

[Mr. Speaker]  
construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good."

*The motion was adopted.*

SHRI K. RAGHU RAMAIAH: I introduce\* the Bill.

SHRI S. M. BANERJEE (Kanpur): Sir, I would request you to kindly consider taking up the Item No. 23 of the agenda for discussion. It is a very lengthy Bill. We need not worry about the amendments now. This Bill was introduced only yesterday.

MR. SPEAKER: You can give the amendment by one O'clock.

SHRI DINEN BHATTACHARYYA (Serampore): In many cases when the Bill comes and we give amendments on the same day they are not accepted. Now, you say that we can give the amendments just now.

SHRI S. M. BANERJEE: The second Bill can be discussed and disposed of. I am talking about the third one. We want to put certain amendments because yesterday the Minister said that it was not possible for them to send it to the Select Committee. What I feel is that this Bill should be discussed tomorrow.

MR. SPEAKER: It is not that this Bill was put down on the agenda only today but it was there on the advance list of 23rd and so, you had the time to give amendments. You cannot disturb the order of the agenda. You can give your amendments upto 2 O'clock but it is very difficult to change the order.

SHRI DINEN BHATTACHARYYA: Will all these Bills be taken up together or separately?

MR. SPEAKER: Separately.

SHRI S. M. BANERJEE: I think, it is better if we give the amendments by 4 O'clock.

MR. SPEAKER: Let us have it by 3 O'clock.

SHRI INDRAJIT GUPTA (Alipur): The sugar price discussion is to be taken up at 6 p.m. or as soon as the preceding items of business are disposed of. So, we can arrange the business. Two Bills can be disposed of and then we can have discussion on sugarcane price.

SHRI K. RAGHU RAMAIAH: These Bills have to go to the Rajya Sabha and we are short of time. Therefore, there is no question of postponing the Bill.

12.10 hrs.

# STATUTORY RESOLUTION RE. DISAPPROVAL OF PRESS COUNCIL (REPEAL) ORDINANCE, 1975 AND PRESS COUNCIL (REPEAL) BILL

MR. SPEAKER: Mr. Sequeira.

SHRI ERASMO DE SEQUEIRA (Marmagoa): I beg to move:

"This House disapproves of the Press Council (Repeal) Ordinance, 1975 (Ordinance No. 26 of 1975) promulgated by the President on the 8th December, 1975."

Sir, we have before us here an almost text-book example of an instance where I submit, in a democratic society ordinances should not be enacted

There was a Press Commission which deliberated for long and in detail, and suggested the creation of a Press Council. Government considered this suggestion; and having considered it, came forward with a Bill. Parliament deliberated on this Bill and passed it. The Press Council was not an institution lightly created

\*Introduced with the recommendation of the President.

and yet, Sir, the President in his wisdom has seen fit to repeal it with a stroke of the pen. To my mind, Sir, as I said when I began, this is a textbook case of an instance where an ordinance should not be enacted. The Press Council was established on the 4th July, 1966. And Government comes forward to this House now with this Bill; and the Statement of Objects and Reasons says:

"the Press Council was not able to carry on its functions effectively to achieve the objects for which the Council was established."

This, Sir, is about the most unkind thing that I have ever seen in a Statement of Objects and Reasons in the nine years that I have been in this House. Not only it is unkind; but I submit that it is most completely unjustified and mostly untrue. Since the Press Council was established, there is instance after instance where the Press Council has acted decisively in order to control the excesses that were created within the professional Press. There were umpteen instances of newspapers which were warned by the Press Council with reference to communal rioting. There are instances of newspapers pulled up for yellow journalism. There is one instance where a local paper was carrying out a campaign against a college principal; and it was also pulled up for having exceeded the bounds of reasonable journalism. There is also a case where "The Motherland" was pulled up for obscenity; and if there is one barometer of how effective the Press Council had become, it is the fact that very recently, in the Verghese case, a stay order had to be sought from the High Court—to do what?—to stop the Press Council from even pronouncing itself. I don't think there can be a better proof that the Press Council was doing a good job; when they were left without any power beyond the power of pronouncing itself by this Government, without having any authority

in law except the authority of the worth of its own pronouncements, the Press Council was being heard with respect in this country and above all, within the Press itself.

The Government comes forward to the House and in its Reasons, says that the Press Council Act was repealed because on the 31st of December 1975, the term of the current Council was running out and Parliament was not in session. I have only one question to ask. Was the Government not aware that the term of this Council was expiring on the 31st December? What stopped them from coming forward with a Bill before Parliament in its earlier session, if they wanted the Press Council Act to be repealed? The reason that they give is nothing but a self-confession of the lack of foresight that characterizes most actions of this Government.

It is not a nice thing to have to say this—but unfortunately, it has become necessary for us to say it almost every day—that the press is one of the cornerstones of our democracy, and anything that goes against the freedom of this press to express dissent, to criticise and to operate is something which strikes at the root of democracy. And it is our opinion, as we see all these enactments coming forward—we are discussing three of them today—that this Government is bent upon twisting the press into becoming a play-thing of the executive. It would be a very sad day for our country if it were allowed to happen, and it is something that I from this side of the House would like to protest against, with all the vehemence, or whatever you call it, that I can muster.

If the Press Council was not effective, surely there were ways of bringing it to their attention by trying to make it more effective. After all, we know that the Chairman of the Press Council has been nominated by the Government. If it were a bad choice, perhaps we could improve the choice. But to go to destroy an institution that was created after so much clamour

[Shri Erasmo De Sequeira]  
 and after a parliamentary law, by an Ordinance, this is nothing but the fascist way of doing things.

A big hullabaloo is made about the fact that the Press Council was not able to draw up norms, a code of conduct for the functioning of the press. This, I would like to remind the House, was only one of its functions, not the only one. But why are you surprised? In 26 years we have not been able in this House to codify our own privileges. And whenever any matter comes up for discussion, what do we say? We say that it is better not to do it, it is better to have it to our Committee, to the House, from time to time, to guide and carry parliamentary privilege, forward or sideways, wherever it may be, according to the exigencies of the situation. Does it not also apply to the press? I have no doubt that if I ask the Minister to draft a code of conduct for the press he will do that on a piece of paper in five minutes flat. What I am going to suggest is that will be no code of conduct? It will merely be an attempt at regulation. I say that if the Press Council has not been able to draft a code of conduct for the Press, it probably faced precisely the same difficulties as we find with reference to the codification of our privileges, and these are difficulties which we should, more than anybody else, understand.

I am sorry that this body has been destroyed. Perhaps I should not make this appeal, but I would like to make it only for purposes of record, that Government should rethink, it is not for Government to regulate the press, an institution like the Press Council was the right thing and it is only through the pronouncements that it has been making from time to time that it has been possible in some manner for the press itself to bring a restraint on the press.

I oppose this Ordinance because I think it should be disapproved. I also feel that the Bill is one in a series of measures which can end up only in one direction, towards the destruction of democracy, and as far as the destruction of democracy in this country is concerned, I can assure this Government that nobody can do it, because the people will never allow it.

MR. SPEAKER: Resolution moved:

"This House disapproves of the Press Council (Repeal) Ordinance, 1975 (Ordinance No. 26 of 1975) promulgated by the President on the 8th December, 1975."

THE MINISTER OF STATE OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA): Sir, I beg to move\*:

"That the Bill to repeal the Press Council Act, 1965, and to provide for certain matters incidental thereto, be taken into consideration."

Sir, I have very carefully heard the submissions that have been made to the House by Shri Sequeira. I thought that he would make a long speech but he kept on elaborating on only two points, namely, that in the first place the Ordinance should not have been issued and, secondly, that the Press Council was doing good work.

Hon. Members of this House are well aware that in this very House, when the Press Council Act came for amendment a few months back, there was such a trenchant criticism of the working of this Press Council from all sections of this House. Apart from that, the opinion in the press circles has been almost unanimous that this Press Council has not been able to discharge the functions for which it was conceived. I will, in a short way re-

\*Moved with the recommendation of the President.

call the history of the events by which this Press Council came into existence.

