

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-

[Shri Erasmo De Sequeira]

son Morallow of Italy in the International Marketing Conference. He was speaking about management. He was saying that you must begin with an objective and you cannot have an objective until you know, what you need and before you know, what you want, you must start by looking at yourself by having some introspection. If it is true, and let us say that it is true to some extent, that charges were levelled in this House and then carried by the newspapers, where must the responsibility for that situation begin. Must it not begin in the House? Must it not begin with the Government who failed to call that to the attention of the chair? If I may say so with the greatest respect to the Chair which you have been occupying at the moment, must it not also vest in the Chair for having failed in some measure to maintain some dignity in this House?

I want to take you back to the day when this original Bill which to-day is sought to be repealed was passed. It was a Bill which was moved by one of the greatest parliamentarians that this House has ever produced, Mr. Feroze Gandhi and on that Bill, Mr. M. D. Joshi, my neighbour from Ratnagiri (South) had this to say:

"At the most I would say that the liberty of the Press which will be additionally secured by the provisions of this Bill will cast a greater responsibility on Members of Parliament to be guarded in their utterances and a greater responsibility on the Chair also which is the guardian of the good character of Parliament."

It is not that what did happen in some cases was not foreseen at the time when this protection was sought to be extended for the publication of proceedings. If there has been a deterioration in the standards of this House, then the remedy must be looked for within the walls of this Cham-

ber and not by infringing upon the freedom of the Press as this Bill seeks to do.

I will take you to the original Bill and I would like to quote Section 3:

"Save as otherwise provided in sub-section 2, no person shall be liable to any proceedings, civil or criminal, in any court, in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament...."

And now mark what follows:

...unless the publication is proved to have been made with malice."

So, the protection that was granted to the publication was available only so long as the publication was a true reflection of the debate in the House. If anything was highlighted out of proportion, if any headlines were made on the front page out of proportion, then, whoever was affected, even under the old law, has the right to move a court for the protection and preservation of his good name.

What was the reason for coming forward and destroying of this extension of parliamentary privilege? Even to-day as you know, if anybody chooses to publish our own speeches...

SHRI DINEN BHATTACHARYYA (Serampore): You cannot do it.

SHRI ERASMO DE SEQUEIRA:

outside, we are subject to the laws of libel. It is only the proceedings of the House where the totality of the points of view is put forward before the people, which are privileged under the protection of no publication law. To remove that privilege is to tell the members that 'You shall not publish a true proceeding of this House'.

Now it is the duty of our Secretariat to prepare a verbatim report of our open debates and they become and should be in any democracy, public property. Now, where is the nexus,

where is the connection between on the one side saying that the full report shall be available and then on the other side saying that a true report of the entire proceedings, provided it is not malicious in any fashion, can be made? In this situation, is it not logical that we should suspect the motives that have led the government to come forward with such a Bill. I would think that if anybody is exceeding himself in this House and if by accident it slips past the government, it slips past the members, it slips past the chair,—we have the full faculty to interrupt—then, it would be in the interests of the country to know that a particular Member is exceeding himself. That is the only way he will be judged by the public because in a democracy, the ultimate judge must be the public opinion and not the government. Even the government must be judged by public opinion.

Therefore, I say that this Bill once passed will be nothing short of the interruption of communication between the House and the people. I object to this ordinance. I disapprove of it and I oppose it.

MR DEPUTY-SPEAKER: Resolution moved:

"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."

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

"That the Bill to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956 be taken into consideration."

Here, there seems to be some misunderstanding in the minds of the honourable Members that this is cast-

ing any reflection either on the proceedings of the House or on the conduct of the Members or is restricting the freedom of the press. I may point out that there is nothing of this sort. If you see the Act that is sought to be repealed here, you will see that the Act that was on the statute book did not confer any additional right on the Members of Parliament. The only thing that it did was that the editors, Printers, and publishers of the newspapers were given some immunity that the hon. Members of Parliament enjoy only when they were speaking on the floor of the House. I may clarify that even after this Act is repealed, whatever Mr. Erasmo de Sequeira might say, there can be verbatim reporting. Everything that any hon. member of the House wants to say will find a place in the proceedings and that can be fully reported. There is no bar on any reporting. There is no bar on any member saying anything and there is no bar on anybody to publish or print or circulate whatever is said in this honourable House. The only thing that this Amending Bill seeks to achieve is that anybody who prints should be subject to the common law of the land to which all the citizens are subjected including the Members of Parliament when they are not speaking inside the House. This is the position which we seek to achieve.

SHRI ERASMO DE SEQUEIRA: Even now it is like that.

SHRI VIDYA CHARAN SHUKLA: It is not like that.

