

MESSAGE FROM RAJYA SABHA

SECRETARY: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 3) Bill, 1982, which was passed by the Lok Sabha at its sitting held on the 2nd August, 1982, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

11.10

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED MOVE TO ABRIDGE FREEDOM OF PRESS

SHRI AJIT BAG (Serampore): Mr. Speaker, Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:

"Reported move by certain States to abridge the freedom of press and the reaction of the Government thereto."

THE MINISTER OF DEFENCE AND HOME AFFAIRS (SHRI R. VENKATARAMAN): Sir, the Government of India stands by the Constitutional guarantee of the freedom of speech and expression which includes freedom of the press.

2. The Hon'ble Members are presumably referring to the Indian Penal Code and the Code of Criminal Procedure (Bihar Amendment) Bill 1982, as passed by the Bihar Legislature.

3. According to the State Government there have been a number of publications in newspapers, periodicals, etc. containing grossly indecent or scurrilous matters

which affect the morale of public servants in the discharge of their duties. The legislation was therefore brought forward by the State Government to deal with the situation.

4. Similar provisions were made in the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 and the Indian Penal Code and the Code of Criminal Procedure (Orissa Amendment) Bill 1962, both of which were assented to by the President. The State of Tamil Nadu, by a subsequent amendment enhanced certain punishments provided in the Act of 1960. President's assent to the Tamil Nadu Bill in this regard was accorded in 1982.

5. The Bihar Bill has not been received by the Government of India for the assent of the President.

SHRI AJIT BAG: Sir, the Bihar Government has taken a very extraordinary steps for controlling the free press on the plea of curbing grossly indecent and scurrilous matters, or matters intended for blackmail. But this extraordinary measure is not as innocent as the Chief Minister of Bihar claims it to be yes, to prove this, his Government is spending lakhs and lakhs of rupees on such advertisements. This piece of legislation adopted in a very extraordinary manner is nothing short of a blatant violation of whatever little existed in the name of freedom of Press. This black Bill, an obnoxious piece of legislation, which seeks to amend the Indian Penal Code and the Code of Criminal Procedure strikes at the very root of democracy. It empowers Government officials to treat any indecent and scurrilous report, or matters intended for blackmail, which they consider to be objectionable, or likely to demoralise the administration, as a cognizable and non-bailable offence. It provides for imprisonment for two years or fine or both on first conviction, and in the event of second or subsequent convictions with imprisonment for five years with fine.

Then, Sir, any Magistrate has been vested with the power to take cognizance of these offences with the approval of Gov-

ernment and to try them. This is a naked infringement of the powers of the judiciary.

Why do we call this piece of legislation draconian, obnoxious and all that? This is because, as you will find, Sir, in this Bill, the journalists have been deemed as worse offenders than the alleged murderers and dacoits who can be bailed out but an accused journalist under the purview of this black legislation has been denied that privilege. Even an ordinary police officer can arrest a journalist on any plea and put him behind the prison bar for six months without any trial. This power has been given to them by an earlier amendment. [Criminal Procedure Code, 1973 (Bihar Amendment) Bill, 1982]. The mover of this black Bill, belongs to a tribe of Indian politicians who have excelled in earning notoriety by their spine-chilling stories of corruption, malpractices, political sadism and obscurantism to the extent of perversion. Several stories about such diabolic performances, such as the cement scandals, the Trust Deed scandals, the oil deal episode etc. have come out in the Press.

One such latest story about the Chief Minister of Bihar bathing in the blood of 108 sacrificial goats on the advice of a Tantrik infuriated him so much that he took this unusually draconian step to muzzle the Press that might come out with more such cases, as it is believed that stranger stories may be waiting in the drawers of the news desks of a number of journalists.

But, Sir, in the meantime we have enough of them; such as the atrocities committed on Harijans and the minorities, the Bhagalpur blindings, the activities of the Mafia, the murder of S. S. Das, as auditor of the accounts of the BCCL in Dhanbad, the alleged defrauding of the bank in which the Chief Minister himself is an accused, the alleged exploitation of the bonded labourers by the Chief Minister himself, and so on. There are dozens of such instances, if not hundreds.

Sir, are the exposing of these truths indecent and scurrilous? Are they acts of blackmail? Sir, by such legislation, they

are going to gag the free Press and replace it by a sycophant Press loyal to them, in which bid we are sure, they are bound to fail miserably.

Are we to ignore this nefarious step on the part of the Bihar Government, as a State matter? No, Sir; such steps, whether in Bihar or in Tamil Nadu or in Orissa or in J&K or anywhere else in the country, cannot but be a matter of grave concern to all lovers of freedom, and all who adhere to the constitutional fundamental rights, and freedom of Press for that matter. We in the highest forum cannot wink at the toying with the rights of the Fourth Estate as a pillar of the entire democratic fabric.

Sir, this unusual and obnoxious step is the logical aftermath of the growing authoritarian tendencies in the political practices, a growing danger, about which grave concern has been expressed several times on the floor of this august House.

Sir, in the current phase, it all started with cases of physical assaults and killings, as it happened in Orissa where not only was a journalist attacked, but his wife was also raped and killed. Such cases of attacks on journalists occurred in Tamil Nadu, Andhra, Maharashtra and other places. Very recently, it was repeated in Jaipur. Let me quote one Press report—"Times of India" dated 5-8-1982:

"The Police arrested one journalist, hand-cuffed and paraded him through the streets, following an altercation with a Sub-Inspector of Police."

These all remind us of the dark days of Internal Emergency when Press freedom was taken away, and Press censorship on a large scale was introduced. Even the quotations from Tagore, Mahatma Gandhi and Pandit Nehru were not spared the stranglehold of Press censorship.

But ultimately the people won. The Indian masses had given a fitting reply to all the oppressive measures and ultimately the freedom of Press was restored with the restoration of the fundamental rights of the people.

[Shri Ajit Bag]

Are these happenings as are taking place in Bihar today isolated events? Can these all not be ascribed to a common pattern which percolates from the top?

Very recently we have seen the Prime Minister coming down heavily on the Press for criticising the Central Government. The Press was on many occasions attempted to be described as playing the role of Opposition. Certain speeches of other Ministers including the Information and Broadcasting Minister paved the way and the cue was taken by the State Satraps to merrily trample the sacred rights of the Fourth State. All these only point to a grave future. Dark clouds are again hovering in the sky. A united and determined opposition is urgently required to clear this ugly hurdle to the freedom of the people. All such attempts in the past had been foiled. Even the British rulers could not perpetuate their draconian control of our freedom nor the rulers in free India could succeed in their attempts to curb this freedom.

For the present, of course, some rulers may have the illusion to perpetuate their oppressive measures. But to quote the eminent French author Montaign, "On the loftiest throne in the world we are still sitting on our own rumps."

In this context, I would like to ask the hon. Minister first, what steps the Government propose to take to safeguard the freedom of Press? Secondly, whether the Central Government would advise the hon. President not to give his assent to any such Black Bill as imposes any curb on the freedom of Press? Lastly, whether the Central Government would reiterate its policy regarding freedom of Press and advise the Bihar Government to settle any abhorration on the part of individual journalists or by sections of the Press only through the Press Council of India?

SHRI R. VENKATARAMAN: The hon. Member has covered a very wide ground. The Constitution provides for the freedom of expression under Article 19 and the same Article provides for reasonable restriction being enacted to regulate

the freedom under Article 19(2). Therefore, the question is whether the regulation which the Bihar Government seeks is within the provisions of Article 19(2) of the Constitution. That is the main question that we will have to address ourselves to. Jump at right conclusions.

DR. SUBRAMANIAM SWAMY (Bombay North East): Have you made up your mind on that?

SHRI R. VENKATARAMAN: No. I will tell you. Because, you are a hasty person and you always... (Interruptions)

MR. SPEAKER: Jump at conclusions.

DR. SUBRAMANIAM SWAMY: Jump at right conclusions.

SHRI R. VENKATARAMAN: Jump into things from which you never recover. I will show you how. (Interruptions) I will not be diverted from my line of argument. The hon. Member made a number of allegations against the Chief Minister of Bihar. (Interruptions)

DR. SUBRAMANIAM SWAMY: Which are correct.

SHRI R. VENKATARAMAN: I say, it is totally irrelevant to the discussion. (Interruptions)

श्री राम विलास पासवान: उधर के लोग भी इस बात को कहेंगे कि के खून से

अध्यक्ष महोदय: आप मैं भी इस में मत-भेद है। आप 18 कह रहे हैं और वे 108 कर रहे हैं। कौन सा सही है?

.. (व्यवधान) ..

श्री राम विलास पासवान: ये कहते हैं कि यह टोटली इनक्रेक्ट है।.. (व्यवधान) ..

श्री रामावतार शास्त्री (पटना) वहां की एन्टायर गवर्नेमेंट भ्रष्टाचार में डूबी हुई है।

MR. SPEAKER: You cannot ask any questions. It is not allowed in calling attention.

(Interruptions)

DR. SUBRAMANIAM SWAMY: Under Rule 353 (i) I can say that the Chief Minister said that he is a *Lok Tantrik*. The emphasis is on '*tantrik*'.

SHRI R. VENKATARAMAN: I heard with absolute patience all the allegations which the hon. Member was making. I did not even beat an eye brow.

RR. SUBRAMANIAM SWAMY: You are so thick skinned now!

SHRI R. VENKATARAMAN: But I just expect the same courtsey to be extended to me.

DR. SUBRAMANIAM SWAMY: No more interruptions.