A Bill was passed into an Act by this House which was called the Press (Objectionable Matter) Act, and during the currency of this Act, the Second Press Commission met and, after considering various things, expressed the hope that probably by the establishment of the Press Council this kind of Act would become unnecessary. They did not question the necessity of the Act, they did not also dispute the reasons why that Act was brought into being, but they expressed the hope that self-regulation would probably be a better way of attempting to achieve the aims which that Act sought to achieve. Therefore, while the Press Commission's Report was considered by the Government, two main considerations were pronounced, and they were firstly that the Press Council that was going to be set up would be able to achieve a kind of consensus among the pressmen to set up a code of ethics for the press, particularly for the journalists, and secondly that they would be able to pile up a voluminous case law which would act as guidance to various sections of the press, so that all the unhealthy tendencies that were noticed right from the start of our independence, when scurrilous, communal sectional and provocative writings which went directly against the spirit of democracy were coming forth and were being encouraged by various vested interests, could be controlled. It is a well known fact, and it does not require reiteration of any kind, that the code of conduct was not evolved.

Mr. Sequeira should have known better. A code of conduct for the pressmen has nothing to do with, and cannot even remotely be compared with, codifying the privileges of this hon. House. They are completely two

different things. The privileges of this House may be codified, may not be codified, but the privileges are well known, and if they have not been codified in the wisdom of the House, it is merely because we do not want to restrict or bind the privileges of this hon. House and its Members in a narrow circle and, therefore, I think the House has wisely decided not to codify its privileges and leave the matter open for decision from time to time with regard to various requirements.

But in this case the All India newspaper Editors' Conference has been able to suggest a code of conduct and recently eminent editors of India have also suggested a code of conduct. Government is not going to suggest a code of conduct for them because it is not the responsibility of the Government to do so, but the editors and the leading journalists of the country themselves have considered and suggested it, and if they could do it, it does not stand to reason why the Press Council could not do it. The only inference that one can draw is that the Press Council was either not serious about it character or did not attach any importance to the code of conduct which they were supposed to draw up. This code of conduct which has been drawn up by the eminent Central Committee of Editors has been considered by the All India Editors Conference recently and they have made certain suggestions, and I am sure that the editors on their own volition and initiative will be able to evolve a code of conduct which will be considered by the House at the appropriate time. We shall be able to proceed on the basis provided by law to see that this code of ethics can be given the force of law. But, this is a matter which the Hon. House will have to consider in future.

Since the Press Council was not able to do it in 11 years of its existence, we regarded it, and I am sure



[Shri Vidya Charan Shukla]

the overwhelming majority of this House will regard it, as an unfair failure of the Press Council to do it. It did not hold out any hope that even in future, they would be able to do that.

About the Case Law, as the hon. Member himself had mentioned, there have been very many cases of relatively minor importance which were taken up by the Press Council. But when we found democracy itself being challenged and being dragged into all kinds of unseemly controversy, the Press Council sat as a mute spectator without taking any initiative which it could easily do under the character, and did not take any step to stop those unhealthy tendencies.

**SHRI SURENDRA MOHANTY** (Kendrapara): Under the statute, somebody has to file complaint to the Press Council. May I know if the Government had brought any distraction to the notice of the Press Council under Section 12 of the Act?

**SHRI VIDYA CHARAN SHUKLA:** It was not necessary. The Council had the power to take notice of these matter *sue moto* also. There was no binding on them not to take notice of these matters on their own. The hon. Member should have known that there are no such restrictions on them. When they did not do so, the Members of this House as well as the other House and members of the journalist profession felt that not only the expectations on which the Press Council was formed were not being fulfilled but also it was acting in a harmful way in the sense that we put all kinds of hopes, expectations on the body and felt that this will be self-regulatory and it will also induce self-discipline but the matter kept on deteriorating very quickly.

When this matter came to our notice, we thought that we would have a discussion with people connected with the Press Council before

taking a decision, and we did discuss this matter with those people who are members of the Press Council. During our discussion, we made the entire position clear. We wanted facts from them; we wanted to hear their side of the story, and after going through the whole matter very carefully, we took a decision. This replies to the point why we did not bring it in the last session of Parliament. We took a decision that this Council should be abolished and we should give a fresh consideration to a discussion how to achieve the aims for which this Press Council was originally set up. This discussion is still going on. Mr. Sequeira is welcome to join it. He can come forward and give his own opinion if he thinks that the same Council with the same Act and same powers or responsibilities should be resurrected; he can say so and give reasons if he thinks that some improvements are possible or should be made. I would request him to do so, as the next step that we want to take is to see that there is no interference in the freedom of Press either from the vested interests, or from the Government. This basic idea is ensured along with the fact that there should be no dereliction from the public sense of duty amongst those who run the press in the country. We do not certainly want the same period of licence and permissiveness that we saw in press in the last five years particularly. It was there also the turn of our Independence when the House in its wisdom had passed the Press Objectionable Matter Act in early '50s. The same thing was coming up in a more virulent and planned manner than before.

I think, it has been a good decision to abolish the Press Council and a body to take its place or a scheme to take its place so that the main objectives that the Second Press Commission had spelt out or the House, from time to time, has been spelling out.

the hon. Members of this House have been spelling out, can be fulfilled in a more effective and proper way. Therefore, I would say that the Ordinance that was issued was not a day too late. It should have been probably done earlier. But since we wanted to discuss this matter thoroughly with all concerned, we delayed it until it became apparent to us that this action had to be taken.

With these words, I would commend this Bill to the acceptance of the House and I would assure the House that this action was taken after greatest deliberations and consultation amongst the press industry and others who were interested in this matter. There was no haste or no feeling of malice or anything of that kind towards these people who were serving the Press Council or who were office-bearers of the Press Council.

**MR. SPEAKER:** Motion moved:

"That the Bill to repeal the Press Council Act, 1965, and to provide for certain matters incidental thereto, be taken into consideration."

**SHRI SAROJ MUKHERJEE (Katwa):** Mr. Speaker, Sir, I rise to oppose the Press Council (Repeal) Bill.

The Minister in his explanation has put all the blame on the Press Council for not achieving the objectives for which the Press Council was constituted. The functions of the Press Council were, the building up of a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards, ensuring on the part of newspapers, etc., the maintenance of high standards of public taste, fostering a due sense of both the rights and responsibilities of a citizenship and encouraging the growth of a sense of responsibility and public service among all those engaged in the profession of journalism. The Press Commission was set up with a view to strengthening the

freedom of the press. They suggested all these measures. If we look at the Press Council (Repeal) Bill in an isolated manner, we will not do justice to the Press Council for what it has done. But if we look at all the three Bills together, the Press Council (Repeal) Bill, the Parliamentary Proceedings (Protection of Publication) Repeal Bill and the Prevention of Publication of Objectionable Matter Bill, what we find is that it is not the Press Council or the people outside the Government who are scuttling the press freedom but it is through these three Bills together the Government are launching a drive towards authoritarian rule, the curtailment of press freedom, striking at the very root of the freedom of the press which has a pivotal position and the vital role to play in strengthening democracy. This is being done by the ruling party and the Government.

The Press Council Act was enacted here, in this Parliament, on the valuable suggestions and recommendations of the Press Commission. They gave so many suggestions. But if we take only the Press Council as suggested by them, we won't do justice to it. After a huge labour, in their wisdom, they gave a very valuable document containing various recommendations the major part of which was not implemented. Now, the Minister and the Government has put all the blame on the Press Council.

