

much that can be done in this regard. On our side, we re-affirmed our keen desire to proceed expeditiously with the projects such as Devighat and other projects, previously agreed upon and ready for execution. As a result of the talks, we have evolved a joint approach which clearly spells out the priorities to be attached to various projects, the manner and the time frame of their implementation. In particular, I would like to mention that both sides agreed to continue the work on the Karnali Project as under the existing arrangement and to undertake, at the earliest possible, the joint investigation of the Pancheshwar Dam Project and the Rapti Flood Control Project. We also discussed many other matters of concern to either side in a spirit of friendship and understanding.

As members of the Non-Aligned Movement and in view of the Non-Aligned Summit to be held in Colombo this year, we discussed the role of non-aligned nations in the changing world environment and the need for strengthening the movement and safeguarding it against division and dilution of its principles.

As the Hon'ble Members are aware, we have been striving to build a structure of durable peace and cooperation in our region. In that context, the stability, peace and progress of our neighbours is very vital for our own stability, peace and progress. Therefore, we are happy to have had the privilege of extending our economic cooperation to Nepal in the past and we will continue to do so to the best of our ability. During my visit, I had an opportunity to get some glimpses of the fine efforts for development of Nepal which are being made under the leadership of His Majesty King Birendra. I am very hopeful that as a result of the discussions, we will be able to take positive steps forward for strengthening our friendly

relations, and mutually beneficial co-operation between the Government and people of India and Nepal.

12.12 hrs.

PARLIAMENTARY PROCEEDINGS
(PROTECTION OF PUBLICATION)
REPEAL BILL*

THE MINISTER OF STATE OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA): I beg to move for leave to introduce a Bill to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956."

SHRI H. N. MUKHERJEE (Calcutta-North-East): We all know that it is not normal to oppose Government legislation at the introduction stage, but on this occasion, I am constrained to do so because this is a Bill which we shall oppose from A to Z. The reason is that quite gratuitously, Government has come forward with legislation which strikes at the roots of Parliament functioning in an efficient manner and responsively to the needs of the country. Later when the occasion comes, we shall refer to the history which lies behind the principle that parliamentary proceedings should be made known to the people through free reporting in the press. Later we may have occasion to refer to such cases of constitutional law which some people on the Treasury Benches might have heard of, like *Stockdale Vs. Hansard* and *Wason Vs. Waller*, where Lord Cockburn gave his historic judgment, but it is not on that account that at the moment I am opposing the introduction of this Bill.

*Published in Gazette of India Extraordinary Part II, section 2, dated 27-1-56.

[Shri H. N. Mukherjee]

We do not want a captive Parliament. What happens in the Parliament has to be made known to the people of this country and we have a press which, whatever its deficiencies, is at least able to report back to the people what Parliament is trying to do. The people of our country have a right, which right Government cannot with impunity take away, to know what is being done inside Parliament. When the Press Commission reported after independence somewhere around 1954, they wanted that the freedom of the press to report freely parliamentary proceedings should be there. We recall how our late friend, Shri Feroze Gandhi, came forward in 1956 to move legislation which took a historic character because of its importance and we adopted to the acclamation of the people and the press, who were clamouring for this right because otherwise they could not even report honestly what was happening in Parliament. I remember Shri Feroze Gandhi telling us on that occasion that he noticed how the proceedings in relation to the companies legislation which was before Parliament were very much truncated because the press people were afraid of all kinds of legal action ensuing a faithful reporting of parliamentary proceedings. Faithful reporting of Parliament, therefore, is something which is absolutely essential to our work and we cannot for the life of us understand how Government considers it necessary to tie Parliament so to speak in such a fashion that what happens in Parliament would not be enabled to be made known to the country outside. We know how censorship operates, how even the statements of ministers including the Prime Minister, are cut out by some people in mock authority functioning as censors. I have had the mortification of being told by friends in the press that even in case of reports of parliamentary committees as they are presented to the House, whenever a

