluckers have been revised as per suggestions of the Kendu Leaf Advisory Board and fixed at the rate of 50 instead of the existing 30 leaves per paiza from Government lands and 30 instead of the existing 40 leaves per paiza from growers' lands, and the minimum rate to be paid for one quintal bag of dried leaves to the growers has been fixed at Rs.45.00 instead of the existing Rs.35.00 per bag. It is calculated that for the total production in the State, the pluckers and growers will get an extra benefit of Rs. 47 lakhs. Further in view of the renewal of the agreement with the existing purchasers at the aforesaid enhanced rates, the State will derive an extra revenue of Rs.67 lakhs over and above the last year's estimated revenue of Rs. 1 crore and Rs.24 lakhs. Thus a total extra burden of Rs.1 crore and Rs. 14 lakhs has been laid on the trade this year which will go to the State coffers as well as to the growers and pluckers.

Out of the existing purchasing agents those who have been black listed due to unfair practices have been debarred from renewal and such units numbering ⁹ 9 out of the total number of 144 units in the State will be put to open tender. Besides, the units of those purchasers who will not accept proposed enhanced rates will also be put to tenders.

Previously too much discretion was reserved at different levels giving scope for mal-practices and scandals. Hence we have laid down the general principles and policies for the renewal on the revised terms as a result of which acceptance or rejection of the offer will be automatic giving

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no scope for any further negotiation.

This decision is only for one year and we have made it clear that the entire policy will be changed in the next year as per our election manifesto.

Some sections are disappointed and disgruntled with this decision and have become highly critical. The disgruntled elements are (i) those who had been ousted from the trade and were hoping to stage a come-back; (ii) those who were hoping to enter the trade newly; (iii) those who out of personal dislike wanted to see the displacement of some individual traders; (iv) those who used to arrange donations and get commission through negotiations. Their arguments however are contradictory ^{and} in frustration. They have started levelling wild and baseless insinuations; and (v) Opposition Parties.

24. 1. 68.

ESTABLISHMENT OF ALUMINIUM PLANT IN ORISSA

BACK-GROUND :

On 23.9.64, M/s. J.K. Industries (P) Ltd, Calcutta who are the Managing Agents of the Aluminium Corporation of India (having an integrated aluminium smelter at Asansol, West Bengal) were granted a " letter of intent" for establishment of a 30,000 tonnes per annum aluminium smelter in Kerala, based on bauxite deposits in the Saurashtra area in Gujarat and in the West Coast. Gujarat Government wanted to put up an aluminium smelter of their own and were not in favour of taking out bauxite from their State for a smelter in Kerala. Maharashtra Government also were not agreeable to give any bauxite areas to M/s. J.K. Industries for the proposed smelter in Kerala.

In view of difficulties in obtaining bauxite, M/s. J.K. Industries approached the Orissa State Electricity Board in February 1965 for supplying them 90 M.W. power in Orissa for the plant. They have been negotiating with the State Government since that time for a suitable power rate. In November, 67, State Government made a firm offer to M/s. J.K. Industries for supply of power at Jeypore at the rate of 3.05 paise per unit. For the 30,000 tonne plant, 60 M.W. power was to be supplied by early 1972 and the balance 30 M.W. as soon as possible thereafter. State Government also agreed to grant them the first preference in the grant of prospecting licence and mining leases for bauxite bearing areas. On 6.1.68, M/s. J.K. Industries formally applied to Government of India for transfer of the letter of intent from Kerala to Orissa. This has also since been recommended by the State Government.

THE PROJECT:

The proposal of M/s. J.K. Industries is to have an integrated plant including Alumina plant, Smelter and Fabrication facilities such as rolling, ^{extension} and other facilities. In the first phase, the plant will have a capacity of 30,000 tonnes per annum, and will produce the following:-

- (1) Alumina - 65,000 tonnes.
- (2) Aluminium Metal - 30,000 tonnes.