This is in order to cover up their own failings and their own failure to implement the major recommendations. A major recommendation was to change the Press structure. Now, we are facing here in India a monopoly newspaper structure, with the monopolists controlling it. The Minister said 'we are thinking about it and we are trying to delink' and so on, but within these few months, they are going on growing—the Indian Express chain, and the Hindustan Times groups have been amalgamated. By these measures, you are not really going to

[Shri Saroj Mukherjee]

delink or curtail the power of the monopolists in our national press, the Indian Press. That is why I said that you have covered up your own failures and are putting all the blame on the Press Council. The Press Council might have done some wrong and might not have done what was expected of it; there may be many such things on record, but there are also good things. We said that its composition is such that it cannot help the growth of freedom of the press and it cannot help the working journalists' interests and that is why all Parties demanded—and there was a discussion on it—that the Press Council should be re-constituted and so on. Because the Members of the Press Council refused to function properly, there was criticism by the press; the journalists criticised the Press Council's functioning and so on. It is true we said that the Press Council should be reconstituted democratically with representatives of the working journalists with heavy weightage and representatives of all sectors connected with newspaper industry on it. A democratically constituted Press Council would have been better; there is no doubt about it. But Government, instead of going that way—that is, instead of improving the functioning of the Press Council and improving the measures by which press freedom can be strengthened—are going to control the entire press of our country. The Hon Minister said the other day that they were thinking of delinking; but what are they thinking about this for years together? What does delinking mean? We wanted delinking of the press from monopoly interests, vested interests as well as Government interests. That is why it was suggested that public corporations should be formed to run the news agencies and newspapers so that the newspaper industries are not attached to other industries. The big industrial magnates are not ready for such a body—corporations to run the news agencies and newspaper. This

is not being done and we do not know when it will be taken up by the Ministry. They don't want to do it; they want to control the Press. Otherwise, what do these pre-censorship, all these Ordinances, etc. all point to? They point to the fact that you cannot do anything and you cannot think freely, write freely. Then, in course of time these working journalist, the editors, etc. won't be able to write freely as they think. That means that after sometime national intellects will be corroded; there will be a collapse of national talent. This is what is going to happen if you continue this process. The process is one of erosion of press freedom.

Day before yesterday our colleague Mr. Bhattacharya was saying that even Mr. Samar Mukherjee's speech in Lok Sabha was sent for pre-censorship and, if you will just see, every page was cut out and of the seven pages, only 3-4 paras remain. Out of 460 lines, only 20 lines have been allowed for printing. This is a speech made in Lok Sabha. When it is taken for pre-censorship, what the officer does is cutting out everything except three or four lines on each page. That means, with the permission of the Speaker, a Member can speak here many things, but they cannot be published for the benefit of the people. This is nothing but adopting a double standard. The MPs can speak; the Speaker can allow them to speak, but the journalists, editors and reporters cannot write that. There, the common law of the land will be applied, but for us here it will not be applied. Why? Are we so privileged? Why should there be this double-standard? We can speak anything here, but that should not be given to the people by the editors, writers and journalists. If they reproduce them, they will be taken to task, they will be imprisoned. What is this? This is fantastic. That is why I say that the Press Council's major recommendation must be implemented and that the Press Council

Act should not be repealed. A democratically constituted Press Council should be there. The Act should only be amended and not repealed. As to how the Press Council should be constituted and all that, you can have suggestions from Lok Sabha, Rajya Sabha and from outside editors, journalists and all those persons and then you can proceed smoothly for the strengthening of the freedom of the press.

He said that a code of conduct and ethics for journalists and newspapers was not evolved by the Press Council, but this Central Committee of Editors had so soon evolved a code of conduct. In fact, we said, if a Central Committee of Editors was to be constituted, the editors of the papers run by the Opposition should also be included there, but Mr. Shukla did not even reply to that letter. That means, it consists of only those who have surrendered to the Government, those press barons and editors who have surrendered to the Government. The working journalists say that their owners, the press magnates, are reconciled to censorship. They say that, previously, the owners were censoring, and now the Government is censoring. That is why I say that the talents of the working journalists will be eroded, the whole nation's talent will collapse. 'Previously, the owners were censoring, saying 'Do not write this, do not write that, write like this'; and now the Government is censoring. What will they write then? This is the position.

Therefore, by passing this Bill, you are not going to strengthen press freedom, nor are you going to strengthen democracy. It is a step towards authoritarian rule and scuttling press freedom altogether. You should think over it many times before you take such a decision. These three Bills together will strike at the very root of our press freedom which is the central point, which is the pivotal

point, for strengthening democracy. Therefore, I oppose this Bill. This should not be passed by this House. The Press Act should be there, a democratically constituted Press Council should be there, and with that end in view, he should amend the Press Act and he should not repeal it as he seeks to do by this Bill.

SHRI ANANTRAO PATIL (Khed):  
 Sir, I rise to oppose the Resolution moved by my good friend, Mr. Sequeira, and I support the Bill moved by the hon. Minister for Information and Broadcasting.

Mr. Sequeira was very emotional and sentimental about the Ordinance which has been promulgated and he felt hurt that the institution of the Press Council would be no more in this country. On the other hand, I should have been hurt because I was a Member of the Press Council for the last seven years. I have known it. I have worked in the Press Council. If I were to tell this House about the functioning of the Press Council and about its acts of commission and omission, the Members opposite including Mr. Sequeira will have to take the resolution back and would support the Bill moved by the hon. Minister.

I do not want to go deep into the history, how the Press Council came into being, but I will have to tell this House that this was really an important recommendation of the Press Commission which was set up in 1952. Before that in this House in early 50s, a discussion did take place about the newspapers, the press industry, the journalists, the code for the journalists etc. and on the pattern of the Royal Commission which was set up in Britain, the Press Commission was set up here in this country under the Chairmanship of Justice Rajadhyaksha and eminent persons like Dr. Zakir Hussain, Acharya Narendra Dev, Shri P. H. Patwardhar

[Shri Anantrao Patil]

Shri T. N. Singh and other big luminaries worked on the Press Commission, and brought out a very important document. The report was submitted in 1954 and an Act in this House was passed in 1965 and in July, 1966 the Press Council was set up.

From the very beginning of this Press Council, when Mr. Justice Mudholkar took over as Chairman, things were not moving properly. One of the main objective of the Press Council was to preserve the freedom of the press and the other objective was to maintain and improve the standards of newspapers and news agencies. Besides these objectives, there were some functions which were expected to be discharged by the Press Council. I will narrate some of them; these were building up a code of conduct for newspapers and news agencies and journalists, maintenance of high standards of public taste, and encouraging growth of sense of responsibility and public service. The Government, however, felt that the institution of Press Council was not able to carry out its functions effectively to achieve its objectives and, therefore, the Government has taken a decision to repeal the Press Council Act.

The very composition of the Press Council, according to me, was very heterogeneous. Conflicting interests were there on the Press Council including the proprietors of big newspapers, their managers, the working journalists, the editors, some laymen and some people who were not knowing what journalism and what newspaper industry means. What we were doing for the last 6-7 years mainly was that any individual or any citizen of this country could make a complaint to the Press Council that such and such newspaper has published this thing and that he should be brought before the Press Council. The proprietor or the editor of the newspaper used to come and appear before the Press Council; we used to hear him, he used to engage a pleader or an ad-

vocate. Because sufficient powers and strength were not given to the Press Council, what we were doing was that we used to only to censure that newspaper. Even if there was a complaint against the State Government, the representative of the State Government used to appear before the Press Council and we used to censure them. And then, it was not obligatory on the newspaper to publish that news of censure.

About the freedom of the press, was the Press Council in a position to maintain or preserve the freedom of the press? Have we ever tried to improve the standards of journalism and journalists? Have we ever looked whether the newspapers or the news agencies are functioning well or not? The Press Commission had said that concentration of ownership was growing and monopolistic and restrictive practices were taking place, but the Press Council was not able to look after all these important matters, and even after two modifications—two committees were appointed so that the Press Council could become more effective, more purposeful and more beneficial—the experience was in the reverse. Besides the maintenance of the highest standards of journalism it was also expected of the Press Council that they would help in the matter of recruitment of journalists and that they should be provided with education also, but the Press Council did not do anything about that also.

About the delinking of newspapers and about the diffusion of ownership, the Press Council was asked by the Government to give its opinion, but the Press Council could not give it because as I told you in the beginning, the representation, the members on the Press Council were of such a heterogeneous character that there used to be conflict every time. Once it so happened that the Working Journalists' Federation could not send their members and then what happened? There was a charge on the selection committee of which the hon. Speaker, the

hon. Chairman of Rajya Sabha and the hon. Chief Justice of the Supreme Court were members and they decided to resign from their positions because there were charges in the newspapers about the method of selection.