summary is sent to the press, it is truncated and mauled by some people in the censorship organisation. This kind of thing is going too far. What is the government's objective? Is it the objective to mobilise the enthusiasm of the people and their cooperation in the construction of a new order of society? If that is so, why don't you utilise the emergency powers in order to bring about that true mobilisation and enlistment of the enthusiasm of the people? Instead of that, you clamp one order after the other on parliamentary freedom. Even as we come to Parliament House, I have had to shout a great deal against the security barrier, because I have had the mortification of finding even Members of Parliament being challenged by all kinds of people at all kinds of entry to this House. We are living, so to speak, in an atmosphere as far as this Parliament is concerned, where quite unnecessarily, quite gratuitously and irrespective of the feelings and expectations of the people Government is taking hold of some executive measures, but Parliament would not agree to be a captive body. Parliament is a part of the popular picture; Parliament is the symbol of the people's sovereignty to be exercised in accordance with the new ideals which today have been put forward in order to defeat the machinations of neo-fascism. But if Parliament is bound hand and foot, if parliamentary proceedings are stopped from being sent out to the country, if we are manacled in the manner that sometimes we fear we are going to be, then, Sir, the entire purpose of the emergency and all the ideals professedly espoused in regard to the emergency would be treated in a shabby manner which again is something which Government should know it ought not to do.

Even though, I know it is abnormal, particularly for some of us who do not want to intervene at this stage of the proceedings, although I know it is unusual to oppose the introduction of the

Bill but in this case, we oppose this Bill entirely and that is why I ask the House to the extent my voice reaches them to throw this Motion by the Minister of Information & Broadcasting.

SHRI VIDYA CHARAN SHUKLA:

I am sorry that Prof. Hiren Mukerjee has read into this Bill which I have introduced before the House, many things which are not really contained in the Bill or have any effect on the freedom of Parliament or functioning of Parliament. May I, with your permission, indicate what is the total effect of this Bill.

After this Bill is passed by the Parliament, it will not inhibit the Members of Parliament from their duty. They can say whatever you are pleased to allow them to say here. All the newspapers can print whatever they want to print as the fair and accurate reporting of the proceedings of Parliament. The only difference that is being made now is that whatever they print will be subject to the common law of the land, that is to say, the immunity that the Members of Parliament enjoy while speaking inside the House and not while speaking outside the House, which was extended to the newspapers, publishers, editors and printers, that immunity is being withdrawn so that in case... (*Interruptions*). If you have patience, you will understand it. All the allegations, all the ideas, all the matters that are mentioned here or whatever comes in the proceedings of the House, this will not debar them from publishing it. Every word of it will be published by them. But in case a Member of the House whose personal explanation or denial of the allegations made against him, is not published in the newspapers and he feels that his honour should be vindicated by bringing a motion of defamation or a case or suit of defamation in a court of law or a case of defamation against the printer, editor

and publisher of the newspaper because he cannot do so against a Member either of this House or the other House, but if the editor wants to print, it, he should be ready to face the common law of the land. He should be able to make a judgment whether this allegation which has been hurled in Parliament against a particular person whether he is a Member or a non-Member, is *prima facie* true or untrue, he should be able to accept the responsibility for the veracity of that particular thing. He is not asked not to publish it. Even a scurrilous thing, even a false thing can be said in this House and can be published but the editor and the printer cannot claim the same immunity that the Members of the Parliament have inside the House. This is the limited purpose of this Bill, i.e., that if the Parliament has certain immunities, that immunity will stay. The functioning of the Parliament is not going to be affected. Prof. Hiren Mukerjee can be re-assured of this, Sir, and you can also very well see that the functioning of this Parliament is not affected by this Bill of repealment. The privileges of MPs. to speak whatever they feel like, with your permission inside the House, is not affected at all. Outside the House, they are subject to common law—editors or not. We are only making them subject to the common law, as the MPs are, outside the House, while they speak outside the House. Sir, (*Interruptions*) let me complete. There would be free reporting of the proceedings of the House and the newspapers will be free to publish them; but that will also be subject to the common law of the land. And to these three things which concern the Bill which has been introduced in the House, I am confining my remarks and my explanation of these things. Other matters regarding entry to the Parliament House, security arrangements etc., do not call for explanation from me; and, therefore, I am not going into those points; but I can re-assure the hon. Member and the House that the functioning of

[Shri Vidya Charan Shukla]

the Parliament will not be affected a single bit by this repealment, nor will the privileges of the MPs be affected, nor the privileges of free reporting will be affected. The only thing that will be affected will be that in case the editor, printer or publisher of any newspaper in the country publishes anything, he will have to accept the legal responsibility for publishing it, and in case it is found to be untrue, if it is found to be defamatory under the law, i.e. under IPC, then he will have to face the consequences as set out in the law. That is about all there is to it. There is no more.

