

LOK SABHA

**THE PROCEEDINGS OF LEGISLATURES
(PROTECTION OF PUBLICATION)
BILL, 1956**

by

Shri Feroze Gandhi

(Report of the Select Committee)

PRESENTED ON THE 1ST MAY, 1956



**LOK SABHA SECRETARIAT
NEW DELHI
May, 1956**

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DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary & Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

Report of the Select Committee

1. The Chairman of the Select Committee to which the *Bill, by Shri Feroze Gandhi, to protect the publication of reports of proceedings of Parliament, State Legislatures and their Committees was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 24th February, 1956.

3. The motion for consideration of the Bill was moved on the 23rd March, 1956 and discussed in the House on the 23rd March as well as the 6th April, 1956.

4. The Bill was, however, referred to the Select Committee on the 6th April, 1956 [*Vide* motion adopted by the House (Appendix I)].

5. The Committee held five sittings in all.

6. The first sitting of the Committee was held on the 21st April, 1956 to draw up a programme of work.

7. The Committee considered the Bill clause by clause at the sittings held on the 23rd, 24th and 25th April, 1956.

8. The Committee considered and adopted the Report on the 27th April, 1956.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

10. *Clause 1.*—The amendment is consequent upon the amendment suggested in Clause 3 to the effect that the provisions of the Bill should be confined to the publication of reports of proceedings of Parliament only.

11. *Clause 2.*—The definition of 'newspaper' has been slightly modified to bring it in conformity with the definition of 'newspaper' given in the Press and Registration of Books Act, 1867.

*Published in Part II—Section 2 of the *Gazette of India, Extraordinary*, dated the 24th February, 1956.

12. *Clause 3.*—The Committee are of opinion that the provisions of the Bill should be confined to reports of proceedings of either House of Parliament only and that it should be left to the States to enact, if they so think fit, similar laws concerning the publication of reports of proceedings of the State Legislatures. Sub-clause (1) has, therefore, been amended accordingly.

The Committee also consider that the privilege in respect of the publication of reports of proceedings of Parliament should extend to all civil and criminal proceedings. This has been clarified by inserting the words "civil or criminal".

The amendments made in sub-clause (2) are of a drafting nature.

13. The Select Committee recommend that the Bill as amended be passed.

NEW DELHI;
The 27th April, 1956.

K. S. RAGHAVACHARI,
Chairman,
Select Committee.

Minute of Dissent

Though it is no pleasure to differ from our brother members of the Committee, yet we feel that we should voice one point of disagreement from the rest.

The Bill as originally placed before the Committee contained the provision of being applicable to State Legislatures as well. It has now been confined to the Houses of Parliament alone. It is in the interest of good working of the Legislatures of the country uniformly that we are constrained to suggest that the provisions of this Bill should apply equally to the State Legislatures.

This will further the cause of democracy, and serve the growth of healthy democracy for which this right is sought to be given to the Press.

The States have expressed their opinion. The opinions so expressed give us an idea that almost two-thirds of the total number of such States have expressed in favour of it, including neutrals.

We hope and believe that Government of India will take necessary initiative to secure the consent of the State Governments with a view to extend the provisions of this Bill to the publication of the proceedings of the State Legislatures.

AMJAD ALI.

K. ANANDA NAMBIAR.

BALKRISHNA SHARMA.

S. S. MORE.

NEW DELHI;

The 27th April, 1956.

Bill No. 1-A of 1956

THE PROCEEDINGS OF LEGISLATURES (PROTECTION
OF PUBLICATION) BILL, 1956

(AS AMENDED BY THE SELECT COMMITTEE)

(Words underlined indicate the amendments suggested by the
Committee; asterisks indicate omissions.)

A

BILL

to protect the publication of reports of proceedings of Parliament.

* * * * *

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Parliamentary Proceedings * * Short title
(Protection of Publication) Act, 1956. and extent.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, “newspaper” means any printed periodical work Definition.
containing public news or comments on public news, and includes
a news-agency supplying material for publication in a newspaper.

10 3. (1) Save as otherwise provided in sub-section (2), no person shall be liable to any proceedings, civil or criminal, in any court in
respect of the publication in a newspaper of a substantially true Publication
report of any proceedings of either House of Parliament, * * * * * of reports of
unless the publication is proved to have been made with malice. Parliamentary
proceedings privileged.

15 (2) Nothing in sub-section (1) shall be construed as protecting
the publication of any matter, the publication of which is not for
the public good.

Act also to
apply to
Parliamentary
proceedings
broadcast by
wireless tele-
graphy.