SHRI SOMNATH CHATTERJEE (Jadavpur): Sometimes courteous interruptions can be there.

SHRI R. VENKATARAMAN: I said that it is not relevant to the discussion before us and I am entitled to it. You are entitled to have your opinion that it is relevant. I am entitled to have my opinion that it is irrelevant. You cannot question my opinion.

SHRI RAM VILAS PASWAN: You are the Home Minister. It is not your personal opinion. Your opinion is the opinion of the Government.

SHRI R. VENKATARAMAN: Yes. I said that this is exactly so. Now, if any dispute arises.... (Interruptions)

SHRI SOMNATH CHATTERJEE: You should not take cover under this type of argument. You give your advice.

SHRI R. VENKATARAMAN: If any dispute arises whether it is relevant or not, then the Speaker will decide whether it is relevant or not. But you can never say that such and such a thing is not relevant.

Now, allegations are not proof and I repeat, they are only 'allegations' and have not been established. It is, therefore, wrong to imagine that merely because reckless allegations about somebody else are made, then it becomes the Gospel

Truth. Therefore, we have only that amount of respect to them which they deserve as allegations.

Then, the Bihar Government has stated that there are a number of occasions where certain unrestrained publications have caused embarrassment in the maintenance of law and order as well as in the administration. For instance, they have said that in May 1981 in Biharsheriff it was said, by a new agency, that the water in a well was poisoned, and this has caused a great deal of panic amongst the people. Now, would any responsible agency give currency to such a kind of statement and would it be proper for us people, as Members of Parliament to allow this kind of publication to be made?

DR. SUBRAMANIAM SWAMY: No, no. You should contradict it and let the readers not buy that newspaper.

SHRI R. VENKATARAMAN: This is not correct. Where it affects the lives of people, million of people, do you say that 'you contradict' and then there will be a contradiction against that contradiction. (Interruptions) To say the least, my esteemed friend, Dr. Subramaniam Swamy in this matter is inhuman! Is that right? (Interruptions)

DR. SUBRAMANIAM SWAMY: He was under the false impression that I was human to begin with? If it were so, then I will have to be disqualified from being a Member of this House! (Interruptions)

SHRI R. VENKATARAMAN: Then there was another instance. (Interruptions)

I was also under that impression.

There is another instance where it was stated in the press that a person was taken and ceremoniously beheaded without any basis. This kind of a thing has got to be regulated. The House must join with me in saying that while the freedom of the press should be protected, abuse must always be put down. If you do not agree, then there is no basis. Whether it is abuse or not, it is a matter for the court to decide.

SHRI SOMNATH CHATTERJEE: He will be arrested and put in the jail.

SHRI R. VENKATARAMAN: Whether it is an abuse or not, it is for the court to decide. The House must agree with me that while the freedom of the press should be protected, abuse by the Press on such occasions must always be put down. And the House must stand together on this matter.

Take this instance. An allegation was made that the Chief Minister had killed 108 goats.

SHRI RAMAVATAR SHASTRI: 21.

SHRI R. VENKATARAMAN: Nothing can be more ridiculous than this kind of a statement.

SHRI RAM VILAS PASWAN: I can prove this. If the Home Minister accepts the challenge, I can prove it. (*Interruptions*)

SHRI RATANSINH RAJDA (Bombay South): If this is substantiated, are you going to ask the Chief Minister to quit?

SHRI RAMAVATAR SHASTRI: It has not been contradicted.

SHRI R. VENKATARAMAN: In the law there is a provision that anything stated which is a truth and is in public good, is protected. Therefore, if the statement is true and is made for the public good, it would be protected. And the person cannot be prosecuted and convicted. Therefore, if this statement is true and if the person is able to establish it in the court, then certainly, he will not come under the provisions of this law.

SHRI SOMNATH CHATTERJEE: You are supporting all the bad causes.

SHRI R. VENKATARAMAN: You are supporting all the lost causes, if not wrong causes.

SHRI SOMNATH CHATTERJEE: In the case of MISA one can take recourse to *habeas corpus*. Do you say it is good because of that?

DR. SUBRAMANIAM SWAMY: Is Mr. Jagannath Mishra following Moscow or China? (*Interruptions*)

SHRI RAM VILAS PASWAN: Mr. Pande knows it. It had happened under his very nose. How can the Home Minister say that it is incorrect?

SHRI RAMAVATAR SHASTRI: It was not 108 but 21. (*Interruptions*).

SHRI R. VENKATARAMAN: Also a report goes on that he is going to drink the blood of a legislator. This is the kind of thing which must be regulated.

The whole question is: Does the freedom of press mean an unbridled right to say whatever it wants without a reasonable restriction or without any repercussions or consequences on the society and on the administration? This is the only question. The provision has been made in the law for that purpose. At this stage, I am not saying whether the Government is going to give assent or not because that stage has not arrived. When the Bill is passed in the Legislature of a State, the Governor has three options.

SHRI RAM VILAS PASWAN: Within five minutes with 60 amendments. (*Interruptions*)

SHRI R. VENKATARAMAN: You can say anything, but I will continue with my own statement. No. 1, he can give assent to the Bill himself; No. 2, he can send it back to the Legislature for reconsideration; and No. 3, he can reserve it for the consideration of the President.

SHRI SOMNATH CHATTERJEE: That we know.

SHRI R. VENKATARAMAN: I am not explaining it for Shri Somnath Chatterjee, who knows all this. I am explaining it for others.

DR. SUBRAMANIAM SWAMY: These are bourgeois laws; he may not be knowing them.

SHRI SOMNATH CHATTERJEE: According to him, to have freedom of the

Press is something bourgeoisie....(*Interruptions*)

SHRI R. VENKATARAMAN: Shri Somnath Chatterjee is thinking of easier disposal. After all, we also do not want him.

DR. SUBRAMANIAM SWAMY: I will finish him in five minutes.

SHRI R. VENKATARAMAN: Physically?

DR. SUBRAMANIAM SWAMY: No; not physically. If this goes on record, then you will prosecute me under the same law.

SHRI R. VENKATARAMAN: When a matter is in the Concurrent List, if a law is passed by a State which is contrary to the law passed by the Centre, it will not be valid unless it receives the assent of the President. In this case, in certain respects it is contrary to the Criminal Procedure Code; unless it receives the assent of the President, it will not become valid. The Governor has to reserve it and send it to the Centre for the assent of the President. Then the Government will be called upon to exercise a judicial judgment over the whole matter and give its assent, or withhold assent. That stage has not arrived. The Bill has been passed. This is the position.

PROF. P. J. KURIEN (Mavelikare): I have gone through the statement of the hon. Home Minister. I notice that he has drafted it cleverly. He has said that the Government of India believes in the freedom of the press. He has not made any remark about the Government of Bihar or about that Bill. Fortunately, he has not received that Bill; so, he has reserved his comments. I am sure that an elderly and impartial gentleman like our hon. Minister, Shri Venkataraman, when he gets the Bill, will certainly give a judicial and impartial judgment and advise the Bihar Government to withdraw the Bill. He is reserving his comments because he is already of that opinion....(*Interruptions*) I did not say his party's opinion, his personal opinion. I said that because of his impartiality, his long administrative expe-

rience, his elderliness etc.(*Interruptions*) I attribute all positive qualities to him.

He has said in his reply to Shri Bag that in the Constitution there is a provision for the curtailment of the freedom of the press. But I would like to ask him whether that curtailment is to be used as an arbitrary punishment by the Government in its discretion. Here, the question is that in Bihar there are provisions of the Cr.P.C. amendment Bill. I am not a legal pundit, so I am not able to question this or that. But there is one which you know better. According to that, they have done away with the distinction between the judicial magistrate and executive magistrate in some cases. And according to this Bill under consideration, any magistrate can deal with cases. So, if a newspaper reports something, the person concerned can be charged and brought before any magistrate, who can be a civil servant,—the executive magistrate, and the punishment can be given and this executive magistrate is definitely under the Government. Do you think that the Government will always be the Congress (I) Government or a Marxist Government, as in West Bengal? It will change. (*Interruptions*). No, no. There will be change. So, my point is that whatever may be the restrictions imposed by legislation, the question should be decided judiciously and not by executive action. In Bihar, according to the provisions of this Bill, it is the executive magistrate guided and advised by the political heads or the Ministers—I have no disrespect for any Minister, that is not my point, I am only generalising it—who can punish the journalist. Therefore, this piece of legislation is to be objected to and it is obnoxious.

Sir, actually the issue in question is not a party issue. This is to be viewed above politics. The crux of the question is: Should we allow the press, as my friend sitting there said, to continue and report as they are doing now, or should there be any restriction on the freedom of the press? That is the simple question to be answered. That is not a party question because what I feel is, some time back, from 1977 to 1980, this country was

(Prof. P. J. Kurien)

ruled by Janata Party and you know what happened. Then came Congress (I) into power. This may change. So, this piece of legislation will have far-reaching consequences. Therefore, it is to be decided above party politics. This is my first simple request to the Minister. Now, the hon. Minister should explain to this House if he has ascertained the facts from the Bihar Government. Anyhow, he read some reports of the Bihar Government. So, I take it that he has ascertained certain facts.

What was the necessity of bringing this Bill now? What necessitated it? And further, if what I read in the press is correct, the Bill was passed in five minutes or less than that. (*Interruptions*). It was passed in such a haste, and also 60 Amendments in such a haste. What was the urgency? Has any national calamity occurred? Or, is there any foreign attack or anything? So, if the Government feels that actually there was any such necessity, it is up to the Government to explain here. Now, one excuse in this regard is that the Tamil Nadu Government and Orissa Government have already passed such Bills. So what? If X has committed a crime, can we justify if Y is doing the same thing? If there are such objectionable legislations in other States, I would say that they should also be withdrawn. Will the argument that some other government has already done it and so they have also done it, absolve them from this crime?