- (3) Aluminium Fabricated products (Sheets, Circles, Coils, Strips etc.)
- (4) ^{Extended} products (Rails, bars, pipes, structural sections etc.)
- (5) Aluminium wires and cables.
- (6) Aluminium foil.

The first phase will take three years for completion. The capacity will be increased to 60,000 tonnes within Five years of completion of the first phase, and to 1,00,000 tonnes within another five years. The cost of the plant will work out between Rs. 25 to Rs.30 crores. In the first phase, the plant will provide direct employment to about 10,000 people. Besides employment, the plant will provide benefits to the State by way of excise duty, sales tax, Electricity duty, royalty on bauxite, municipal and other taxes etc.

RAW MATERIALS:

An aluminium Plant of a capacity of 30,000 tonnes per annum requires the following raw materials:-

Power -	.. 90 M.W.
Bauxite -	.. 1,30,000 tonnes.
Coal. -	.. 60,000 tonnes.
Petroleum Coke.	.. 15,000 tonnes.
Pitch.	.. 6,000 tonnes.
Caustic Soda.	.. 9,000 tonnes.
Cryolite.	.. 3,000 tonnes.

It would thus be seen that bauxite is the main physical raw material and electric power the main raw-material in manufacture of aluminium. M/s. J.K. Industries appear to have decided to shift from Kerala to Orissa in consideration of availability of bauxite and electric power in Orissa.

BAUXITE IN ORISSA:

Several of the high plateaux of Koraput, Kalahandi, Bolangir and Sambalpur districts contain bauxite, the principal ore of aluminium. Investigations to locate and assess the reserves of bauxite, occurring in the scattered plateaux in these districts are being undertaken by the State Mining Directorate. Important deposits are located at Chandgiri, Baphlimali, Kathakhal, Pasangmali, Sijimali, Kisanmali,

Sasbahumali in Koraput, Khariar and Karlapat in Kalahandi and Gandhmardan plateau on the border of Bolangir and Sambalpur districts. The total reserves, proved so far are estimated to be of the order of 2.42 million tonnes, with alumina content in the ore being 48% and above. The investigations are still in progress and it is anticipated that the reserves would be further increased. The break-up of the reserves, proved so far, is as follows:-

Koraput	- 1.12 million tonnes.
Kalahandi	- 0.70 million tonnes.
Gandhmardan plateau. (Bolangir-Sambalpur)	- 0.60 million tonnes.

POWER:

Power supply in Orissa is at present met by Hydel Power Houses at Hirakud and Machhkund. Scattered Diesel Power houses under the State Electricity Board also meet the power requirement of isolated areas not covered by transmission and distribution lines. Stand-by thermal plant is available at Chaudwar to run in an emergency, if necessary. The installed capacity of Hirakud power house I and II is 270 M.W. and the Orissa share of Machhkund project is about 34 M.W. Power from Hirakud is serving the needs of 10 districts in Northern and Central Orissa and power from Machhkund serves two Southern Districts and a part of Puri District. During the Fourth Plan period, a thermal plant at Talcher with an installed capacity of 250 M.W. and a Hydro plant at Balimela with an installed capacity of 360 M.W. will come into operation. By 1971, therefore, sufficient power will be available in the State to meet the requirements of existing and new industries.

For utilising 360 M.W. power in Balimela, it will be necessary to plan for power intensive industries. Unless an aluminium plant comes up in that area to consume a substantial bulk of power, Balimela will have surplus power. For timely utilisation of Balimela power, therefore, there is immediate need for establishment of the Aluminium plant in that area.

LOCATION OF THE PLANT:

The electrolytic process consumes large quantities of electricity and hence an abundant supply of cheap power is essential for aluminium extraction. The greatest expansion in the production of aluminium has taken place in the U.S.A. and Canada owing to vast development of Hydro electric projects in these countries.

The consumption of power works out between 30% to 40% of the total cost of aluminium metal produced and, therefore, most of the aluminium factories in the world go near the power production sites as it is convenient for the bulk producer to supply power to the aluminium factories with a constant heavy load and power factor.