4. This Act shall apply in relation to reports or matters broad-
cast by means of wireless telegraphy as part of any programme or
service provided by means of a broadcasting station within the
territories to which this Act extends as it applies in relation to
reports or matters published in a newspaper. 5

APPENDIX I

(Vide para 4 of the Report)

Motion in the Lok Sabha

"That the Bill be referred to a Select Committee consisting of:—

1. Shri Hari Vinayak Pataskar
2. Dr. Ram Subhag Singh
3. Shri Tribhuan Narayan Singh
4. Shri Ganesh Sadashiv Altekar
5. Shri Narhar Vishnu Gadgil
6. Shri Nemi Chandra Kasliwal
7. Shri Bhagwat Jha Azad
8. Shri Abdus Sattar
9. Shri Balkrishna Sharma
10. Shri Kamakhya Prasad Tripathi
11. Dr. Shaukatullah Shah Ansari
12. Shri A. M. Thomas
13. Shri Feroze Gandhi
14. Shri R. Venkataraman
15. Shrimati Subhadra Joshi
16. Shri Radhelal Vyas
17. Shri Paidi Lakshmayya
18. Shri Tekur Subrahmanyam
19. Shri Shankar Shantaram More
20. Shri Jaipal Singh
21. Shrimati Renu Chakravartty
22. Shri K. Ananda Nambiar
23. Shri Amjad Ali
24. Shri K. S. Raghavachari
25. Shri Bhawani Singh
26. Dr. A. Krishnaswami
27. Shri N. C. Chatterjee

28. Shri A. E. T. Barrow

29. Shri Fulsinhji B. Dabhi and

30. Shri Shivram Rango Rane

with instructions to report by the 1st May, 1956."

APPENDIX II

MINUTES OF THE SITTINGS OF THE SELECT COMMITTEE ON THE PROCEEDINGS OF LEGISLATURES (PROTECTION OF PUBLICATION) BILL, 1956 BY SHRI FEROZE GANDHI

I

First Sitting

The Committee met from 4-30 P.M. to 4-50 P.M on Saturday, the 21st April, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

2. Shri Hari Vinayak Pataskar
3. Shri Ganesh Sadashiv Altekar
4. Shri Nemi Chandra Kasliwal
5. Shri Bhagwat Jha Azad
6. Shri Balkrishna Sharma
7. Shri Kamakhya Prasad Tripathi
8. Dr. Shaukatullah Shah Ansari
9. Shri Feroze Gandhi
10. Shrimati Subhadra Joshi
11. Shri Tekur Subrahmanyam
12. Shri Shankar Shantaram More
13. Shri Jaipal Singh
14. Shri K. Ananda Nambiar
15. Shri Amjad Ali
16. Shri Fulsinhji B. Dabhi
17. Shri Shivram Rango Rane

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary & S. A. Draftsman, Ministry of Law.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee held a preliminary discussion on the programme to be adopted by them.

3. The Committee decided to hold their sittings on the 23rd and 24th April, 1956 to consider the clauses of the Bill and to hold another sitting subsequently to consider the draft Report.

4. The Committee desired that the summary of the views expressed by the State Governments on the Bill might be circulated to members.

5. The Committee discussed the following points:—

(i) Whether the immunity sought under the provisions of this Bill should be given against proceedings—both civil and criminal;

(ii) Whether States should at all be brought within the purview of this law.

6. As regards the first point, the Committee decided that the immunity should be in respect of both civil as well as criminal proceedings.

As regard the second point, it was decided that the same might be considered after the views of the State Governments were circulated to members.

7. The Committee then adjourned to meet again at 4-30 P.M. on Monday, the 23rd April, 1956.

ii

Second Sitting

The Committee met from 4-30 P.M. to 5-30 P.M. on Monday, the 23rd April, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

2. Shri Hari Vinayak Pataskar
3. Shri Ganesh Sadashiv Altekar
4. Shri Bhagwat Jha Azad
5. Shri Balkrishna Sharma
6. Dr. Shaukatullah Shah Ansari
7. Shri A. M. Thomas
8. Shri Feroze Gandhi
9. Shrimati Subhadra Joshi
10. Shri Tekur Subrahmanyam
11. Shri Shankar Shantaram More
12. Shri Jaipal Singh
13. Shri K. Ananda Nambiar
14. Shri Amjad Ali
15. Shri Bhawani Singh
16. Shri N. C. Chatterjee
17. Shri Fulsinhji B. Dabhi
18. Shri Shivram Rango Rane.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and S. A. Draftsman,*
Ministry of Law.

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee resumed discussion on the second point mentioned in the Minutes of the previous sitting of the Committee, as to whether States should at all be brought within the purview of this law.

The views expressed by the State Governments on the Bill were taken into consideration.

It was decided that this law should be confined to reports of proceedings of Parliament only and States should be excluded.

3. The Committee then took up clause by clause consideration of the Bill.

4. *Clause 2*: The following Government amendment was accepted:—

For "containing news" substitute, "containing public news".

The clause as amended was adopted.

5. *Clause 1*: The following Government amendment was accepted:—

In sub-clause (1), for "Proceedings of Legislatures" substitute "Parliamentary Proceedings".

The clause as amended was adopted.

6. *Long Title*: The following Government amendment was accepted:—

delete "State Legislatures and their Committees".