(*Interruptions*)

The excuse is about the so-called yellow journalists. The hon. Minister has also referred to the yellow journalists who write scurrilous, obscene, indecent thing or those who make a personal attack and write about the personal life of the people. Why should you be afraid of yellow journalists? There is nothing to be afraid of. Are people fools to believe yellow journalists?

I will give you a point to consider. What was the press during Janata rule in this country? During Janata rule, I was in Kerala and not in Delhi. I used to read certain papers. Every paper was publishing

articles containing atrocities committed by Shrimati Indira Gandhi and this and that. Were people carried away by that? Why are you afraid of these things? People will not be carried away by the yellow journalism or even if the journalists write wrong reports. People have their sense of judgment. The Government should believe in that judgment. That is what I have to inform the Government of.

I want to ask one thing. Do you still feel that such a legislation like Bihar Press was necessary; in the public interest, are the existing laws not sufficient to discourage scurrilous writings and to penalise the offenders? If the hon. Minister and the Government of India are of the opinion that the existing laws are enough and competent to punish the offenders, you should advise the Bihar Government to withdraw the Bill. If not, you stand guilty of not bringing such a bill. If the present laws are not sufficient to deal with the miscreants, then you should have brought such a Bill much earlier.

I don't think you can say that the present laws are not sufficient to deal with the situation. My opinion is that you have not brought such a Bill because in your opinion the present laws are sufficient.

I am not casting any aspersion on anybody. I am not making any allegation. The general feeling of the public who voted for all of us is that the Bill is brought about to cover the misdeeds of the Government of Bihar. What happened in Bihar jails? There have been incidents over there about the killing of Harijans, etc. The feeling of the public is that this Bill is brought to cover up such misdeeds and to punish those inquisitive journalists who probe into these things and publish such things. It is in the interest of the Government of India also that these misgivings should be removed from the minds of the people.

MR. SPEAKER: What is the question?

PROF. P. J. KURIEN: I have already asked three questions. The questions are very important. These are about the freedom of press.

Sir, the press in the watchdog of democracy. If something you do which is detrimental to the functioning of democracy, how can we be here? आप स्पीकर कैसे हो सकते हैं?

अध्यक्ष महोदय : बात तो बिल्कुल सही है।

PROF. P. J. KURIEN: So, if there is no democracy we cannot be here. You should give me enough time because this is an important subject. The Bihar Bill is striking at the freedom of the Press which in turn, strikes at the democratic functioning of the society.

Now I should say something about the Press also. The Press should be self-restraint. It is the Press which, in the public interest, should enquire into the misdeeds of the Government or Ministers or Members of Parliament or any public men and publish it. But they should also verify these facts and at the same time should not go in for character assassination or vilification of persons.

Also, the Press should be impartial. When the Press projects the evil deeds of the men of leaderships, they should also give publicity to what is just and good done by them. Sometimes what happens is that some of the sections of the Press go and look into the evil side of it. That will create a bad impression to the society because the people feel that all the politicians, all the leaders and all the Ministers are corrupt. Then, the people will lose faith in democracy and people losing faith in democracy is also detrimental to the interest of our country, democracy and ourselves. So, there should be a restraint on the part of the Press but that should be a self-restraint. Even in this House, if somebody makes some hullabaloo in the Zero Hour that will be in the headlines. (Interruptions)

My point is that the Press should be self-restraint and not imposed by law. Impartiality cannot be imposed by law. It should come automatically. So, let us hope that the Press will be impartial and in that good hope, we must ask the Bihar Government to withdraw the Bill.

MR. SPEAKER: Is that all?

PROF. P. J. KURIEN: Sir, another point which I have to make is, suppose the Press do not publish misdeeds of the Government.... (Interruptions). Suppose the Press does not publish these misdeeds and wrong-doings of the Government, what happens? Rumours will spread in the country. During the Emergency, there was Press censorship. What happened was that so many rumours spread in the country. Nobody knew if the rumours were correct or not. So, if the Press is not writing these things, rumours will spread. People are having tendency to believe more rumours. So, it is dangerous again to prevent the Press from writing the misdeeds of the Government: If the Press writes all these things and publishes, the Government can see it and it can meet these points and answer them and then the people will take correct judgment.

MR. SPEAKER: Be short. You are not asking any questions. Now I will have to curb you!

PROF. P. J. KURIEN: I also cite an example. My point is that the Press should be left free.

MR. SPEAKER: Professor, nobody seems to be serious about it. I have given you enough of time. I cannot give you more time.

PROF. P. J. KURIEN: I will conclude.

My point is that bringing such a Bill and curtailing the freedom of the Press will actually help rumours to spread and spreading of rumours is detrimental to the existence of democracy.

I would like to say that this Bill which has been passed by the Bihar legislature is unconstitutional and undemocratic.

In the light of this, will the Government advise the Bihar Government to withdraw the Bill or the Governor of Bihar not to give assent to the Bill?

I would also like to ask whether the Government of Bihar had consulted the Government of India before passing such a Bill.

SHRI EDUARDO FALEIRO (Mormugao): Consultation between the Government of India and State Government does not arise in these matters.

(Interruptions)

PROF. P. J. KURIEN: I would also like to know whether Government is aware of the tendency of the States, one after another, to suppress the freedom of the Press.

In the light of this, will the Government give a directive to these three States which have already passed the Bill and also direct other States not to resort to any action which is curtailing the freedom of Press?

MR. SPEAKER: Professor, now you should utilise the bonus time which I have given you.

PROF. P. J. KURIEN: Let all the State Governments also stand for freedom of Press and it is up to the Government of India to ensure that freedom of Press is maintained.

MR. SPEAKER: You are misusing your freedom now.

Now the Hon. Minister will reply.

SHRI R. VENKATARAMAN: To a large extent I will be in agreement with the Hon. Member.

When the Hon. Member said that there should be self-restraint in the Press, in fact, he has spoken like a Professor"
"लोकोः समस्ताः सखिनो भवन्त ।"

Well, the problem arises only when there is no self-restraint and law has to regulate the behaviour. That is where the problem arises.

The Hon. Member raised one or two points which I will briefly answer.

The first point that the Hon. Member has raised is that Bihar Government has introduced or has got a Bill to amend the

Cr. P. C. to do away with the distinction between the executive and judicial magistrates. We are not aware of it. We have not got any such Bill before us.

Then the Hon. Member said that the language used in the Bill says that 'any Magistrate' can take cognisance which means, according to him, an executive magistrate. On the contrary, the context in which the words "any Magistrate" are used is to say whether he is a I Classe Magistrate or II Class Magistrate. It is only for that purpose the words "any Magistrate" are used.

Then the third point which the Hon. Member raised is that this law which is passed in other States should not be used as an Ordinance. All that I have said is that there has been similar law and there is not much of protest. That is the point made. 20 years ago the Governments of Tamilnadu and Orissa passed that Act. And there has not been much of a protest or any serious abuse of this.

12.00 hrs.

This is the point which the House must take into account.

The next point he made was, if the Government thought that this was a proper thing to do, they must bring forward the Bill themselves. I would like to remind the hon. Member that the Janata Government passed in the Rajya Sabha the Indian Penal Code Amendment Bill, 1970, in which they amended section 292 of the Indian Penal Code, 292A, exactly in the same words as in the...

DR. SUBRAMANIAM SWAMY: That has to be condemned. You need not follow that.

SHRI RAMAVATAR SHASTRI (Patna): Why are you following that? (Interruptions)

DR. SUBRAMANIAM SWAMY: I opposed it at that time also, I must tell you. (Interruptions)

SHRI R. VENKATARAMAN: I expected this kind of reaction and that is why I put it.

SHRI HARIKESH BAHADUR (Gorakhpur): In Rajya Sabha, your Party was in majority at that time. (Interruptions)

SHRI CHANDRAJIT YADAV (Azamgarh): Janata Party in power and Janata Party out of power are two different things.

SHRI R. VENKATARAMAN: It is not that I want to score a debating point on this. What I am driving at is that the Government have, at some time or other, felt the need for a regulation of this kind; that is the point which I am putting forward. Whether it was the Janata Government or the Congress Government or any other Government, they have felt the need for regulating scurrilous writings.

DR. SUBRAMANIAM SWAMY: But you have not pointed out why the Bill never made it in the Lok Sabha.

SHRI R. VENKATARAMAN: Shall I tell you why? You have a very short memory.

DR. SUBRAMANIAM SWAMY: I never seem to get the better of you.

SHRI R. VENKATARAMAN: You will never get the better. The Bill was not passed in the Lok Sabha because the Lok Sabha was dissolved.

DR. SUBRAMANIAM SWAMY: No. In Rajya Sabha it was passed in 1978. This is misleading Parliament. You were in the Opposition here. That is why it did not come here.

SHRI R. VENKATARAMAN: I cannot accept Dr. Subramaniam Swamy's explanation because he was not in the Government. If Prof. Madhu Dandavate says, I may accept it, but not if Dr. Swamy says because he was not in the Government and he is not entitled to give the explanation for the Government.

PROF. MADHU DANDAVATE: Then he may allege that I am revealing Cabinet secret.

MR. SPEAKER: You are all becoming smarter today!

SHRI R. VENKATARAMAN: I would not have challenged Prof. Dandavate to reveal....