Suppose a very scurrilous and *prima facie* wrong and absurd charge is made, for instance, against a particular Member of this House or a non-Member of this House. The whole thing appears completely ridiculous, wrong and absurd, but the whole thing can be splashed on the front page of the newspaper and printed. A non-Member of this House has no opportunity to vindicate and save his honour. Take an instance, your father is a

[Shri Vidya Charan Shukla]

leading political figure in Goa. A Member of this House can stand up and say that he has taken Rs. 2 lakhs from a foreign Government to do a certain thing and this is printed in the newspaper of Goa. He will send a letter to the Editor and say that that was wrong. The Editor might choose to ignore that letter or ignore that contradiction and may not print it. What can your father, who is respected and venerated in Goa, do about that? (Interruptions).

Mr. Sequeira, please wait and hear me. Just try to understand the situation. Do not get excited about it. I am giving an instance which will go home with you. Do not get so restive.

Please try to ponder over what I am saying. I am saying that today before you repeal this Act, the situation has been so helpless, the situation has been so bad, that in respect of any political figure who is in a vulnerable position—he does political work, he does social work and so he is in a vulnerable position—when people make absurd and completely baseless charges against him, and they are printed in the newspapers,—if he wants to vindicate his honour, can he go to a court of law? No, he cannot. He cannot do it today because of the protection given by this Act which we seek to repeal. Your respected father or anybody for that matter, any good citizen of the country cannot go to a court of law. If you see the present Act you will see this. Who is going to prove whether something was done with malice or without malice etc.? People who know law know how difficult it is to prove in a court of law whether there was intention to malign or there was no intention to malign. Anybody can say, I published it in public interest, I am publishing a newspaper in public interest and I did so in public interest and not with any malice. And the courts are likely to accept that point of view and they have accepted this point of view.

And here in respect of any citizen of the country, his honour can be dragged into dirt, and he has no right at all to vindicate his honour. Now, by amending this Act, we are only providing for this situation. Still it is quite conceivable that some members, irresponsible members, may make irresponsible, completely baseless charges, *prima facie* absurd charges but when it goes to the newspaper office the editor will have to think several times before they print it and they put it in their pages because they know this. Even though it is said in the House and the member enjoys the immunity in the discharge of his duties, he may have said with malice or without malice, he may have said so in the discharge of his duty as Member of Parliament or otherwise, whatever it may be, it is for the House and for the Presiding Officer to deal with it. But when it goes to the editor who wants to print it, he will certainly take into account these points from his own common-sense, his own knowledge, his own aptitude and then decide about it. Even after repealing this Act he will have the full authority and full power to completely and accurately and faithfully report verbatim proceedings in this House and the repeal will not prevent that kind of thing. The only difference that would be made now after this Bill is made into an Act is this. If the citizen concerned feels that his honour has been violated, he can go to a court of law under Section 500 IPC and say such and such abuses have been hurled against me, this has appeared in such and such paper and therefore the paper must be proceeded against. So, this kind of thing puts additional responsibility on the editors, the reporters, the news agencies concerned, outside the House, not within the House, to be more careful and ascertain facts before publishing anything. This is the limited purpose and this is the limited effect of this repeal. If anything else is read into it, I would say that it is completely wrong and I may say that any apprehension that



hon. Members might feel would be unfounded, because, neither the proceedings of the House, nor the conduct of the Members within the House, nor any such publication is sought to be prevented by it.

Today, Sir, these printers, publishers and editors seem to enjoy more immunity than the Members of Parliament themselves. If Members make such charges outside the House they are subject to the common law, but if editors print and publish these things and circulate these charges, they are not subject to that law because of the provision of this Act.

Even a Member of Parliament enjoys this immunity when he speaks inside the House. I am labouring this point to bring to the attention of the hon. Members that no part of functioning of the hon. Members and no part of functioning of this House is sought to be circumvented by this repealing Bill and, therefore, whatever things Mr. Sequeira seems to have read into this Bill he is not only mistaken but he has completely and wholly misunderstood the intention behind the repealing Bill. Whatever you say here is certainly meant for the citizens at large. It should be read by citizens. Who prevents it? The newspaper can print it if he wants it but he cannot say I will print it and not subjected to the law. Let him print under the same provisions of the law. Why should the printer have a special immunity which is not available to other citizens of the country for whom these things are said in Parliament. 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."

It is certainly so when Mr. Mody was called a CIA agent or supposing Mr. Sequeira is called a CIA agent and then it is printed all over....

SHRI ERASMO DE SEQUEIRA:  
It will not make any difference.

SHRI VIDYA CHARAN SHUKLA:  
It will not make any difference to you but for others it will make a difference. Then what would you do? Even your personal explanation here will be recorded in the proceedings of the House but it may not be recorded in the newspapers who want to call you a CIA agent. If some hon. Members of the Opposition are called agents of other countries, what happens? It is printed by the private press who is out to malign that particular Member of Parliament and that particular Member of Parliament has no means of getting a contradiction published. He can get up in the House and make a personal explanation but that does not help him because the Press is controlled by those who want to malign democracy. Therefore, this Bill is meant to uphold the honour of this House and the honour of the Members of this House and also the honour of the citizens and remove unwarranted impunity and privilege given to editors, printers and publishers of newspapers to freely malign such people whom they want to malign in the manner they like. This is the limited purpose of this Bill and, therefore, I will strongly commend this Bill for the acceptance of this House.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956 be taken into consideration."