(Interruptions)

SHRI S M BANERJEE (Kanpur)
I have already written to you, Sir. The main objection which comes from this Bill, Sir, is one which has not been answered by the hon. Minister. May I request.

MR. SPEAKER Ask for clarification. It should not be another debate. If you seek any clarification, you can ask for it.

SHRI S M BANERJEE It is not a debate at all, Sir.

MR. SPEAKER Very briefly if you seek any clarification.

SHRI INDRAJIT GUPTA (Aligarh)
Either you allow him to speak or don't allow. He has given his name. You have called him to speak.

MR. SPEAKER I have not called him to speak.

SHRI INDRAJIT GUPTA You have called him to make his submission.

MR. SPEAKER: I have called him to speak, if he wants any clarification, very briefly, because we cannot have a debate at this stage. Mr. Banerjee, very briefly, if you want any clarifications, you can say.

SHRI S M BANERJEE Sir, allow me to start. May I ask.

(Interruptions)

whether it is not a fact—I am reading from the Statement of Objects and Reasons.

"Many newspapers reported with impunity, often on the front page and with banner headlines, such motivated and wrong charges levelled in the Parliament against different persons."

It may be, people may call it motivated, but suppose in this House—either it is Birlas, Tatas or Jaipurias who have been recently mentioned, it was said of Modi—if you mention all those names etc.—or of smugglers who are colluding with some people either on this side or that the question is whether we cannot mention the name—immediately Sir, the Press will be forced not to publish those names. If the names of those smugglers and anti-social elements, anti-social elements who hold the country to ransom are not published by the Press, why should we mention those names? I want to know whether those names.

(Interruptions)

MR. SPEAKER No more.

SHRI VIDYA CHARAN SHUKLA
The very same point has been raised now by Shri Banerjee. He is an old parliamentarian and he should understand the whole thing better. Who is forcing the newspapers not to publish the names that he mentioned here? The newspapers can certainly publish all the names that he mentioned here. Nobody is being prevented from pub-

lishing those names (Interruptions) If the hon Member mentions some names in the House, whatever names they are, the newspapers are completely free to publish all those names. But if those people whose names are mentioned, whomsoever they may be, from the highest to the lowest, if they find that their honour has been compromised, or they have been defamed it would certainly be open to them to go to a court of law. That is all. That does not mean that the newspapers are prevented from publishing those names.

SHRI INDRAJIT GUPTA That is assuming, that the newspaper will only be reproducing what I or somebody else speak in the House without any further comments.

MR SPEAKER He says they can do so. All these matters can be taken up when the Bill is debated.

SHRI DINEN BHATTACHARYYA (Serampore) May I say a word?

MR SPEAKER You will get a chance when the Bill is taken up.

SHRI DINEN BHATTACHARYYA You have allowed other members

MR SPEAKER I do not want to allow a debate on it now. You will get a chance. No discussion at this moment. Let me now put the motion to the vote.

The question is

"That leave may be granted to introduce a Bill to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956"

The motion was adopted

SHRI VIDYA CHARAN SHUKLA
 I introduce the Bill

STATEMENT RE PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) REPEAL ORDINANCE, 1975

THE MINISTER OF STATE OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA) I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Parliamentary Proceedings (Protection of Publication) Repeal Ordinance 1975.

12 30 hrs.

PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER BILL

THE MINISTER OF STATE OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA) I beg to move for leave to introduce a Bill to provide against the printing and publication of incitement to crime and other objectionable matter.

MR SPEAKER Motion moved

"That leave be granted to introduce a Bill to provide against the printing and publication of incitement to crime and other objectionable matter"

SHRI S M BANERJEE Sir, I rise to oppose the introduction of the Prevention of Publication of Objectionable Matter Bill. I find that in 1931 in the Central Legislature an Act on these lines was passed and that was proceeded by an Ordinance promulgated by the Governor-General. The Statement of Objects and Reasons appended to the Bill and the one placed before the Central Legislature in 1931 are practically the same.

I do not find any reason why it should be introduced. Suppose Government want to avoid some of the