SHRI SOMNATH CHATTERJEE: Your Party welcomed that Bill in the Rajya Sabha.

SHRI R. VENKATARAMAN: Shall I say why? Earlier the Congress Government had brought forward a Bill containing this clause. They could not be inconsistent.

Therefore, the point I am making and which you have missed is that, whether it was the Congress Government or the Janata Government, it has felt the need for some kind of a regulation of this kind. Therefore, there is nothing that is done which is new or something which is outrageous as is now sought to be made out.

The last point which the hon. Member made was...

SHRI M. M. LAWRENCE (Idukki): It is not that there is only Congress (I) and Janata Parties in this country. Other Parties are also there. (Interruptions)

MR. SPEAKER: Dr. Swamy, do you agree?

SHRI R. VENKATARAMAN: When other Parties come to Government, they will have to prove that. They will say it only when they are in Opposition or outside.

[Shri P. Venkataraman]

The last point was, whether I would advise. We do not advise the Government on these matters because the Central Government has the duty of giving advice to the President whether to assent to it or not on a judicious consideration of all factors.

SHRI SOMNATH CHATTERJEE: Will you advise the President not to give his assent?

SHRI R. VENKATARAMAN: We cannot say that at this stage.

DR. SUBRAMANIAM SWAMY: One question, he has not answered.

PROF. P. J. KURIEN: Whether the present law cannot be used to deal with offenders. That question also has to be answered.

श्री मूलचन्द डागा (पाली): अध्यक्ष महोदय, गृह मंत्री जी ने जो जवाब दिया है, उस में उन्होंने साफ कहा है कि अभी इस बिल को हम ने देखा ही नहीं है। यह इन का सीधा जवाब है। गृह मंत्री जी ने एक जवाब दे दिया और वह जवाब यह है :

"The Bihar Bill has not been received by the Government...."

लेकिन ऊपर यह लिखा है :

"The hon. Members are presumably referring to the Indian Penal Code and the Code of Criminal Procedure (Bihar) Amendment Bill 1982, as passed by the Bihar legislature."

एक जवाब में दो बातें हैं। ठीक है, जो उन की इच्छा है, वह करें लेकिन एक बात जरूर है। सब से ज्यादा प्यारी चीज अगर दुनिया में कोई है, तो वह आजादी है और इस सम्बन्ध में मैं डिजरेली का एक कोटेशन आप के सामने रखना चाहता हूँ :

"The Press is not only free, it is powerful. That power is ours. It is the proudest that man can enjoy. It was not granted by monarchs, it was not gained for us by aristocracies, but it sprang from the people and with an

immortal instinct it has always worked for the people."

हिन्दुस्तान की जनता की बुद्धिमत्ता की तारीफ सब करते हैं चाहे इधर बैठने वाले हों और चाहे उधर बैठने वाले हों। हिन्दुस्तान की जनता में विवेक, ज्ञान और समझदारी बहुत है। उस का निर्णय आप उस पर छोड़ दीजिये लेकिन आप जिम प्रश्न का उत्तर दे रहे हैं, तो मैं ने जब मिश्र जी की स्पीच अखबारों में पढ़ी, जो उन्होंने इस छोटे से बिल को रखने के समय दी थी, तो मैं यह नहीं समझ पाया कि ब्लैकमेलिंग का मतलब क्या होता है। कहीं उन्होंने डिफाइन किया है कि ब्लैकमेलिंग चीज क्या है। इन की स्पीच जो अखबारों में निकली है, वह यह है :

"It would also include the lurid exposure, unrelated to the public interest, of the personal lives of the individuals...."

एक आदमी अच्छे पद पर बैठा हुआ है और जनता उस पद की गरिमा को समझती है और अगर वह उस के बारे में कुछ बातें करती है, तो इसका मतलब क्या हुआ, यह आप समझ सकते हैं।

A man who is weak in his private life cannot be expected to be noble in public conduct....

SHRI RATANSINH RAJDA: Correct.

SHRI MOOL CHAND DAGA: It is not that a person who has changed the place, has changed.

ठीक है, आज सारी बातें गृह मंत्री जी कहने को तैयार नहीं हैं और उन्होंने बड़ी तरकीब से यह सांचा है और कहा है कि इस बिल पर विचार सरकार करेगी। मैं आप को आर्टिकल 105 पढ़ कर सुनाना चाहता हूँ।

"No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable...."

तो इस पार्लियामेंट का सदस्य 105 धारा के अन्तर्गत इस सदन के पवित्र स्थल पर कुछ भी कह सकता है लेकिन उस के खिलाफ कोर्ट में कोई कार्यवाही नहीं हो सकती है। अच्छी है, फ्रीडम आफ स्पीच और फ्रीडम आफ राइटिंग है। मैं यह बात सिद्धान्तः कहना चाहता हूँ कि आप ने इस में लिखा है, जगह जगह पर क्लॉज के अन्दर, हर एक क्लॉज में, यह जो बिल निकला है, जिसके बारे में गृह मंत्री ने कहा है कि वह अभी तक हमारे पास नहीं भेजा गया है, उस में एक शब्द बार बार लिखा गया है, 'ब्लैकमेल', 'और इन्टेडेड टू ब्लैकमेल'। इस का क्या परपज है ?

अब एक पेपर सरकुलेशन में है। उसमें एक कार्टून निकलता है जो पन्सद नहीं आता तो उसको बेचने वाला भी गुनहगार है, उसका एडीटर भी गुनहगार है और जिस संवाददाता ने एजेन्सी ले रखी है वह भी गुनहगार है। मैं यह मानता हूँ कि आप आजादी की सुरक्षा के लिये यह चाहते हैं कि कोई दुर्भावनापूर्ण तरीके से इस आजादी का उपयोग न करे। लेकिन मैं पूछता हूँ कि इसकी जरूरत क्या पड़ी, इस कानून के बनाने की आज क्या जरूरत पड़ी ? अभी हमारी प्रधान मंत्री जी ने कहा था कि हम हिन्दुस्तान में प्रेस की आजादी पर अंकाश लगाना नहीं चाहते हैं और प्रेस की आजादी में विश्वास करते हैं।

सब लोग कहते हैं कि प्रेस हमारी आँख और कान है। यदि आप इन बातों को सोचते हैं और मानते हैं और आर्टिकल 19 को मानते हैं जिसमें कि आजादी की बात कही गई है जो जो लेंजिस्लेशन बना है वह इस पर प्रतिबंधन है या नहीं ? वह सवाल आज तो खड़ा होता नहीं है क्योंकि वह लेंजिस्लेशन आपने देखा नहीं है जिसके बारे में कि हमने कालिंग अट्रेशन मोशन दिया है। आज यह जो बहस हो रही है उस लेंजिस्लेशन पर नहीं हो रही है। आज हम बहस कर रहे हैं दूसरे विषय पर।

फ्रीडम आफ प्रेस और फ्रीडम आफ स्पीच की सब बातें कहते हैं। हिन्दुस्तान की जनता को अपने में बहुत विश्वास है।

एक राज से दूसरा राज पलट जाता है और एक राज दूसरे राज के खिलाफ बहुत कुछ कहता है लेकिन जनता अपने विश्वास के बल पर निर्णय करती है। यलो जर्नलिज्म की बात कही जाती है, कितनी ही पीत पत्रिकाएं निकलती हैं, भगवान जाने कितनी निकलती होंगी लेकिन उनके पढ़ने के बावजूद हर आदमी अपना दिमाग रखता है। हमें हिन्दुस्तान के वांटर में विश्वास रखना होगा।

श्रीमन्, मैं आपकी आज्ञा से दो-चार प्रश्न पूछना चाहता हूँ। जब आप आर्टिकल 19 की दहाई देते हैं कि हम तो प्रेस की आजादी में विश्वास करते हैं तो इस कानून की क्या जरूरत थी ? आपके जो कानून बने हुये हैं, उन कानूनों के होते हुए फिर इस बिल को लाना क्या जरूरी था ? एक आप इस प्रश्न का उत्तर दें।

दूसरे क्या ब्लैक मेलिंग को कोई डीफिनिशन है ? अगर कोई पदासीन है, उसके बारे में प्राइवेटली कुछ देखा है, पब्लिकली नहीं देखा है क्योंकि कुछ लोग अल्मारी में तो कोकशास्त्र रखते हैं और हाथ में रामायण रखते हैं तो ऐसी बातों के बारे में आप क्या करेंगे। अगर इस पर कोई टीका-टिप्पणी करे तो श्रीमन् इसको क्या आप ब्लैकमेल करना कहेंगे ? इसलिए मैं जानना चाहता हूँ कि ब्लैकमेलिंग की परिभाषा क्या है। यह नहीं कि आप जो चाहें कह दें। मैं फिर से आप से आग्रह करूंगा कि आप फ्रीडम आफ प्रेस को खत्म नहीं करना चाहते हैं, जिसका कि आपने पहले ही सेंटेंस में कहा तो क्या आप यह बतायेंगे कि आर्टिकल 15 के अन्दर जो आपने जूडिशियरी और और एक्जीक्यूटिव को पावर्स दिये हैं वे पावर्स मेंजिस्ट्रेट को नहीं दिये हैं यह क्यों है ? तो आर्टिकल 50 के द्वारा कहीं हम जूडिशियरी के पावर एक्जीक्यूटिव को देने तो नहीं जा रहे हैं ?