Though bauxite is the physical raw-material for the manufacture of aluminium, the main raw material is electric power. Indian bauxite is being shipped to foreign countries and similarly many of the foreign plants are importing bauxite from long distant countries. Even the American plants are importing bauxite from Belgium, Africa and like-wise alumina manufactured in Africa from African bauxite is exported to Switzerland, Norway and other distant countries. Therefore, transportation of bauxite or conversion of bauxite into alumina in any other State where bauxite is not available is not a difficult or uneconomical proposition.

That nearness to bauxite deposit is not an important factor in location of aluminium plants will be evident from the fact that the existing aluminium factories located at Hirakud, Always (Kerala), Rihand(U.P.) and Salem(Madras) draw their bauxite requirements from the Bihar deposits.

M/s. J.K. Industries are thinking of two sites namely, Jeypore and Rayagada for the following reasons:

(1) Availability of cheap power from Balimela project at both these places ;

(2) The transmission line passes through Jeypore. The Machhkund-Balimela-Talcher Grid is linked at Theruvelli(Rayagada).

Between these two sites, J.K. Industries appear to have preferred Jeypore, since Kolab project will come up in Jeypore and the additional power requirement for the ^{expanded} existing unit will be met. State Government have also offered concessional rates of power only from Jeypore.

ALTERNATE SITE AT KESINGA:

During the 4th Plan Period, the only major projects being included in the Irrigation sector are Hirakud (Pending bills), delta and Salandi Projects. The 4th Plan proposals do not include the Indravati Project. Since Kalahandi district has had two serious drought years and the area badly requires a number of Irrigation Projects, State Government have requested the Centre to include Indravati Project in the 4th Plan. A detailed report of the Project is being prepared. In May 1965, the preliminary Project report for Indravati had been sent to the Central Water and Power Commission for obtaining the approval of the Planning Commission. Their approval is awaited.

The Project envisages construction of two dams across river Indravati and Pedagado nulla and a small dyke south of it. This is expected cost of about Rs.12 crores. Central Government have been requested to provide Rs.4 crores during the 4th Plan Period and Rs.8 crores during the 5th Plan Period for the Project. During July, 1967, Minister, Irrigation and Power Deptt. has addressed a D.O. letter to Dr. K.L. Rao, Union Minister of State for Irrigation and Power for allotting an additional sum of Rs.11.31 crores during the 4th Plan Period to accommodate some new Projects including Indravati.

There is therefore no certainty as to when Indravati Project can be taken up. Even if the Project is taken up in the 4th Plan, the first phase of Indravati will be for irrigation only. Hydro-electric power will be generated only in the second phase, which is not likely to be completed before the Fifth Plan.

As between Jaypore, Rayagada and Kesinga, the latter does not appear to have any special advantage in regard to nearness to bauxite deposits of the State and it is far from any source of power. It is also not possible to consider location of the plant at Kesinga with power supply from Balisela, as it would involve heavy expenditure in drawing transmission lines and putting up transmission towers. This will increase the cost of the electricity (generation plus transmission) at Kesinga and will make it uneconomic for the industry.

It may be noted that excepting J.K. Industries, no other party has shown any interest in setting up a new Aluminium Plant in Orissa. Hence, their application after due processing by the Industries and Irrigation and Power Departments has been considered and decided on merits.

When Hydro-power is available from Indravati Project, we have no doubt to plan for a power intensive industry there. There would be no bar to a new aluminium plant coming up in Kalahandi district based on Indravati power in future. This plant can obtain its bauxite requirement either from the State, if available, or from any other deposit in the country or outside, since distance of bauxite area is not a major factor in deciding the location of aluminium plants and as demand for Aluminium is likely to increase in future.