So, the institution of Press Council which was very important and which was very essential for the growth of the newspaper industry in the country could not grow in strength and in prestige. So, nothing was left with the government but to repeal the Press Council Act. But I would urge upon the Minister that this is only the beginning, not the end in itself. After the repeal of the Press Council Act what is the government going to do about the recommendations of the Press Commission and about the expectations made by the government of the Press Council?

Now, about the news agencies, the Press Commission has said that there should be a corporation which could be viable and very effective and also that there should be competition. The Press Commission also said that it would be better if there could be two competitive news agencies. The four teleprinter news services which are essential for the country, viz., the PTI, the UNI, Hindustan Samachar and the Samachar Bharati are not economically viable and they were not in a position also to serve the newspapers in the country and give news outside the country to project the image of the country. Especially, the Hindustan Samachar was staffed mainly by the RSS and Jana Sangh people. And the Samachar Bharati was entirely dependent on the public funds. PTI and UNI are managed and controlled by the big newspapers which means the big business houses. I am very glad to know that all these four news agencies have agreed to merge and amalgamate together to form a news corporation. Obviously, the Ministers, Mr. Shukla and his Deputy, Mr. Sinha have taken a lot of effort and pain

and made the management and the employees association to come together and they have agreed that a corporation could be formed in this country which will be more useful to the newspapers including small newspapers and also we will be able to project our image outside the country in a better way. The decision of an independent news agency or corporation was taken, I think, at the Lima Conference where it was felt necessary that the non-aligned countries should have not only an international dominant news agency but we should have our own news agencies which will be in a position to cover outside India in a better way.

Now, after setting up this corporation, questions will arise whether this news corporation is going to make a distinction between big newspaper and small newspaper, whether there will be classified news services, whether small and medium newspapers will be charged less and big newspapers charged more, whether on the management and the editorial side, the directors of the existing news agencies and big newspapers are coming and whether directors from small and medium newspapers are also taken—all these things are of detail and I do not want to go into them.

As far as de-linking is concerned, this is a must. Government has been saying for the last four years i. e. from 1971, that they are thinking of de-linking press from the big business houses. Why are we demanding this? This is because the Editor to-day is not free to write in the interest of the nation, in the interest of the people but he writes in the interest of the big businessmen so as to pursue their interests. He is 'His Master's Voice'. Unless this Editor is freed from the pressure of the big business house, I think, there would not be a real freedom of the press. If the Press Council is abolished, this does not affect the freedom of the press. The

Press Council had not been taking proper care of the future of the news paper profession or newspaper industry of the journalists in this country. They never thought about these things nor did they give time for it. Now, on whom does the responsibility lie? Is it the Government, or bureaucracy or the sovereign Parliament which is going to take care of the newspaper industry or the newspaper profession? In a developing country—a democratic one like India—newspaper is one of the most important and vital media of communication available to a common man in the remotest village. What has happened during the last twenty years? There has been a tendency of concentration of newspapers. There has been a tendency of monopoly and restrictive practices as mentioned by the Diwakar Committee and again by the Fact Finding Committee. Government has to look into them. Government has to see that monopoly does not exist in this country. More attention should be given to District Regional papers which are called small and medium newspapers. Metropolitan papers take the lion's share in the advertisement from the Government and commercial advertisements too. Is Government taking any steps to see that the advertisements from the Public Sector Corporations are canalised through DAVP and there is equal distribution of the advertisement? The rates which are quoted by the big newspapers to DAVP are very high. They dictate to the Government or to the DAVP—if you accept our rate, then we can accept your advertisement, otherwise not. I want to ask the hon. Minister as to why he is afraid of big metropolitan newspapers groups or combines.

Mr Saroj Mukherjee said, "When we were talking about delinking, and diffusion of Press in this country, a reverse process started and big newspapers started combining themselves." Now the Hindustan Times Group and

Indian Express Group have combined together. What will happen in this country? Almost in all the State capitals, they will have one paper of their own in each language—in English, Telugu, Tamil, Marathi, etc. With the Restrictive Trade Practices, all the small and medium newspapers will have to meet a catastrophe.

I may give you an example in this regard. Newspaper is taken from Bombay, or from Delhi, in the morning at a distance of 300 to 400 miles in their own vehicles by the big newspaper group. Suppose from Bombay, they go to Kolhapur. If there are two or three small newspapers over there, people are not prepared to purchase the local paper, because the newspaper given by the big newspaper group has more pages and has less price.

Regarding price page schedule, so many times, discussion has taken place. Every time, we are told that the Supreme Court has struck down price-page schedule and Government was, therefore, not in a position to do anything.

13 00 hrs.

The Diwakar Committee suggested that under the Essential Commodities Act you could have done like this, you could have fixed price of newspapers as per the number of pages. You could have fixed the quantum and space of advertisements and so on. There are various methods by which you could have helped small and medium newspapers. All these things should be looked into by the Minister. I hope that this will be attended to by him. I know about the Minister's efforts in the direction of having this News Corporation which will be very useful, which will increase the prestige of this country, not only within the country, but outside the country. I hope he will take it up seriously and take efforts for delinking of the press also and about the healthy growth of



the press industry and not lopsided growth of press industry. I hope he will look into all aspects as far as news is concerned, advertisements are concerned, training of journalists, etc. is concerned. I hope he will see to it that in the next two years or three years the state of affairs in the newspaper industry is entirely changed and we will have a very healthy, progressive, nationalist press in this country. With these words I support the Bill. Thank you.

MR. SPEAKER: Before I call the next speaker, I would like to make a request to the House. There are a large number of hon. Members who want to speak and if all of them have to be accommodated, they should be brief, and strictly relevant. We have got only one hour left for this Bill.

SHRI S. M. BANERJEE (Kanpur): Time should be extended.

MR. SPEAKER: No. You should confine yourself only to this Bill. If there are other subjects you can take them up on some other occasion. Anyway, you can continue, Mr. Banerjee.

SHRI S. M. BANERJEE: I rise to support the Bill. I congratulate the Minister for bringing this legislation for abolition of the Press Council. It is not my opinion but even many good newspapers have given their opinion in their editorials. I am reading from the editorial of *National Herald* of 10-1-1976. It says:

"The ordinances relating to the press which the President has promulgated are, as explained, intended to enable the Press to be 'truly free' and enable it to 'be free from vested interest'."

Then it says:

"The ordinance repealing the Press Council Act will be widely welcomed because the Press Council has been more a farce than an effective instrument of self regulation."

It is not my opinion. It is the opinion given by one of the topmost journalists, Mr. Chalapathi Rao. I have before me the sad experience of a member of the Press Council. Mr. B. K. Joshi. This is what he says:

"My five years' membership of the Press Council was a frustrating experience. When I look back on what the council achieved during this period, I feel that much of the time was taken by inconsequential matters and the vital issue of establishing standards of journalistic ethics was left largely untouched. It was an era of wasted opportunities."

I can assure Mr. Sequeira that I am for the freedom of the Press. I am quoting the words from a very eminent member of the Press Council, Mr. Joshi. This is what he says:

"Whenever advertisements to newspapers were threatened, they were deeply affronted and equated this with attacks on the freedom of the Press. But when any issue of palpably unjustified victimisation of a working journalist under Government or other pressures came up, they did not react with the same vigour."

And today, when the Press Council is being abolished, the professional mourners have started mourning for the Press Council. What I feel is, this action should have been taken long ago. That is why I say, I welcome this Bill. But, Sir, abolition of the Press Council should not result in advantage to some others.

Now, Sir, about the abolition of Press Council, I will again quote from *National Herald*:

"The abolition of the Press Council has left the Government with an advantage. The failure of self-regulation, rather its utter absence, has enabled them to bring back Rajaji's Press Objectionable Matters Act in."

another form and with another name but in a more Draconian manner. While a minority of the Press Commission was totally opposed to Rajaji's act and urged its repeal, the majority recommended that it should be allowed to lapse since the principle of self-regulation was to be introduced and a machinery for it was to be set up."