तीसरी बात यह है कि पब्लिक लाइफ और प्राइवेट लाइफ के बारे में जो भाषण दिया है, उस पर आप कृपा करके प्रकाश डालें। हम कब कहते हैं कि किसी की जिन्दगी के बारे में दुर्भावनापूर्ण प्रचार किया जाए और

[श्री मूल चन्द डागा]

अगर किया जाता है तो क्या वर्तमान कानून उसके लिये सफाई है या नहीं और इसको बनाने की जरूरत क्यों पैदा हुई ।

SHRI R. VENKATARAMAN: Mr. Speaker, Sir, Mr. Daga is a champion goal-keeper who scores goals on his side.

DR. SUBRAMANIAM SWAMY: That is no praise. We are all Members of Parliament here without party affiliation. Sometimes we praise you and sometimes your Members can attack you.

MR. SPEAKER: Is he a mis-guided champion?

श्री राजनाथ सोनेकर शास्त्री: तो गोल हुआ या नहीं हुआ ।

SHRI R. VENKATARAMAN: If you cannot understand a joke then you please sit down.

Sir, he raised the question of Article 19 but he forgot that Article 19 contains Clause 2 which permits legislature to impose reasonable restrictions and these are reasonable restrictions.

AN HON. MEMBER: They are not reasonable.

SHRI R. VENKATARAMAN: Whether they are reasonable or not it is for the court to decide. Sir, all his eloquence on the freedom of Press and freedom of Expression being lost is totally irrelevant. He went on dealing with the provisions in the Bill forgetting that we are not dealing with the Bill. We are not debating on the Clauses of the Bill. We are debating whether Central Government's assent should be given and, if so, what are the basis but he went on detailing and reading clause by clause as if he was a Member of the Bihar legislature. I want to remind him that he is a Member of Parliament.

MR. SPEAKER: You mean a misplaced champion.

SHRI R. VENKATARAMAN: Sir, I have nothing more to add.

श्री रामस्वरूप राम (गया): अध्यक्ष महोदय, हमारे पूर्व-वक्ताओं ने आजादी की बड़ी दहाई दी है कि आजादी बड़ी कीमती है ।

12.19 hrs.

[MR. DEPUTY SPEAKER in the Chair].

उपाध्यक्ष जी, यह हम सभी मानते हैं । हम तो इतना तक कहने को तैयार हैं कि प्रेस लोकतंत्र को रक्षक है, लोकतंत्र की प्रहरी है और इसको आजादी मिलनी चाहिये, क्यों-कि सरकार के कार्यक्रमों और जनता की समस्याओं के बीच प्रेस एक कड़ी का काम करती है, इस लिए प्रेस की आजादी होनी चाहिये । लेकिन आजादी का कभी कभी दुरुपयोग भी होने लग जाता है और तरह तरह की बातें बना कर जन मानस को गुमराह करने की कोशिश भी की जाती है । वैसे आजादी, मैं समझता हूँ, न आपको प्यारी लगेगी और न पत्रकार बन्धुओं को लगेगी, जो देश प्रेमी हैं और देश के विकास में विश्वास रखते हैं ।

जनतांत्रिक समाज में विचार की अभिव्यक्ति आवश्यक है । हर तरह के विचार स्वतन्त्र रूप से जनता के सामने आना चाहिये और उसे जनता के सामने आने दिया जाना चाहिये लेकिन यहां एक बात पर जोर देना बहुत आवश्यक है । विचार प्रकट करने की स्वतंत्रता जन साधारण के लाभ के लिये होनी चाहिये और इस में जो उत्तरदायित्व निहित है उसको भी स्वीकार करना चाहिए । यह एक मौलिक सिद्धान्त की बात है । प्रेस की स्वतंत्रता का अभिप्राय यह नहीं हो सकता है कि मनगढ़न्त समाचार दे कर साम्प्रदायिकता को बढ़ावा दिया जाए, प्रेस की स्वतंत्रता का मतलब यह नहीं होता है कि मनगढ़न्त समाचार दे कर जातीयता को बढ़ावा दिया जाए या गलत समाचार दे कर इस प्रकार के कार्यक्रम को चलाया जाए जिससे देश की अखंडता, देश की इंटिग्रेटी या उसकी सावरनेटी सतरों में पड़ती हो । तब इस प्रकार की स्वतंत्रता पर क्वेशन मार्क लग जाता है । इसकी जवाबदेही इन लोगों पर है ।

जुलाई 1954 के अपने प्रतिवेदन में पत्रकारिता के संबंध में प्रथम प्रेस कमिशन ने सत्रह सिद्धान्तों का निरूपण किया था । इन

सत्रह प्वाइंट्स से जनता से पत्रकार बन्धू कमिटिड है। पहला प्वाइंट था :

- (1) चूंकि प्रेस जनमत सृजन का एक मुख्य माध्यम है पत्रकार अपने को पत्रकार कहने के लिए हमेशा तैयार एवं इच्छुक रहें ताकि वे जनता के अधिकारों की रक्षा कर सकें।

दूसरा था :

- (2) पत्रकार अपने कर्तव्यों के सम्पादन में मानवीय एवं सामाजिक अधिकारों को समूचित महत्त्व तथा समाचार रिपोर्टों एवं आलोचनाओं में अपने विशिष्ट उत्तरदायित्वों का विश्वास के साथ सम्पादन करें।

MR. DEPUTY SPEAKER: You need not read all the 17 points. You have said it. Everybody would have read it. If you read all points, it will take more time.

श्री राम स्वरूप राम: आपने औरों को आधा-आधा घंटा दिया है। मुझे भी आप पूरा कर लेने दीजिए।

तीसरा प्वाइंट है :

- (3) प्रत्येक पत्रकार को समाचारों के संकलन एवं प्रकाशन में पूरी स्वतंत्रता होनी चाहिये तथा इसको सुरक्षा इनका प्रमुख लक्ष्य होना चाहिये।
- (4) पत्रकारों को समाचार संकलन तथा आलोचनाओं के दारों में जिस से तनाव में वृद्धि एवं दंगा होने की सम्भावना हो, स्वयं अंकुश रखना चाहिये।

आप जानते हैं हमारे माननीय गृह मंत्री जब जवाब दे रहे थे तो बिहार शरीफ के पेपर्स की कतरनों को उन्होंने रदन में रखा जिससे पता चलता था कि वहां के साम्प्रदायिक वातावरण को विषाक्त बनाने की किस तरह से कोशिश की गई थी।

पांचवा है :

- (5) पत्रकारों को यह प्रयास करना चाहिये कि सूचनाओं का प्रसारण तथ्यों पर आधारित हो। किसी भी तथ्य को तोड़ा मरोड़ा नहीं जाए और न ही किसी आवश्यक तथ्य को दबाया जाए। कोई भी सूचना, जिसकी सत्यता संदिग्ध हो, अथवा गलत हो, उसे प्रकाशित नहीं किया जाए।

इस तरह से सत्रह प्वाइंट है जिन में हमारे देश के पत्रकार बन्धू कमिटिड है।

इस कामटमेट को देखते हुए मैं बिहार प्रेस बिल की अहमियत में जाता हूँ। प्रेस कमीशन की रिपोर्ट का जो पंद्रहवां प्वाइंट है, जिसको इन्होंने स्वयं स्वीकार किया हुआ है, इस प्रकार है

- (15) कलंक मढ़ना अथवा निराधार आरोप लगाना पत्रकारिता विरोधी एवं गम्भीर अपराध है।

यह मेरा बनाया हुआ नहीं है। इन लोगों का अपना बनाया हुआ है जो प्रेस को आजादी के नाम पर कभी कभी देश को नुकसान भी पहुंचाते रहे हैं, समाज को नुकसान भी पहुंचाते रहे हैं, और हमारे जो मौलिक सिद्धान्त हैं उन पर कुठारधात भी करते रहे हैं इस लिये 15 वां जो इनका प्वाइंट है कि कलंक मढ़ना अथवा निराधार आरोप लगाना पत्रकारिता विरोधी एवं गम्भीर अपराध है। यह 17 प्वाइंट प्रेस कमीशन के सामने 1954 में लाया गया। इसी के आलोक में लोगों ने कहा आजादी हमको मिलनी चाहिये। ठीक है, आजादी हम सब को प्यारी है। रोड़ पर चलना सब का अधिकार है, लेकिन रोड़ पर दायें चलना यह हमारा उत्तरदायित्व है। ट्रेन में सफर करने का हमारा अधिकार है, लेकिन टिकट लेकर चलना हमारा उत्तरदायित्व है। इसलिए आजादी के नाम पर इन्होंने चीजें नांगी और जो समास्थायें रखी उनको तोड़ मरोड़ कर जिस दिन प्रेस दायरे से बाहर जायगा तो उनकी आजादी पर अंकुश लगाना सरकार का धर्म है। बिहार सरकार ने कोई नई बात नहीं की।

[श्री राम स्वरूप राम]

अभी कुछ लोग कह रहे थे कि बिहार के मुख्य मंत्री बकरे के खून से नहाये। मैं उनको बताना चाहता हूँ कि वह तो मांस छली तक नहीं खाते, शुद्ध शाकाहारी हैं.... (व्यवधान)

MR. DEPUTY-SPEAKER: Please allow him to speak. Don't record any other thing (Interruptions)**

श्री राम स्वरूप राम: यह मनगढ़न्त बातें हैं। हमारे मुख्य मंत्री शुद्ध शाकाहारी हैं, बकरे के खून से नहाने वाली बात झूठ है, और इसे तरह से प्रेम। आजादी के नाम पर अपने उत्तरदायित्व का निर्वाह प्रेम वाले नहीं कर रहे हैं। मुझे इनसे प्रेम है लेकिन आजादी के जो स्टैंडार्ड्स हैं, उन पर इनको आचरण करना होगा। आजादी के नाम पर पिछले सत्र में एक काल अटर्शन आया था हिन्दुस्तान समाचार एजेंसी के द्वारा जो जिसमें मैंने हिस्सा लिया था। तो वहां से श्री बालेश्वर अग्रवाल ने एक लम्बी चौड़ी चिट्ठी लिखी कि आपने गलत काम किया है क्या वह हमारी आजादी को कर्ब कर रहे थे? उनको ऐसा नहीं लिखना चाहिये था। हमको यहां पर बोलने का अधिकार है। लेकिन यह अधिकार नहीं है कि हम ऐसी बात बोलें जिसमें देश की अखंडता और संविधान को खतरा हो। इस तरह की बातें ये लोग करते हैं।

प्रेस की आजादी के नाम पर बहुत टोका टिप्पणी हुई। एक एडिटोरियल अखबारों में आया

that full debate was not allowed.