THE ORISSA FREEDOM OF RELIGION ACT, 1967

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6. Prosecution to be made with the sanction of District Magistrate
7. Power to make rules

Sanjay
Sanjay

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 28 CUTTACK, THURSDAY, JANUARY 11, 1968

LAW DEPARTMENT

NOTIFICATION

The 10th January 1968

No. 271-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 9th January 1968, is hereby published for general information :—

ORISSA ACT 2 OF 1968

THE ORISSA FREEDOM OF RELIGION ACT, 1967

AN ACT TO PROVIDE FOR PROHIBITION OF CONVERSION FROM ONE RELIGION TO ANOTHER BY THE USE OF FORCE OR INDUCEMENT OR BY FRAUDULENT MEANS AND FOR MATTERS INCIDENTAL THERETO

BE it enacted by the Legislature of the State of Orissa in the Eighteenth Year of the Republic of India, as follows :—

Short title
extend and
commence-
ment.

1. (1) This Act may be called the Orissa Freedom of Religion Act, 1967.

(2) It shall extend to the whole of the State of Orissa.

(3) It shall come into force at once.

Definitions

2. In this Act unless the context otherwise requires—

(a) "conversion" means renouncing one religion and adopting another ;

(b) "force" shall include a show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication ;

(c) "fraud" shall include misrepresentation or any other fraudulent contrivance ;

(d) "inducement" shall include the offer of any gift or gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise ;

(e) "minor" means a person under eighteen years of age.

Prohibition
of forcible
conversion.

3. No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion.

Punishment
for contra-
vention of
the provi-
sions of
section 3.

4. Any person contravening the provisions contained in section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to five thousand rupees or with both:

Provided that in case the offence is committed in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes the punishment shall be imprisonment to the extent of two years and fine up to ten thousand rupees.

Offence to
be cogni-
zable.

5. An offence under this Act shall be cognizable and shall not be investigated by an officer below the rank of an Inspector of Police.

Prosecution
to be made
with the
sanction of
District
Magistrate.

6. No prosecution for an offence under this Act shall be made without the sanction of the Magistrate of the District or such other authority, not below the rank of a Subdivisional Officer, as may be authorised by him in that behalf.

Power to
make rules.

7. The State Government may make rules for the purpose of carrying out the provisions of this Act.

By order of the Governor

K. B. PANDA

Secretary to Government



ARCHBISHOP'S HOUSE,

BOMBAY I-BR.

13th January 1968

My dear Minoo,

In continuation of my letter of the 10th January 1968 about which you spoke to me over the phone, I send enclosed the Editorial of this week in the Catholic weekly of Bombay, "The Examiner". That gives more or less the manner in which I would argue against the Bill.

I am writing to Mr. Ruthnaswamy and also to Mr. C. Rajagopalachari.

With every good wish,

Yours sincerely,

John Cardinal Macvicar

Archbishop of Bombay

Mr. Minoo Masani,
Breach Candy House,
B. Desai Road,
Bombay 26

The Examiner

A Catholic Newspaper and Review

Established 1850

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ANTI-CONVERSION BILL

THE Orissa State Legislature has passed a bill which for all practical purposes undermines the freedom granted by the Constitution to everyone to practise and propagate his religion. Though framed ostensibly to prevent the use of force or fraudulent means in converting people from one religion to another, in reality it strikes at the very idea of conversion and makes every attempt at converting another a punishable offence. As such the bill runs counter to the right, enshrined in the Constitution, to practise and propagate one's religion and it is a matter for surprise and shock that such a bill should not only be passed by a supposedly democratic state legislature but is now being submitted for approval to the President of this country where human rights are respected and guaranteed.

That it is the very notion of conversion that is under attack is clear from the "Statement of Objects and Reasons" of the bill submitted by Mr. R. N. Singh Deo, the Member-in-charge, that says: "Conversion in its very process involves an act of undermining another's faith." Of course it does, but that is precisely the point of the constitutional freedom and right to propagate one's religion—that a person of one faith has the freedom and the right by lawful means to win another over to his faith and thus make him change from one faith to another, undermining in the process his previous faith, if it has to be put that way. The Statement of Objects and Reasons thus says in so many words that the main purpose of the bill is to prevent any change of faith from one religion to another—a purpose that is a flagrant violation of individual and human rights.