Who were the Members who totally opposed and who were those Members of the Press Commission who said that it should be allowed to be lapsed. They were Jaipal Singh, Challapathi Rao and Mam. They said it should be allowed to lapse and it lapsed in 1951.

After the abolition of the Press Council another difficulty had arisen. I would like to get a clarification from the hon'ble Minister. I quote from *Economic and Political Weekly*:

"Also issued on December 8 was a third ordinance abolishing the Press Council. As a result, the Press Council will cease to exist on December 31. Interest here centres mainly on the so-called Verghese case before the Council. K. K. Birla, chairman of Hindustan Times is fighting a legal battle to prevent the Council from pronouncing its verdict in the case. Now, with the ordinance, he will have won the battle if he can hold out till the end of the year."

End of the year, viz., 31st December has gone. The new year has started. Mr. Birla will immediately say whatever the Press Council has said is finished. What is the protection by Government after the abolition of the Press Council to those journalists who do not agree with his views and politics? What will happen to them?

Further, Sir, another thing has happened. The hon. Minister has said about merging all the news agencies, that is, PTI, UNI, Samachar Bharati

and Hindustan Samachar into one. This has been said exactly at a time when the two big capitalists are also uniting together, viz., Mr. R. N. Goenka and Mr. K. K. Birla. According to the new definition by some of the high-ups in the Government Mr. Birla is a socially-conscious businessman. That is a new term. I have nothing against him but this socially-conscious businessman has become the Chairman of the other group. This unification of the two groups has really created so many problems. What will happen to the news agencies and the small newspapers once the giant starts functioning. With Mr. K. K. Birla and Mr. Goenka coming together they may embrace Shri Shanti Prasad Jam very soon. I do not know. Sir, when the four agencies merge together into one—they are also trying to merge into one—I request the Minister to consider again whether time has not come when delinking and diffusion of press ownership Bill has to be brought.

13.10 hrs.

[MR. DEPUTY SPEAKER in the Chair]

Shrimati Nandini Satpathy, when she was the Minister here, assured us about the delinking and diffusion of press ownership. But she became the Chief Minister of Orissa State and we were left where we were. In this connection, the Working Journalists have constantly been asking the Government to bring about this legislation for their satisfaction.

Then Shri I. K. Gujral came. He had also assured us in this House, in the other House and in the Central Hall that he would bring forward a legislation for this purpose. But that also resulted in no action. Now, Sir, Shri V. C. Shukla, who has both courage and conviction, has become the Minister and I hope that he will bring a legislation either in this session or in the next session for delinking the press ownership. I hope he would

remain as Minister of this Ministry and he would not be shifted to some other Ministry.

MR. DEPUTY-SPEAKER: But is that a part of the Bill, that is, delinking of the press ownership?

(Interruptions)

SHRI S. M. BANERJEE: Sir, this is one of the recommendations of the resolution. Therefore, I would request the Minister to go ahead in this matter and bring forward this Bill in this session itself. First of all I want that there should be some code of conduct established in consultation with the Working Journalists and their organisation, namely Indian Federation of Working Journalists. If there is another Press Council or any other of this kind is formed, at least Indian Journalists should be invited. They should be taken in the Council. Now, I would read out the resolution on the Press Council, passed by the 15th Session of the IFWJ at Gandhinagar in April, 1971.

"If the Press Council cannot be mended, the Indian Federation of Working Journalists will not be unhappy if it is ended."

So, Sir, I would request you to take into confidence the Working Journalists in forming another Council, whatever the shape may be. It is very necessary to delink the press ownership from the proprietors and Government should take action on this immediately, especially at a time when Birlas and Goenkas are uniting. I am the President of the PTI employees' Unions and on behalf of my organisation, I have given him all support. We have supported Shri Shukla in his efforts to make one Corporation of PTI, UNI, Samachar Bharati and the Hindu Samachar. We shall also support his efforts to bring forward the legislation meant for delinking and diffusion of press ownership. With these words, I support the Bill and I hope the Minister will give an assurance to the House about the delinking of the press ownership.

MR. DEPUTY-SPEAKER: I must

confess that I did not read the Press Council Act before coming to the Chair. But I have a great doubt whether delinking of the press ownership is one of the responsibilities with which the Press Council was charged. I have my doubts.

SHRI SURENDRA MOHANTY (Kendrapara): Mr. Deputy-Chairman, Sir...

AN HON. MEMBER: He is Deputy-Speaker.

SHRI SURENDRA MOHANTY: I apologise.

MR. DEPUTY-SPEAKER: If you call me Deputy-Chairman, I am promoted, because that is a higher House!

SHRI SURENDRA MOHANTY: Mr. Deputy-Speaker, Sir, this amending Bill is yet another instance of how a good institution is being made a victim of this power-crazy government. The Press Council was so indispensable and so vital to the growth of newspaper industry, both qualitatively and quantitatively, that in 1971 and in 1973, twice its term had been extended. There is something called double talk. We now find double thinking in this government. On 26th August, 1969, the predecessor of my hon. friend, Shri Shukla, Shri I. K. Gujral, in the course of his reply to the discussion on the Press Council (Amendment) Bill had said:

"As a member of the Congress Party and of the Government, I can say, as I have said earlier, that for us freedom of the press is not a matter of policy, but it is a matter of commitment"

That was the *raison d'être* for the Press Council. The annual report of the Ministry of Information and Broadcasting for 1973-74, paying handsome encomiums to the Press Council, says in page 65:

"It was with a view to preserving the freedom of the press and maintaining and improving the standards of newspapers in this country that the Press Council of India was set up under the Press Council Act, 1965."

[Shri Surendra Mohanty]

This is the background of the Press Council and how it came into existence in pursuance of a recommendation of the Press Commission. The minister could now have hanged it all right, but he should not have given it a bad name.

He said that the Press Council did not formulate a code of conduct for the guidance of the newspapers in this country. But the Press Commission had recommended the formulation of a code of ethics, the code of conduct did not occur there. But when Parliament actually came to enact this legislation in 1965, it made a very vital departure from the recommendation and laid down that the Council should only build up a code of conduct for newspapers.

MR. DEPUTY SPEAKER: Code of conduct without standards?

SHRI SURENDRA MOHANTY: That is in section 12 of the Press Council Act.

'The object of the Press Council shall be—

- (d) to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards."

Sir, you are a Professor of English Literature and you can very well distinguish between formulating a code of conduct and building up a code of conduct. Rome was not built in a day. Building up a code of conduct requires a long period of gestation. Even though the Press Council has rubbed me on the wrong side as a working journalist many a time, I should say that through the large body of case laws which the Press Council had brought out, a code of conduct was in the process of being built up. In its last report for 1973, the Press Council itself has said

"Thus the Council had taken the view that it was neither necessary nor feasible to draw up a comprehensive

code, but to build up in course of time a body of case law gathered from the principles formulated in its adjudications in the several concrete cases."

In spite of this statement of the Press Council itself that it was not possible to formulate a code of conduct though it was possible to build up in course of time a body of case law, may I ask in all humility, from the hon. Minister, why did the Government not wind it up and why did they extend its term?

Sir, again paying handsome tributes to the Press Council, Shri Gujral had stated: "Perhaps this would suffice to say that the Press Council has handled 82 complaints against newspapers and 7 cases of threat to the freedom of the Press up to June, 1969. This compares very favourably with the record of the British Press Council which dealt with less than 20 cases in a year during the first six years of its existence. Now, my hon. friend says that this is a superfluous and redundant body. In 1973, the total number of cases which the Press Council had to handle was 118. The Press Council was attracting more confidence. The profession was relying more and more on the Press Council for guidance when the Government had come with this Act. During the year under review, the Council received 32 complaints against State Governments and others under Section 12 of the Act in respect of interference with the freedom of the press."

I know that the abolition of the Press Council was the logical conclusion to the power hunger of the Government. When it was going to do away with the freedom of the Press, the natural corollary was for the abolition of the Press Council which was entrusted with the task of preserving the freedom of the Press. The hon. Minister in course of his introductory speech has said that the Press Council

has never reprimanded journalists and newspapers whenever they attacked our democracy.

SHRI VIDYA CHARAN SHUKLA:  
I never said that.