इस संदर्भ में मैं कहना चाहता हूँ कि कार्य मंत्रणा समिति की 27 जुलाई की बैठक में विरोधी पक्ष के नेता श्री कर्पूरी ठाकूर, श्री इन्द्र सिंह नामधारी, नेता भारतीय जनता पार्टी, श्री राजमंगल मिश्र, नेता जनता पार्टी, और श्री गणेश शंकर विद्यार्थी, भारतीय कम्युनिस्ट पार्टी के नेता...

श्री रामावतार शास्त्री: इतना भी नहीं जानते हैं आप कि श्री गणेश शंकर

विद्यार्थी मार्क्सिस्ट दल के नेता हैं, न कि कम्युनिस्ट पार्टी के।

MR. DEPUTY-SPEAKER: Mr. Shastri you are interrupting him. This is not proper Mr. Ram Swarup. You don't reply to their questions. You carry on your speech. In calling Attention discussions, you need not reply to any interruptions.

(Interruptions)**

MR. DEPUTY-SPEAKER: You need not reply to any interruptions; you carry on. For your information, in calling attention, interruptions are not recorded. Therefore, you need not reply to them. It is not allowed; interruptions are not recorded.

Mr. Ramswaroop, you carry on. Only your speech and the Minister's reply will be recorded.

(Interruptions)**

MR. DEPUTY-SPEAKER: Do not record any of these interruptions. This kind of interruptions would spoil the issue.

श्री राम स्वरूप राम: इस विधेयक को कार्यसूची में रखने का निर्णय कार्य मंत्रणा समिति की 27 जुलाई की बैठक में लिया गया था, जिसमें सत्ता पक्ष के प्रतिनिधियों के अतिरिक्त विरोधी पक्ष से श्री कर्पूरी ठाकूर, नेता विरोधी दल, श्री इन्द्रसिंह नामधारी, नेता भारतीय जनता पार्टी, श्री राजमंगल मिश्र, नेता जनता पार्टी, श्री गणेश शंकर विद्यार्थी, नेता भारतीय कम्युनिस्ट पार्टी (मार्क्सवादी), श्री सूरज मंडल, नेता भारखंड मुक्ति मोर्चा, तथा श्री तुलसी सिंह, नेता लोक दल उपस्थित थे।

(व्यवधान)

MR. DEPUTY-SPEAKER: Do not record these interruptions... You cannot interrupt like this. You know the rules. I am sorry, I will not allow you.

(Interruptions)**

श्री राम स्वरूप राम: उपाध्यक्ष महोदय, ये लोग मेरे बोलने की आजादी का हनन कर रहे हैं।

MR. DEPUTY-SPEAKER: Do not record any interruption... This is not being recorded. You go through the proceedings tomorrow, and if you want to object to anything, or give a personal explanation, you can do that. Why are you interrupting every now and then? It is not proper.

(Interruptions)**

MR. DEPUTY-SPEAKER: Do not record any of these interruptions.

श्री राम स्वरूप राम: ब्रिटिश एंड-वाइजरी कमिटी की बैठक की कार्यवाही का सदन में यूनिनिमसली पास किया गया। उस समय विधान सभा के सचिवालय में इस विधेयक के लिए जो संशोधन किए गए, उनमें श्री इन्दर सिंह नामधारी, भारतीय जनता पार्टी, श्री जनार्दन तिवारी, भारतीय जनता पार्टी, श्री नारायण यादव, साम्यवादी पार्टी, श्री रमेश कुमार, साम्यवादी पार्टी, श्री तुलसी सिंह, लोक दल और श्री रघुवंश प्रसाद सिंह, लोक दल अदि सदस्यों का विधेयक को जनमत जानने के लिए प्रसारित करने सम्बन्धी संशोधन भी था। इसका मतलब यह है कि सब को कॉन्फिडेंस में ले कर यह बिल लाया गया और उसमें संशोधन दिए गए।

यह कहना गलत है कि यह बिल होस्टली पास कर दिया गया है।

MR. DEPUTY-SPEAKER: You have prepared sufficient background: now you put your questions.

(Interruptions)**

MR. DEPUTY-SPEAKER: Do not record anything except Shri Ramswaroop. Ram. Please conclude and put your questions now. You have got to complete it. You have given sufficient background,

you must put your questions. Have you not prepared your questions?

(Interruptions)**

MR. DEPUTY-SPEAKER: We are discussing about the freedom of press. And you do not allow freedom of speech in Parliament? Why are you interrupting every now and then? Should we not have freedom of speech in Parliament?

(Interruptions)

MR. DEPUTY-SPEAKER: When you speak next day, you can reply to this.

श्री राम स्वरूप राम : प्रेस की आजादी के सम्बन्ध में बैजामिन फ्रंकलिन में कुछ नार्मज बनाए। उन्होंने कहा :-

"If by the liberty of the press were understood merely the liberty of discussing the propriety of public measures and political opinions, let us have as much of it as you please, but if it means the liberty of affronting, calumniating and defaming one another. I, for my part, am myself willing to part with my share of it and shall cheerfully consent to exchange my liberty of abusing others for the privilege of not being abused myself."

इनहोंने एक यह नाम बताया। हमने कोई नई बात नहीं कही है। हम ने पत्रकार बन्धुओं को उत्तरदायित्व का ज्ञान कराया है। इस बिल के माध्यम से उन को इस का बोध कराया है कि उन का देश के प्रति क्या उत्तरदायित्व है? तो इस के लिए इतना क्यों चिल्ला रहे हैं? अपने उत्तरदायित्व को भी उन्हें समझना चाहिए।

MR. DEPUTY SPEAKER: Now you can put the questions. Mr. Ramswaroop Ram, now is the most auspicious time to put your questions.

श्री राम स्वरूप राम : अभी जो येलो जर्नलिज्म देश में बढ रहा है उस को आप देखें। आप भी पब्लिक मैन हैं, हमारा

[श्री राम स्वरूप राम]

सदन के लोग पब्लिक मैन हैं। आज आप अखबारों और पत्र पत्रिकाओं को उठा कर देखें, अश्लील से अश्लील चित्रों का प्रदर्शन उन में रहता है। यह तो आज एक प्रोफेशन बन गया है। देश की समस्याओं को वह नहीं रखते हैं। आप किसी भी मँगजीन को उठा कर देख लीजिए अश्लील से अश्लील चित्र उस में मिलेंगे। जो हिन्दुस्तान की नायियों की एक गारिमा है, उन का एक महत्व है उस को वह समाप्त कर रहे हैं इस प्रकार के चित्रों के माध्यम से। उन की किताबों और पत्रिकाओं की बिक्री ज्यादा बढ़े, बड़े बड़े पूँजीपति जो इन अखबारों को चला रहे हैं उन को पैसे मिलें, पैसे कमाने के लिए वह लोग ये सारे काम कर रहे हैं चाहे इस से देश की अखण्डता को खतरा हो, इस की परवाह किए बगैर खतरा हो, इस तरह की परवाह किए बगैर इस तरह के पत्र और पत्रिकाएं आज छापी जा रही हैं और हमारे ये विरोधी लोग अन्धाधुन्ध इस येलो जर्नलिज्म को बढ़ावा दे रहे हैं। (व्यवधान) इन के द्वारा चारित्रिक हनन हो रहा है। हम केवल बिहार की बात नहीं कर रहे हैं, आप सारे देश को अंदर देख लीजिए, सारी पत्र-पत्रिकाओं को पढ़िए, कितना स्टैंडर्ड गिर रहा है। स्टैंडर्ड को कैसे ऊँचा करें यह देश के सामने एक क्वेश्चन मार्क बन गया है। हमारे पत्रकार बन्धुओं का क्या गही कर्तव्य है कि अश्लील तस्वीर छापें, देश की गरिमा को कम करें, कम्यूनल हार्मनी को डिस्टर्ब करें, समाज-विरोधी बातों को बढ़ा चढ़ा कर रखें? हम यह चाहेंगे कि येलो जर्नलिज्म नहीं होना चाहिए। मैं गृह मंत्री से कहना चाहूँगा कि वह टीका टिप्पणियों से घनझाये नहीं ये लोग देश को रसातल में ले जाना चाहते हैं। ये देश की कम्यूनल हार्मनी को खत्म करना चाहते हैं प्रेस की आजादी के नाम पर। इस बिल के द्वारा उन्हें उन के उत्तर-दायित्व का ज्ञान कराया जा रहा है। . . .