True enough conversion or a change of religion has to be brought about by lawful means and only by lawful means. A conversion that results from the use of force or fraud is not only unlawful but no real conversion at all. A real conversion implies, before everything else, a change of heart and a change of heart cannot be brought about by the use of force or fraudulent means. Those who convert or attempt to convert others by such means are therefore doing their victims a real injustice and ought to be punished. Moreover such conversions or attempts at conversions,

as the Statement of Objects and Reasons says, "besides creating various maladjustments in social life, also give rise to problems of law and order." These offenders therefore have to be brought to book and insofar as the Bill seeks to check such activities, it is wholly to be praised.

The main gravamen of our charge against the bill is that it fails to distinguish between lawful and unlawful means and is a blanket condemnation of all means that may be employed, even honest ones. Thus under "force" it includes "a threat of divine displeasure or social excommunication" and under "inducement" it includes "the offer of any gift or gratification" and "the grant of any benefit, either pecuniary or otherwise." Thus if one attempting to convert another were to say that the other's refusal to see the truth would incur divine displeasure, such a one would be presumably using force and be liable to be punished. Similarly if one attempting to convert another were to offer him peace of mind or the security of salvation or the reward of divine grace, such a one would presumably be offering "inducements" and thus be liable to be punished. Whether such a bill provides for the freedom of religion as stated in its title or for the denial of such freedom should be evident to all but the most obtuse.

It is to be feared moreover that the bill will hold even the philanthropic activities of Christian missionaries suspect and their heroic efforts in alleviating and combating famine and hunger far from being appreciated may in fact be liable to be punished, if the beneficiaries of these efforts show any inclination to adopt the religion of their benefactors. Christian missionaries are working in the famine areas, prompted by their love of God which urges them to seek him and serve him in those who are afflicted. And it is not inconceivable that the hungry and the famine stricken should come to appreciate and admire a religion that prompt such efforts. Instead, of encouraging such efforts the Bill will result in putting a stop to these philanthropic efforts and in fact punish those who do them, with imprisonment for one year or a fine of Rs. 5,000 if the person converted or sought to be converted is a major and imprisonment for two years or a fine of Rs. 10,000, if the person converted

or sought to be converted is a minor, a woman or anyone belonging to the Scheduled Castes or Tribes.

The irony of it all is that the bill has been passed by a legislature in which the Swatantra is the ruling party—a party that has always provided itself on being level-headed and a zealous defender of human and personal rights, if their pre-election manifesto was anything to go by. The Secretary of the Catholic Bishops Conference of India, Archbishop Angelo Fernandes has therefore written not only to the Chief Minister and the Governor of Orissa State, the Prime Minister and the Home Minister, Central Government, but also Professor Ranga, Mr. Lokanathan Misra and Mr. C. Rajagopalachariar, stating the main objections to the bill. The Christian M. P.s of the Swatantra Party have also been contacted and asked to take up the matter with their party.

We print below the full text of the bill :

THE ORISSA FREEDOM OF RELIGION BILL 1967

A BILL

TO PROVIDE FOR PROHIBITION OF CONVERSION FROM ONE RELIGION TO ANOTHER BY THE USE OF FORCE OR INDUCEMENT OR BY FRAUDULENT MEANS & FOR MATTERS INCIDENTAL THERETO

BE it enacted by the Legislature of the State of Orissa in the Eighteenth Year of the Republic of India, as follows :

Short title,
extent and
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1. (1) This Act may be called the Orissa Freedom of Religion Act, 1967.

(2) It shall extend to the whole of the State of Orissa.

(3) It shall come into force at once.

Definitions

2. In this Act unless the context otherwise requires :—

(a) "conversion" means renouncing one religion and adopting another ;

(b) "force" shall include a show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication ;

(c) "fraud" shall include misrepresentation or any other fraudulent contrivance ;

(d) "inducement" shall include the offer of

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any gift or gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise ;

(e) "minor" means a person under eighteen years of age.