SHRI SURENDRA MOHANTY:  
Then, what did you say?

SHRI VIDYA CHARAN SHUKLA:  
You have heard what I said.

SHRI SURENDRA MOHANTY:  
When I interrupted the Minister, I asked him: "Did the Government bring it to the notice of the Press Council as provided for in this law." The hon. Minister said: "The Press Council should have taken notice *suo moto*". I would say that why did you not bring it to the notice of the Press Council? Why you remained silent? Why did you extend the term of the Press Council? It is only to give bad name to the Press Council to hang it. With these words, I oppose the bill.

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Deputy-Speaker, Sir, I oppose this Bill because the remedy, namely, the repeal of the Press Council Act, is not going to cure the disease. If the disease is the problem of yellow press, the problem of indecent writings in the newspapers, the problem of undesirable attacks on the individuals in public life, if these are the points of defects and disease, do you want the remedy of abolishing the Press Council? I am sure, we want all these undesirable things to go, because I feel that it is not freedom of the Press, but licence of the Press. But surely, if the Press Council is abolished, as the Minister is seeking to do by this bill, would it really cure the disease? Why point is that the problem and the disease will remain and will persist, because the abolition of the Press Council is no solution. The Minister, I must say—I heard him with great care and attention when he moved for the consideration of this Bill—has been too harsh on the work-

ing of the Press Council. Can we really be too sure on either side—either to condemn the Press Council's functioning or to praise it—because the life of the Press Council has hardly been one decade?

SHRI VIDYA CHARAN SHUKLA:  
It was 11 years.

SHRI P. G. MAVALANKAR: It was established, according to your statement, on the 4th July, 1966. It is not for even 10 years that this Council has functioned; is it not too short a period to pronounce a judgement? I am not saying that it has done all good work and that there is nothing to criticize in its functioning; but let us not be too sure either in condemning or praising its functioning, because the time has been rather too short. That is why I said that the Minister has been rather unkind and rather harsh when he talked about its functioning. If you see the Minister's own statement, he says that it was set up in 1966. I quote from his statement; he says that the Press Council was set up:

"mainly with the object of maintaining and improving the standards of newspapers and news agencies and to preserve the freedom of the Press. The functions to be performed by the Press Council under the Press Council Act, 1965 included, among other things, the building up of a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards, ensuring on the part of newspapers, etc., the maintenance of high standard of public taste, fostering a due sense of both the rights and responsibilities of citizenship and encouraging the growth of a sense of responsibility and public service among all those engaged in the profession of journalism..."

[Shri P. G. Mavalankar]

We all agree with these laudable objectives. I want to ask the Minister straightway whether he is honestly in a position to say that during the last 10 years or less of the Press Council's functioning, whether it has not done anything to promote the laudable objects of the Press Council's functioning—which he himself has detailed in his Statement of Objects and Reasons Now, Sir, see the interesting wording of the Minister's statement:

"It was felt that the institution of the Press Council was not able to carry on its functions effectively to achieve the objects for which the Council was established..."

What exactly is the defect that he has in mind? "It was felt", he says, but by whom? Was it felt by the Government, by a section of the Press or by the public at large? Was there any expression of an opinion in this country through various agencies that the Press Council has not been functioning well at all?

As a matter of fact, twice earlier, in recent months and years, the Press Council Amending Bill was coming. Because of the difficulty viz. that the Nominating Committee consisting of the Chief Justice, the Speaker of this House and the Vice-President together were not willing to act as the nominating committee, that bill was not passed when it was on the anvil; and nothing happened. But when that bill came more than once, the predecessor of my steemed friend—and I am sure the President Minister also—would not say that the Press Council's functioning was bad. Then, what happened suddenly between the discussions of this matter in the recent past and the discussions today, that compels the Minister to say everything unfavourable to the Press Council? That is my point. After all, there must be a reason. Is it because the Press Council did not toe the line of the Government

since it declared the "Internal Emergency"? Is it because the Press Council did not want to go all the way with the Government and approve of what the Government has done with regard to the suppression of the freedom of the Press and restrictions on Press through censors and all kinds of other controls? Did the Minister want the Press Council to say that they were good? If not, he must explain in some more detail; that is my point, he must explain as to how he considers, the Government considers that the effectiveness of the Press Council's functioning was not there. Government cannot themselves be the sole judge or deciding authority in this matter.

We all agree that the press is not merely a commercial enterprise. The press in any country, and particularly in a democracy, is a kind of a public mission, a kind of a public welfare corporation, it is a calling. The people who are running the newspapers are not merely running them for profit, they are running them for a profit in terms of encouraging the public to know the truth, encouraging the public to have decent tastes in understanding the truth. If that is what the press is for and not merely a commercial enterprise, then surely the ethics of the press does matter. So, I want to ask the hon. Minister if he envisages any such agency outside and independent of the Government, preferably an agency composed of the pressmen themselves, to regulate, to chide, to warn and to encourage the press in its writings and doings.

There is, for instance, the All India Medical Council and there is what is called the ethics of the medical profession. If any member of the medical profession does anything which goes contrary to the ethics laid down by the Medical Council, out goes an order and that particular erring man has to behave. Even in regard to advertisements in newspapers by

medical men there are certain restrictions, that it should not be in large letters etc. Surely we want ethics for the press, but who will provide it? Surely not the Government, surely not the free will of the individual pressmen themselves. There will have to be some kind of a press body composed of the press people themselves who will sit in judgement on their own brethren to find out whether they are acting in conformity with the ideas of the freedom of the press or not.

Therefore, the Press Council of India should not have been abolished. It should have been renovated, restructured, refurnished on such points which the hon. Minister and Government and even the press people themselves feel need reform, radical or peripheral.

The Press Council in the U. K. was taken as our model. I am prepared to agree that the Press Council in this country did not really act or function in the manner in which the Press Council in Britain has been functioning. But it does not follow from that that the institution of the Press Council itself is wrong. It only follows that taking the example of the British model, we have to see how it can be adapted to conform to our own conditions and requirements as also the temperament of the Indian people.

So, instead of summarily disbanding the Press Council, which the hon. Minister wants to do by this legislation, I would urge him, in the interests of a healthy, free, vigorous press, which is very essential for a democracy, which must expect high standards from its writers and from the citizens who read the newspapers, to come forward at an early opportunity with a Bill which will really make the people and the press function in a free and responsible way, with what has been termed recently as *atma amushasan* by the

'Acharyas' who met in Paunar Ashram, near Wardha. The initiative should come from the pressman themselves, not from the Government or any other outside agency. That is why I am unable to persuade myself to agree with the hon. Minister's reasoning and I, therefore, repeat my opposition to this Bill.

SHRI S. M. BANERJEE: On a point of personal explanation. You said when I was speaking that it was not a recommendation of the Press Council. The object of the Press Council was also to consider the delinking of the press, and it is borne out by the fact that a Member of the Press Council, Mr. B. K. Joshi, said:

"Two years ago there was a move from the Government about the delinking of the newspapers. The Council felt that it should also step in in the matter and give its views."

SHRI VIDYA CHARAN SHUKLA: Mr. Deputy-Speaker, Sir, I am thankful to the hon. Members who have taken part in this debate. The basic question that has been raised here is regarding the freedom of the press. As you well know, the freedom of the press is not a limited concept; it is a concept which is all-embracing. Therefore, I do not propose to deal with that concept, except in as much as it deals, or is connected with the Bill which is under consideration. After replying to the points that the hon. Members have raised, I will, with your permission, make certain general observations about this matter.

A point that has been raised by more than one member is regarding the proposed amalgamation, so-called amalgamation of the *Hindustan Times* and *Indian Express*. First of all, as far as our own information goes, this is not true. If any such amalgamation



[Shri Vidya Charan Shukla]

has taken place, or is under contemplation, we do not know anything about it.

**SHRI S. M. BANERJEE:** Mr. K. K. Birla has become the Chairman.

**SHRI VIDYA CHARAN SHUKLA:** When I heard about this matter, I tried to find out whether these two companies are amalgamating. I was told that there is no move to amalgamate these two companies. Therefore, this rumour must be set right once and for all. Even if there is any consultation between the two companies and if there is any inter-change of ideas or personnel between them, it must be of their own volition and the Government is not in any way connected with this.