The Long Title as amended was adopted.

7. The Committee then discussed the following points:—

(a) Whether the privilege should be confined to defamation only or should extend to other matters *viz.* sedition, contempt etc.

(b) Whether the protection should be in respect of "fair and accurate" reports or "substantially true report".

(c) Burden of Proof—

Whether the burden of proof that the publication of the report was made without malice and in public good should be on the person proceeded against?

8. As regards (a) above, the Committee decided that the privilege should not be confined to defamation only but should extend to all civil and criminal proceedings.

As regards (b), the Committee decided in favour of "substantially true report".

As regards (c), the discussion on the point was not concluded.

9. The Committee then adjourned to meet again at 4-30 P.M. on Tuesday, the 24th April, 1956.

III

Third Sitting

The Committee met from 4-30 P.M. to 4-55 P.M. on Tuesday, the 24th April, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman*

MEMBERS

2. Shri Ganesh Sadashiv Altekar
3. Shri Narhar Vishnu Gadgil
4. Shri Balkrishna Sharma
5. Shri A. M. Thomas
6. Shri Feroze Gandhi
7. Shrimati Subhadra Joshi
8. Shri Shankar Shantaram More
9. Shri Jaipal Singh
10. Shri K. Ananda Nambiar
11. Shri Amjad Ali
12. Shri Bhawani Singh
13. Shri Fulsinhji B. Dabhi.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and S.A. Draftsman, Ministry of Law.*

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee resumed discussion on the point as to whether the burden of proving that the publication of the report was made without malice and in public good should be on the person proceeded against.

The discussion was not concluded.

3. The Committee then adjourned to meet again at 4-30 P.M. on Wednesday, the 25th April, 1956.

IV

Fourth Sitting

The Committee met from 4-30 P.M. to 5 P.M. on Wednesday, the 25th April, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman*

MEMBERS

2. Shri Hari Vinayak Pataskar
3. Dr. Ram Subhag Singh
4. Shri Ganesh Sadashiv Altekar
5. Shri Nemi Chandra Kasliwal
6. Shri Balkrishna Sharma
7. Dr. Shaukatullah Shah Ansari
8. Shri A. M. Thomas
9. Shri Feroze Gandhi
10. Shrimati Subhadra Joshi
11. Shri Jaipal Singh
12. Shri K. Ananda Nambiar
13. Shri Amjad Ali
14. Shri Bhawani Singh.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and S.A. Draftsman,*
Ministry of Law

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee decided that the onus of proving that the publication was made with malice and it was not for the public good should rest with the prosecution or plaintiff as the case may be.

The onus of proving that what was published was a substantially true report of the proceedings of Parliament should, however, rest with the person proceeded against.

3. The Committee then resumed clause by clause consideration of the Bill.

4. *Clause 3.*—The following amendments were accepted:—

(i) In sub-clause (1),

after “proceedings” insert—

“Civil or criminal”.

(ii) In the same sub-clause (1),—

delete “or of a State Legislature or of either House of a State Legislature where it consists of two Houses or of any Committee of any of the Houses aforesaid.”

(iii) In sub-clause (2),—

for “this section” substitute—

“sub-section (1)”.

(iv) In the same sub-clause (2),—

for “benefit” substitute—

“good”.

The clause as amended was adopted.

5. *Clause 4.*—The clause was adopted without any amendment.

6. The Committee decided to consider the draft Report at their next sitting.

7. The Committee then adjourned to meet again at 4 P.M. on Friday, the 27th April, 1956.

V

Fifth Sitting

The Committee met from 4 P.M. to 4-10 P.M. on Friday, the 27th April, 1956.

PRESENT

Shri K. S. Raghavachari—*Chairman.*

MEMBERS

2. Shri Hari Vinayak Pataskar
3. Shri Ganesh Sadashiv Altekar
4. Shri Balkrishna Sharma
5. Dr. Shaukatullah Shah Ansari
6. Shri Feroze Gandhi
7. Shri Tekur Subrahmanyam
8. Shri Shankar Shantaram More
9. Shri K. Ananda Nambiar
10. Shri Amjad Ali
11. Shri Shivram Rango Rane.

DRAFTSMAN

Shri R. S. Sarkar, *Joint Secretary and Draftsman,*
Ministry of Law.

SECRETARIAT

Shri P. K. Patnaik, *Under Secretary.*

2. The Committee adopted the Bill as amended.
3. The Committee then considered the draft Report and adopted the same.
4. The Committee decided that Minutes of Dissent, if any, might be sent so as to reach the Lok Sabha Secretariat by 3 P.M. on Monday, the 30th April, 1956.
5. The Committee authorised the Chairman and in his absence Shri Ganesh Sadashiv Altekar to present the Report on their behalf.
6. The Chairman announced that the Report would be presented to the House after Question Hour on Tuesday, the 1st May, 1956.
7. The Committee then adjourned at 4-10 P.M.