MR. DEPUTY SPEAKER: Mr. Ram-swarop Ram, I think you have put sufficient number of questions. I will ask the Minister to reply. Please conclude. Now your last question.

श्री राम स्वरूप राम: मैं क्वेश्चन पर ही आ रहा हूँ। इस प्रकार के येलो जर्नलिज्म और मनगढ़ंत समाचारों के बढ़ते हुए चरण को ध्यान में रखते हुए क्या सरकार कोई बिल अगले सत्र में सादर करेगा इस तरह की चीजों पर पाबन्दी लगाने के लिए?

SHRI R. VENKATARAMAN: Sir: The Hon. Member has covered a very large ground. He has spoken about the need to regulate the Press, particularly the Yellow Press. In fact, he has supplied what I should have as the Home Minister, done. I thank him for it; and I shall take his advice at the appropriate time.

श्री गणपाल सिंह कश्यप (आवंला): उपाध्यक्ष महोदय, प्रेस की आजादी पर कठाराघात करने वाले इस काले कानून को जो बिहार की सरकार ने विधान सभा से पारित किया है और जिस तरह से प्रेस की आजादी को नष्ट करने की योजना बनाई गई है। यहां पर बहुत पहले से ही योजना-बद्ध तरीके से किस तरह से प्रेस को कमजोर किया जाए और यहां के लोग, यहां की जनता अस्त्रियत को न जान पाए इसके लिए इस तरह के काले कानून बनाए जा रहे हैं। बिहार के मुख्य मंत्री और बिहार की सरकार ने कहा है कि हम पत्रकारों और प्रेस का ब्लैकमेल रोकने के लिए ऐसा कर रहे हैं लेकिन यह कानून जो है (बिहार सरकार का) वह प्रेस का ब्लैकमेल कर रहा है। (व्यवधान) जहां तक प्रेस के महत्व का सम्बन्ध है, इस देश में विधायिका, न्यायपालिका और कार्यपालिका के बाद प्रेस ही चौथा स्थान रखता है। भारत जैसे देश में, पर विरोधी दल कमजोर हों वहां पर प्रजातन्त्र के लिए प्रेस का महत्व और भी बढ़ जाता है। लेकिन इस देश में इस सरकार द्वारा जितने भी कदम बढ़ाए जा रहे हैं वह इस देश से प्रजातन्त्र को समाप्त करने के लिए, तानाशाही लाने के लिए, राष्ट्रपतीय ढंग की प्रणाली इस देश में लाने के लिए तथा इर्म-जेम्सी की शरैर बढ़ते हुए कदम हैं जिनकी शुरूआत इस ढंग से की जा रही है। बिहार के अखबारों को बहुत पहले से ही बिहार

की सञ्चार से ढर रहा है। यह मेरे पास जनवरी महीने का अखबार है जिसमें लिखा है "आर्यवत को बन्द कराने की साजिश"। यही नहीं, "हिन्दुस्तान" ने भी लिखा था "समाचार-पत्र उद्योग संकट में"। यह भी जनवरी में छपा था। "हिन्दुस्तान" में ही जनवरी के महीने में छपा था "प्रेस की चिन्ता-पूर्ण स्थिति"। इसी प्रकार से छपा है "सम्पादकों द्वारा मिश्र के विरुद्ध इन्दिरा जी को ज्ञापन"। इस तरह के वक्तव्य समाचार-समाचार-पत्रों में छपे हैं। "समाचार-पत्रों का गलत रवैया" यह साठेजी ने कहा है। इसके विपरीत अभी तक हमारे देश के जो राष्ट्रपति थे, श्री नीलम संजय रेड्डी, उन्होंने समाचार-पत्रों की सराहना की। इस देश का राष्ट्रपति, जोकि इस देश की सर्वोच्च सत्ता है, उनकी जब मोहर लगती है तो उस पर हमें ज्यादा ध्यान देना चाहिए। मैं समझता हूँ कि फ्री प्रेस का जो महत्व इस देश में और दुनिया में रहा है उससे प्रजातन्त्र को बहुत बड़ा बल मिला है। अगर अमरीका में प्रेस ने वाटरगेट काण्ड न उठाया होता ... (व्यवधान)

एक माननीय सदस्य : उसका यहां पर क्या सम्बन्ध है ?

श्री जयपाल सिंह कश्यप : जिस तरह से अमरीका में वाटरगेट काण्ड को प्रेस ने उठाया उसी तरह से यहां पर प्रेस ने अन्तूले काण्ड को उठाया जिसके बारे में पहले यहां पर हर कोने से कहा जाता था कि वह गलत है। आज न्यायालय ने भी उस पर अपनी मोहर लगा दी है। अगर अन्तूले काण्ड प्रेस सही ढंग से न उठाता, अगर मारुति काण्ड को प्रेस सही ढंग से न उठाता और यहां के जनमानस को जाग्रत न करता, अगर किस्सा कुर्सी का और बिहार सरकार के कारनामे ... (व्यवधान) अगर आपकी भी आंखें निकाल ली गई होतीं तब आपको मालूम होता। बिहार के मुख्य मंत्री ने भी कहा था कि ऐसा नहीं हुआ लेकिन सुप्रीम कोर्ट का हस्तक्षेप और प्रेस द्वारा इस सम्बन्ध में प्रकाशन न होता तो इस देश के लोगों को पता ही नहीं चलता कि बिहार की जेलों में इस तरह से लोगों की आंखें निकाली जा रही हैं और हत्याओं की जा रही है। अभी अभी मुझ से पहले एक माननीय

सदस्य यहां पर कह रहे थे कि वहां के हरिजन सदस्य कितने असंतुष्ट हैं। जो सरकार के विरोध में लगे हुए हैं, उन से चिन्ता है कि हमारा भंडाफोड़ हो रहा है, हमारी असलियत खुल रही है और ये लोग हमारा साथ छोड़ने वाले हैं, इसलिए अखबारों पर पाबन्दी लगा कर इन सारी खबरों को छपने से रोकें। इसलिए यह काला विधेयक लाया गया है।

बिहार में और भी मामले उठ रहे हैं। बिहार शरीफ के मामले को ले कर जा कुछ हुआ है वह सब जानते हैं। वहां पर मुसलमानों के साथ जो कुछ हुआ है और फर्जी एनकाउन्टर्स जो पूरे देश में दिखाए जा रहे हैं, उन के बारे में प्रेस ने एक विदेश भूमिका अदा की है और अगर प्रेस अपनी यह भूमिका अदा न करता, तो प्रशासन बड़े बड़े मामलों को उठा कर ठप्प कर देता और जनता की कान कहें, लोक सभा तक को इस का पता न लगता। इसलिये हम सारी की सारी प्रेस के आभारी हैं, हम इस देश की प्रेस के प्रति आभार व्यक्त करना चाहते हैं। जो चीज सरकार छिपाती है, प्रेस उस का प्रकाशन कर के जन-मानस और जन भावना को बताने की पूरी कोशिश करती है और उस का अंजाम देखने को मिल रहा है अगर प्रेस पर इस तरह की पाबन्दी पड़ने लगा दी गई होती, तो इस देश से प्रजातन्त्र बहुत पहले समाप्त हो गया होता।

और आप का तेल का मामला कौसा उजागर हो रहा है, यह प्रेस की वजह से ही है। मैं फाइल की चर्चा नहीं करना चाहता, मैं केवल प्रेस की चर्चा करना चाहता हूँ। अगर प्रेस की स्वतन्त्रता नष्ट हो गई, तो क्या ये सारी बातें हम को या देश को पता लग पाएंगी ?

डा. सुब्रह्मण्यम स्वामी : यही तो ये चाहते हैं।

श्री जयपाल सिंह कश्यप : क्या नहीं हुआ ? बिहार में गांधी मैदान, रेलवे स्टेशन सेक्यूरिटी पर गिरवी रख कर कर्ज ले लिया और जब इस चीज को प्रेस ले कर आता है, तो मंत्रियों की आंखें लाल-पीली हो जाती हैं और यह कहा जाता है कि यह

[श्री जयपाल सिंह कश्यप]

कैसे अभद्र समाचार है, समाचारपत्रों ने झूठा समाचार दिया है और ये इतना गन्दा समाचार छापते हैं।

श्री राम स्वरूप राम : उपाध्यक्ष महोदय, इन सारी चीजों का इस से क्या मतलब है।

(व्यवधान)

श्री जयपाल सिंह कश्यप : नक्सलवाद के नाम पर दमन हो और फर्जी एनकाउन्टर दिखाए जाते हैं और मैं तो यह कहूंगा कि बिहार की सरकार में जिस तरह का भ्रष्टाचार बढ़ रहा है, उस को देखते हुए मैं माननीय गृह मंत्री जी से यह प्रश्न करूंगा कि क्या वे सारे भ्रष्टाचार के मामलों को ले कर के बिहार की सरकार को, वहां के मुख्य मंत्री को बर्खास्त करेंगे और कोई ऐसी पार्लियामेंटरी कमेटी बनाएंगे जो इन भ्रष्टाचार के मामलों को लेकर उस को बर्खास्त कर सके जो प्रेस की आजादी का हनन कर रही है, भारतीय संविधान के अनुच्छेद 19 में जो प्रेस की स्वतन्त्रता है, उस का हनन वहां की सरकार कर रहा है। तो क्या आप उस सरकार को डिसमिस करने जा रहे हैं? क्या उस सरकार को आप बर्खास्त करेंगे? (व्यवधान)...

MR. DEPUTY-SPEAKER: You continue your question. You have made your points.