Shri Saroj Mukherjee was speaking about the trends of authoritarianism. These trends are not visible to us now. They were visible to us before the imposition of emergency. Then we could very clearly see in the press of this country how democracy was systematically being scuttled, particularly by those big newspapers in the English language. The language newspapers also took their part in this. At that time, when there was danger to the freedom of the press, the Press Council did not do anything to safeguard the freedom of the press. The Press Council has never said that inroads were made into the freedom of the press by the Government. But there were innumerable instances when newspapers were being controlled by the various business interests and industrial houses in an unhealthy manner. Yet, the Press Council did not do anything worthwhile in that respect.

If Shri Saroj Mukherjee is a firm believer in the efficacy of the Press Council and its way of working, what prevented him at that time from taking these matters before the Press

Council as a complainant and getting their verdict? But nobody took any such action. I do not blame Shri Saroj Mukherjee for not doing it because I know that, along with others, he felt that it was an ineffective and useless body and that at least in its functioning it was not producing any result. If Shri Saroj Mukherjee, who himself is an editor of a paper and who is deeply involved in journalism, if he believed in the utility of the Press Council, he owes an answer to this House why he did not take recourse to the Press Council when the freedom of the press was being threatened.

So far as de-linking is concerned, Sir, you have been pleased to observe that this Bill does not deal with that and, therefore, I will not say anything about that.

**MR DEPUTY-SPEAKER:** Poor Mr Banerjee!

**SHRI S. M. BANERJEE:** In this case I am a Robert Bruce

**SHRI VIDYA CHARAN SHUKLA:** The working journalists were the greatest complainants of the way of working of the Press Council. One would imagine that one of the main duties of the Press Council would be to safeguard the interests of the working journalists and to allow them to function in a free and desirable manner.

As Mr Banerjee himself has said unless the working of the Press Council can be drastically amended, it will not help, and we went into this question. We could amend even the present Act of the Press Council in such a way as to make it effective and give it a shape in which it would be able to function according to the aspirations of the working journalists and all those people who love freedom of the Press.

After reviewing the working of the Press Council for four months and consulting various people, we came to a conclusion, it was not a hasty conclusion, that this was not working in manner in which it was meant to Mr. Mavalankar might say, but I do not agree with him, that ten years is a short period to judge the efficacy or otherwise of the public body. If he says that we cannot judge it in one year or two years, it is all right. I was surprised to hear from my learned friend Mr. Mavalankar that he did not find it enough to make up his mind whether this was working in an effective manner or not. I am sorry to say that he is not right in this matter. A period of ten years is more than enough. Anybody could have judged that this body was not working in the manner in which it was meant to work

It is another matter that we did not lose hope; we kept on hoping. When this amendment was brought, we thought that with the help of this amendment, its working will improve. Even though we felt that this body was not functioning properly and it required much better functioning; we were perhaps hoping against hope that it would improve and deliver the goods. but it did not. Therefore, we had to take this decision, which was inevitable, to abolish the Press Council, and think about some other thing, some other institution, method by which the laudable intention with which this Council was set up could be fulfilled, and that is what we are doing. In fact, in my opening remarks I had said that I would very carefully welcome the opinions of hon. Members about this matter so that we could go into this question and really set up something which will ensure genuine freedom of the Press in the country. Shri Anantrao Patil has made good and constructive suggestions. We will certainly take them into account while we consider this

matter of replacing the Press Council by some method by which the freedom of the Press can be genuine and real.

The other arguments were all repeated and there was a question of effectiveness or otherwise. I would only draw attention to the state of Indian Press for the last five years and how it was going on. We could easily see that there was no effective check on the malicious or wrong tendencies of Journalism. The real duty of the Press Council was to check the malicious or wrong or bad tendencies in Indian Journalism. All Members of this House would agree with me that all was not right with the Press. If it was not right, the Press Council should have taken action on its own and could have corrected it. If it found that it did not have the power to do so or if there was certain other action that Government had the power to take, it would have certainly recommended that and the Government would have taken into consideration that thing. But nothing of the sort was done. Therefore, we find that a time has come when we have to abolish this and think about a new system under which we could do it.

I would also submit before the House that the Prevention of Publication of objectionable Matter Bill that I am going to move for consideration in the House and this particular Bill which is under discussion are both, more or less, inter-connected one arising out of the other. Here, as the hon. Members might remember, the Press Council recommendation was made in order that the earlier Press Objectionable Matter Act could be repealed and it was repealed after the recommendation regarding the Press Council was accepted.

Now, the wheel has taken a full turn and we have come to the conclusion that the Press Council has not been able to effectively check the ten-

[Shri Vidya Charan Shukla]

dencies for which this Parliament had earlier enacted a law and then it repealed that law in the hope that the Press Council would be able to check such tendencies. This has really justified the promulgation of these three ordinances.

These are the main reasons for that. I would assure the House that there is no *mala fide* and there is no intention to circumvent or limit the freedom of the press. This matter has been brought before the House only to ensure that we can find a better and more effective way to ensure the freedom of the press, to ensure the health of the Press and to ensure that the press can subserve the national interest and not destroy it as it was tending to do. With these words, I commend the Bill to the House for its acceptance.

SHRI ERASMO DE SEQUEIRA: Mr. Deputy-Speaker, the hon. Minister and my good friend, Mr. Vidya Charan Shukla, was kind enough to invite me to attend the meetings that he is presently holding with the newspaper men to evolve some kind of a code for the press. One of the things that he did say was that if we felt the Press Council should be revived, by all means, we could say so and the Government will consider it. This is what I understood. Sir, I ask you and you arbitrate....

MR. DEPUTY-SPEAKER: I will arbitrate in relation to rules.

SHRI ERASMO DE SEQUEIRA: Now the proceedings of the House do not reach the country. The only arbitrator we have is the Chair.

The question that I wanted to ask is: Who will believe that somebody begins by destroying what he is prepared to resurrect? I think, this is beyond the realms of any understanding.

The hon. Minister was putting forward as one of the reasons, as one of the justifications, for the Press Council being repealed, the fact that when the amending Bill came before the House, there was a tremendous criticism about the functioning of the Press Council. Nobody says that the Press Council was perfect. It is natural, whenever an amending Bill comes before the House, the functioning of a body for which an amendment is suggested, is put under a microscope. This has been always the custom of the House; this is the duty of the House. We come forward and criticise the Government here every morning. Does it mean that the Government has to be repealed? We only do that to try and improve the functioning of the Government. That is why we criticise. Now, of course, the term has ended. The question of improving the functioning of Government does not arise because on 18th March, they have lost their mandate and they must go to the people. If they do not go to the people, they are illegitimate....

MR. DEPUTY-SPEAKER: Your favourite theme.

SHRI ERASMO DE SEQUEIRA: That is the only theme. What other theme is there?

I was somewhat fortified by the speech of my hon. friend, Shri S. M. Banerjee, that he supports the freedom of the press. However, I am finding a little bit difficult to match this with everything he says.

AN HON. MEMBER: What about Mr. Saroj Mukherjee?

SHRI ERASMO DE SEQUEIRA: I missed that speech.

Sir, the point that I was trying to make about Parliamentary privilege and conduct for the Press which the Hon. Minister either missed or chose to miss, was brought out so much

better by Mr. Mohanty. What I was saying when I spoke first was that we should not be surprised that the Press Council had failed to come up with a code because we ourselves find it difficult to make a code for our privileges. Mr. Mohanty brought this out so well when he quoted the Press Council and said that the Press Council itself had said in a word of one syllable that it was not possible to indicate a code and that it must be built up through case law. This is precisely what we have been saying with reference to Parliamentary privileges. The fact that a group of newspaper editors have sat down together and drafted something or the other does not mean that is the appropriate thing for the conduct of pressmen in their professional life. I would have thought that a much better solution would have been to send this paper or the suggestions made by the newspaper editors to the Press Council who will then have a chance of grappling with it and coming forward with something of some enduring value. Because, much as the Minister tries to assure us that he would like to see the freedom of the Press and he would like to stretch the freedom of the Press, what we find is that, since the alleged emergency, the freedom of the Press, the freedom to report the freedom to communicate, the freedom to dissent, is being contained from all seventeen corners—or whatever the geometrical pattern is. People talk of licence and permissiveness. We all agree that permissiveness and licence, in a democratic society, are harmful. But when freedom itself begins to be called licence, then, what is coming forward and is creeping into the Indian society today is an autocracy and everyone of the measures coming forward seems to be some measure within the overall plan to make everything in this country subject to the subjective satisfaction of the Executive. That is, I think, a classical definition of fascism.