3. No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion.

4. Any person contravening the provisions contained in section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to five thousand rupees or with both:

Provided that in case the offence is committed in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes, the punishment shall be imprisonment to the extent of two years and fine up to ten thousand rupees.

5. An offence under this Act shall be cognizable and shall not be investigated by an officer below the rank of an Inspector of Police.

6. No prosecution for an offence under this Act shall be made without the sanction of the Magistrate of the District or such other authority, not below the rank of a Subdivisional Officer, as may be authorised by him in that behalf.

7. The State Government may make rules for the purpose of carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Conversion in its very process involves an act of undermining another's faith. The process becomes all the more objectionable when this is brought about by recourse to methods like force, fraud, material inducement and exploitation of one's poverty, simplicity and ignorance. Conversion or attempts to conversion in the above manner, besides creating various maladjustments in social life, also give rise to problems of law and order. It is therefore, of importance to provide for measures to check such activities which also indirectly impinge on the freedom of religion. The Bill seeks to achieve the above objectives.

R. N. SINGH DEO
Member-in-charge.

NOTES AND COMMENTS

Those Living in Glass Houses. . .

Time was when everything that went wrong was blamed on the Britishers, implying that, if the colonial masters left the country, the sons of the soil of India would be able to direct all things just right. Since independence, however, the tale has been quite different from what it was expected to be. Foreign exchange to the tune of £1,500,000,000 which the imperialists had built up (to be divided between India and Pakistan) has dwindled down to a few hundred million and India has to go with the beggar's bowl in hand to different capitals in the world, irrespective of their belonging to the Western or the Communist camp. The law and order situation has deteriorated to such an extent that, when mobs are on the rampage, the authorities allow them to expend their fury on public and private property and even on certain sections of the population or on individuals. After the elections in 1967 the Congress that ruled the country, both at the Centre and in the States, for twenty years, found itself playing the unusual role of opposition in a few States where coalition parties, except in Madras, came to hold the reins of power. It is everybody's knowledge that the non-Congress governments have not exactly been a roaring success but could the same not be said of the Congress governments, except in rare instances? If the Congress were looking for an alibi for its own failure in giving the country an efficient and clean administration, the Steering Committee of the Congress found it in the poor record of the non-Congress governments. The latter were strongly condemned at the meeting of the All-India Congress Committee at Lal Bahadur Nagar, Hyderabad, on January 7. Some of them were held responsible for aggravating

lawlessness, regionalism, communalism and divisive tendencies. Many Congressmen expressed grave concern about the growing threat to the very democratic structure of the country. Has the Congress set an example to the others in ruling in accordance with the democratic principles and spirit? A little self-examination will betray the fact that democracy has been gradually corroded in the twenty years of Congress rule and now it is struggling for survival.

Two Can Play at the Game

The Home Ministry of Pakistan announced the arrest of 28 people, including junior army officers, for an alleged attempt to bring about the secession of East Pakistan. Some of those arrested are said to have visited Agartala, in India, to discuss their plans and to have contacted Mr. P. N. Ojha, First Secretary to the Indian High Commission in Dacca. The alleged object of the conspirators was "to secure a sizable quantity of arms and ammunition and funds to promote their plan". Consequently, Mr. Ojha was asked to leave Dacca on the night of Jan. 6, on the charge "of giving money to Pakistanis and asking them to leave East Pakistan". The Government of India lost no time in reacting vigorously to the situation created by the expulsion of one of her diplomats by expelling the Counsellor in the Pakistan High Commission in New Delhi, Mr. M. M. Ahmed, for distributing money and arms to subversive elements in India. Mr. Ahmed was asked to leave the country before 7.45 p.m. on January 7. The Indian note to the Deputy High Commissioner of Pakistan referred to "the unseemly conduct on the part of a senior officer of the Pakistani High Commission in violation of the diplomatic pri-