श्री जयपाल सिंह कश्यप : ये सारे तो सरकार को मक्खन लगा रहे हैं, मंत्री तो पब्लिक के हित की बात कहने दोड़ें।

बिना मुकदमा चलाए कितने ही कैदी विहार की जेलों में सड़ रहे हैं। अगर इस मामले में सप्रीम कोर्ट ने हुस्तक्षेप न किया होता, तो क्या इस के बारे में देश के लोगों को पता लगता। इसलिए हम प्रेस के आभारी हैं।

MR. DEPUTY-SPEAKER: Are you dealing with the freedom of Press or the Chief Minister of Bihar?

SHRI RAMAVATAR SHASTRI: He is connecting it with that.

MR. DEPUTY-SPEAKER: He is an intelligent person. He will say anything he wants to say.

श्री जयपाल सिंह कश्यप : वे **

हथियार हैं, प्रेस की स्वतन्त्रता के हथियार हैं,

मैं मंत्री जी से यह पूछूंगा कि यह जो बिल है, इस पर अपनी राय देने से पहले क्या आप इसको...

MR. DEPUTY-SPEAKER: If you have made any allegations against the Chief Minister, I will go through the proceedings.

DR. SUBRAMANIAM SWAMY: He has paid compliments.

श्री जयपाल सिंह कश्यप : क्या इस को प्रेसीडेंट की एसेंट से पहले आप सप्रीम कोर्ट के दो जजों और पीलियामेंट के कुछ मेम्बरान की एक कमेटी बना कर, उन के सामने भेजेंगे ताकि इस पर पुनर्विचार हो सके और सही तरीके से भारतीय संविधान में जो हम ने प्रेस की स्वतन्त्रता की सुरक्षा की व्यवस्था की है, उस के बारे में सही जानकारी प्राप्त हो सके।

मैं यह भी जानना चाहूंगा कि जातिवाद फैलाने की जिम्मेदारी क्या वहां की प्रेस की है या स्वयं मुख्य मंत्री जी की है। जातिवाद स्वयं मुख्य मंत्री जी ने फैलाया है, क्या आप इस झूठे लांछन और आरोप के लिये जो प्रेस पर लगाया जा रहा है जांच करायेंगे कि जातिवाद को बिहार के अन्दर फैलाने वाले मुख्यमंत्री मंत्री जी हैं या प्रेस है?

मैं यह भी जानना चाहूंगा कि बिहार में अब तक ऐसे कितने मामले सामने आये जिसमें प्रेस ने गलत बातों का उल्लेख किया और आपकी सरकार ने आई. पी. सी. और सी. आर. पी. के अन्दर के अन्दर कार्यवाही की और सेक्शन 99 के ए, और बी. के अन्तर्गत कितने प्रकाशनों

को जदत किया और उन पर मुकदमा चलाया ? आई. पी. सी. में सेक्शन 153 बी से ले कर 500 तक बहुत से प्रो-विजन हैं जिनके आधार पर सारे मुकदमे चलाये जा सकते हैं । क्या अब तक बिहार की सरकार ने कोई मामला है चलाया और चलाया है तो उनकी संख्या कितनी है और उनके गतीजे क्या निकले, उनका प्रभाव क्या पड़ा ? क्या आपने इस प्रकार को कोई कार्यवाही की जिसके आधार पर आपको यह पता चला हो कि प्रेस इस तरह का काम कर रहा और आप यह बिल ले आये ?

डा. सुब्रह्मण्यम स्वामी: कांग्रेस में जो विरोधी हैं, उनके खिलाफ भी इसका इस्तेमाल होगा ।

श्री जयपाल सिंह कश्यप: तमिलनाडु में डी. एम. के. एक एम. एल. सी. जो कि पेपर निकलते थे, उसके एडिटर थे, उनको तमिलनाडु की सरकार ने गिरफ्तार किया, महज वैमनस्य की भावना से गिरफ्तार किया । क्या इसी तरह से इस का प्रयोग सरकार द्वारा उन पत्रकारों के खिलाफ जो कि विरोधी दल के रूप में जनता की सही तस्वीर ला कर के सामने रखेंगे, किया जायेगा ? क्या इस पीनल कोड का इस्तेमाल इस प्रकार से किया जायेगा, या किस प्रकार से किया जायेगा ?

संविधान के अनुसार आर्टिकल 19 में प्रेस को स्वतंत्रता प्राप्त है । जब केन्द्र के पास आर्टिकल 19 रहेगा और स्टेट के पास दूसरा कानून होगा तो प्रेस को स्वतंत्रता को ले कर क्या भविष्य में कंफ्लिक्ट पैदा नहीं होगा, मतभेद उत्पन्न नहीं होगा ? उस मतभेद को रोकने की व्यवस्था आपकी सरकार क्या करेगी ?

इस तरह से स्वतंत्र पत्रकारिता खत्म हो, जाएगी । जब यह हो जाएगा तो देश के लोगों को सही समाचार किस तरह मिलेंगे ? सरकार तो अपनी गलती को दबाती है । अभी हरिजनों और बालमीकियों पर जुल्म का मामला आया । प्रेस ने एक हफ्ते पहले समाचार दे दिया । सिसवा कांड में महिलाओं पर अत्याचार और बलात्कार का मामला खड़ा हुआ । माया त्यागी जैसा बदनाम कांड आपके सामने आया । अगर प्रेस

ने वह समाचार न दिया होता तो मंत्री जो के सामने वह बातें क्या आ पाती ?

क्या इस तरह से आप प्रेस पर प्रति-बन्ध लगा कर डिमोक्रेटिक पद्धति को खत्म कर रहे हैं और डिक्टेटरशिप ला रहे हैं ? क्या एमजे को लाने के लिये आप धीमी धीमी रफ्तार से ये कदम उठा रहे हैं ?

SHRI R. VENKATARAMAN: The hon. Member said that there was a conspiracy to destroy the freedom of press.

DR. SUBRAMANIAM SWAMY: That is true.

SHRI R. VENKATARAMAN: If that was a conspiracy, then, I suppose, the Janata Party was also a party to that conspiracy.

DR. SUBRAMANIAM SWAMY: We disown that. Why do you not follow the Janata Government's example....

(Interruptions)

MR. DEPUTY-SPEAKER: Interruptions in Calling Attention are not recorded. The Minister need not reply to that.

SHRI R. VENKATARAMAN: I have already explained that. Perhaps, the Members did not hear me properly. which ever the Government, it is necessary to regulate the freedom of the press, the freedom of expression, the freedom of opinion and all that and in accordance with the Constitution, wherever the necessity arises, it will have to be regulated. That is why the framers of the Constitution provided article 19(2); otherwise, they would have just left with article 19, saying that the freedom of the press is absolute, the freedom of expression is absolute. That is why I said that whatever be the Government which is in power, there is need for regulation and, if occasion arises, it must be used.... (Interruptions)

MR. DEPUTY-SPEAKER: You are not permitted. He is not going to reply to you. Why do you waste your lungs?

SHRI R. VENKATARAMAN: If Government wants to shut our information, that is not correct. But all the criticism of the hon. Member is based on a misconception and misreading of the Act itself. In the Bill it is provided that it is not scurrilous to express in good faith anything whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that context and no further. That is to say, you have the fullest liberty as the press to criticize in good faith anything done by a public servant in the discharge of his public functions. Certainly, all the instances which the hon. Member said are covered by this proviso in the Bill itself and they will not be shut out.

Then there is also another proviso which says: any person attacking any public servant, respecting his character so far as his character bears in that context and no further; that is to say, you can discuss the conduct of the person in relation to the public function he discharges, and only to that extent, and not any further. That is the limitation. Therefore, any public criticism of anything done by a public servant will not be shut out provided (a) it is *bona fide* and (b) it is limited to the extent of the discharge of the public functions. This is a well-known restriction and there is nothing new about it.

DR. SUBRAMANIAM SWAMY: Are you defending the Bill?

SHRI R. VENKATARAMAN: He has asked the question and, therefore, I am answering it. In fact, the more questions you ask, the more answers you will get against you. That is the unfortunate part of it.

The next question is: will you make a reference to the Supreme Court? It is totally unnecessary. Under the law, any person can challenge the validity of this Act, when it is passed. He can take it to the court saying that it is *ultra vires* of the Constitution, it is in conflict with the

fundamental rights which have been guaranteed. Therefore, the right to go to the court is with the person affected, or any individual, and there is no need for the Government to refer this matter.

The next question is: will you dismiss the Bihar Government? I cannot be persuaded to answer irrelevant questions.

The next question he asked is this: what is the guarantee against the abuse of this provision? Any abuse of any provision of law is certainly taken care of in our legal system. Merely because somebody can abuse the law, the law cannot be repealed. In that case, the first enactment to be repealed is the Indian Penal Code, because it is capable of so much at use. The entire Indian Penal Code can be abused, if you interpret it strictly. In fact, Mr. Macaulay himself wrote that it is theft to dip your pen in another man's ink. Therefore, the definitions are so strict that anything can be abused.

13.00 hrs.

But merely because it is capable of being abused that the law should be abrogated is a concept in jurisprudence, with which I am not familiar; perhaps others may be. So, that also is not a valid argument.

Then, he asked: What are we to do when there is a conflict between the State legislation and the Central legislation? I have already mentioned about it in my first opening reply. I would refer my hon. friend to Article 254 of the Constitution and briefly say that if the State legislation conflicts with the Central legislation in respect of a concurrent matter, then if the State legislation gets the assent of the President, then the State legislation will prevail over the Central legislation.

13.01 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the clock.