Mr. Speaker, Sir, I would like to say

that there was nothing to stop the Government from having allowed the Press Council to continue and from having complained to the Press Council every time when it found that the Press Council was not dealing with anything which struck at the roots of democracy. We are all agreed in this House that there was something which was striking the roots of democracy in these last few years; the only difference of opinion is that we feel that it is the Government which is trying to destroy democracy and they feel that it is we.

(Interruptions)

What I am saying is that, had the Government brought to the notice of the Press Council what they felt was wrong, I am sure they would have got some kind of a response from the Press Council. But what they are doing is to extinguish the Council without even a 'show-cause notice'. This, according to every law of the land, is against the norms of what is called natural justice—which itself has been removed from the law by a Bill passed by the House after the alleged emergency. Therefore, I say that if this Bill is passed—as I am sure it will be by a show of hands and at the fag end of the term of this House—it will be nothing more than one more blow to the democratic process.

MR. DEPUTY-SPEAKER: The question is:

"This House disapproves of the Press Council (Repeal) Ordinance, 1975 (Ordinance No. 26 of 1975) promulgated by the President on the 8th December, 1975".

*The motion was negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to repeal the Press Council Act, 1965, and to provide for certain matters incidental thereto, be taken into consideration."

*The motion was adopted.*

**MR. DEPUTY-SPEAKER:** We take up clause-by-clause consideration. There are no amendments to Clauses. The question is:

"That Clauses 2 to 5 and Clause 1 stand part of the Bill."

The motion was adopted

Clauses 2 to 5 and Clause 1 were added to the Bill.

# ENACTING FORMULA

Amendment made:

Page 1, line 1,—  
for "twenty-sixth"

Substitute "Twenty-seventh" (1)  
(Shri Vidya Charan Shukla)

**MR. DEPUTY-SPEAKER:** The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

**SHRI VIDYA CHARAN SHUKLA:** Sir, I move:

"That the Bill, as amended, be passed."

**MR. DEPUTY-SPEAKER:** Motion moved:

"That the Bill, as amended be passed."

**MR. RAMAVATAR SHASTRI:** You know the rules. Do not go into details.

**SHRI ERASMO DE SEQUEIRA:** Under the rules, has your formal permission been sought by the Minister for moving this Bill as amended for passage today?

**MR. DEPUTY-SPEAKER:** It is implied. If I have allowed him, that means I have permitted him.

**SHRI ERASMO DE SEQUEIRA:** I believe, a formal request is required.

**MR. DEPUTY-SPEAKER:** That is alright. Mr. Ramavatar Shastri.

श्री रामावतार शास्त्री (पटना) :

उपाध्यक्ष महोदय, जिस उद्देश्य को लेकर इस प्रेस कौंसिल की स्थापना की गई थी उस की पूर्ति नहीं हो सकी जिस की वजह से आज सरकार को यह विधेयक सदन के सामने लाना पड़ा। विधेयक का समर्थन करते हुए मैं एक बात कहना चाहता हूँ जो कि मंत्री जी ने कहा कि उस का डम में संबंध नहीं है। मैं यह कहना चाहता हूँ कि अखबारों की स्वतंत्रता जिसकी बात इस सदन के हर पक्ष के लोग करते हैं तब तक नहीं हो सकती जब तक आप अखबारों को बड़े बड़े इजारेदारों के रंजे से मुक्त नहीं करते और इस की चर्चा प्रेस कौंसिल के बिल में बराबर रही है कि बड़े बड़े इजारेदारों के चंगल से समाचार पत्रों को निकालना है। यह उद्देश्य उस में अंकित है। यह उद्देश्य अभी तक पूरा नहीं हुआ। प्रेस कौंसिल को आप समाप्त कर रहे हैं लेकिन जो एक बहुत बड़ा उद्देश्य उस के सामने था उस की पूर्ति की दिशा में आप ने अभी तक कोई कदम नहीं उठाया। क्यों नहीं उठाया? भले ही हम या आप प्रेस की स्वतंत्रता की बात कह लें लेकिन जब तक इजारेदारों की कम्मर नहीं तोड़ी जायगी हिन्दुस्तान में तब तक वाकई में जिनके लिए हम स्वतंत्रता चाहते हैं जिन की मंछा हिन्दुस्तान में ज्यादा से ज्यादा है, जो गरीब है, भयङ्कर है, मेहनत करने वाले हैं उन को सचमुच में क्या स्वतंत्रता है? वह तो स्वतंत्रता आप से लड़ कर हासिल करते हैं। तो उन की स्वतंत्रता का क्या होगा? प्रेस कौंसिल के इस उद्देश्य को मद्देनजर रखते हुए आप इजारेदारों के चंगुल से समाचार पत्रों और उन के कर्मचारियों को, जर्नेलिस्ट को निकालने का प्रयास करें, इसके लिए कानून लाएं, तभी आप सही माने में प्रेस की स्वतंत्रता हासिल कर सकते हैं और समाचार पत्रों में काम करने

बोले सबबाद-नवीनों, अमजीवी पत्रकों और अन्य कर्मचारियों के हकों की हिफाजत कर सकते हैं।

MR. DEPUTY-SPEAKER: There is nothing to reply. Does the Minister want to say anything?

SHRI VIDYA CHARAN SHUKLA: You have said that there is nothing. I do not want to say anything.

MR. DEPUTY-SPEAKER: You only note his suggestions.

The question is:

"That the Bill as amended, be passed?"

*The motion was adopted.*

14.00 hrs.

STATUTORY RESOLUTION RE. DISAPPROVAL OF PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) REPEAL ORDINANCE, 1975 AND PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) REPEAL BILL.

MR. DEPUTY-SPEAKER: We would take up the next item Statutory Resolution seeking disapproval of the Parliamentary Proceedings (Protection of Publication) Repeal Ordinance 1975 by Shri Erasmo de Sequeira and the Parliamentary Proceedings (Protection of Publication) Repeal Bill by Shri Vidya Charan Shukla.

Shri Sequeira.

SHRI ERASMO DE SEQUEIRA: (Marmagoa): Mr. Deputy-Speaker, Sir, I beg to move:

"This House disapproves of the Parliamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975 (Ordinance No. 25 of 1975) promulgated by the President on the 8th December, 1975".

Sir, it is a sad day for our interrupted parliamentary democracy when

the Lok Sabha has to deal with a measure wherein the President in his wisdom has seen fit to remove from the Statute Book by ordinance a protection that this House had seen fit to give to the publication of its proceedings by law. I was surprised the other day to hear a very senior leader of the Congress Party mentioning in this House that we, in the opposition, were all very upset in the last session about the fact that what we were saying in the House was not being disseminated to the country and the question then asked was whether we speak here for the House or for the country. What is Parliament? It is some kind of a debating society in which each one of us speaks to bolster its own ego? Is it not a place where we come and express ourselves in a formal surrounding about what is going on in the country and participate in the process of making law with the opportunity and the right of being fully heard by the entire country so that it can judge us at our present actions with reference to the next general election? Is that not Parliament? If it is that we speak here for nobody to hear us, where is the connection between this House and the people? Why do we call this House as House of the People? Let us call it a House of the Carpets and Microphones and a House without loud-speakers. One of the reasons for bringing forward this Bill and coming forward earlier with this ordinance,—which to my mind is an ordinance that takes the cake,—I have not seen anything worse than that—was and I quote 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, as would have invoked the laws of the land."

Yesterday, I had the privilege of hearing a brilliant speech by Profes-