SHRI DINEN BHATTACHARYYA:  
(Serampore): Sir, with rapt attention I heard the reply given by the hon. Minister to the motion moved by Mr. Sequeira. I consider this repealing Bill just another nail in the coffin of

[Shri Dinen Bhattacharyya]

parliamentary democracy in India. Whatever privileges the Members of Parliament were enjoying in the country—though of a limited nature—are now being taken away step by step involving the entire procedure of parliamentary democracy. One feels that the institution as such is being allowed to die gradually as a slow poison process. The Bill is enacted with the sole purpose of giving proper ventilation to the grievances of the people whom we are representing and what we express on the floor of the House that is being denied to Members also

So, it is not only a question of snatching away the rights of the newspapers which they were enjoying all along, but also taking away the rights and privileges of the members and delinking the members from the people. That is the method you are adopting. In spite of the pious wishes you are expressing, is it not a fact that only some days back in the parliamentary building—this was raised in a committee meeting also—a notice was put up saying that no reporter or other persons can take away anything containing the proceedings of the House without the permission of the censor? Mr. Samar Mukherjee has already said about it. There were seven pages of Mr. Samar Mukherjee's speech. May I know how many lines were permitted by your censor to be published in the papers? We are not allowed to publish the speeches made by our leaders in our party journal even. This is true not only of my party but of all opposition parties. If Mr. Hiren Mukherjee makes a speech, it will not be published automatically.

SHRI S M BANERJEE: Kindly allow me to move my amendment.

MR. DEPUTY-SPEAKER: I cannot violate the rules. It is a question of order. If I also start violating the rules, nothing will be left. There is a certain stage at which you have to do it. If you don't do it, how

can we go back? We have already started the discussion.

SHRI S. M. BANERJEE: I left just for five minutes.

MR. DEPUTY-SPEAKER: You are a victim of circumstances, but I cannot help it.

SHRI S. M. BANERJEE: Will you do the same thing with the ministers also?

MR. DEPUTY-SPEAKER: Of course. Take it from me that the same rule will apply to everybody.

SHRI S M BANERJEE: I will see that

MR. DEPUTY-SPEAKER: Mr. Bhattacharyya, you were saying something about the censor. I have allowed it but it is also correct that this has nothing to do with the Bill.

SHRI DINEN BHATTACHARYYA: Why?

MR. DEPUTY-SPEAKER. I will explain why. This Bill says, anybody can publish what is said in the House. The only difference is that when he publishes it, he makes himself liable to the law of the land. That is all.

SHRI DINEN BHATTACHARYYA: But is it a fact or not that a notice was put up saying that reporters and editors should not take anything from the proceedings of the House except through the censor?

MR. DEPUTY-SPEAKER: It may be so, but it has nothing to do with this Bill.

SHRI DINEN BHATTACHARYYA: Then what is this Bill meant for? When the Prime Minister or some other minister or some spokesmen of the government says something; it is published in the papers from A to Z. They speak nonsense but that has to be taken as sacrosanct.

This is the way democracy is functioning in our country. They are driving the last nail on the coffin of Parliamentary democracy that is being carried by Mr. Shukla. Don't try to hoodwink the people. This is nothing but another stunt that the right to publish it is still there. I can challenge anybody. No paper will publish my speech unless it is cleared by the censor. This is how double standard is being maintained ....

MR. DEPUTY-SPEAKER: Not by the Chair.

SHRI DINEN BHATTACHARYYA: Not by the Chair but by the government and its representative, Mr. Shukla who is piloting this Bill. He will get all the publicity in all the papers and over All India Radio. But the speech of a poor opposition member like me will be blacked out completely. Under "Today in Parliament" you will have to listen for 15 minutes to what Mr. Shukla has spoken, but not a word of Mr. Sequeira's speech or my speech will be broadcast by all India Radio. Or perhaps there may be one line. That is all.

Therefore, I fully support the resolution moved by Mr. Sequeira and totally oppose the Bill from A to Z. My advice to Mr. Shukla is: You have been promoted a little now. But if you move in this way, don't think the people outside will forgive you. They will forgive neither you nor the government if you start gagging the voice of the people which is focussed in Parliament day in and day out. Ever since the declaration of the emergency, you are bringing repressive measures. What is the explanation? Even the speech of the Tamilnadu Chief Minister who is heading the government there was suppressed and he had to take the trouble of publishing his own speech.

MR. DEPUTY-SPEAKER: That has nothing to do with this Bill.  
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SHRI DINEN BHATTACHARYYA: But the speeches of the opposition members there are flashed, including the speeches of any member who goes there on behalf of the ruling party and addresses a meeting. Hardly 25 people would have been present, but that will appear in banner headlines in the newspapers. The same is the situation in Gujarat. Please don't treat us like school boys and start giving sermons. Would you be kind enough to say whether the speeches made by the members in Parliament will be allowed to be published freely in our party journal? Let alone the Hindustan Times or the Express which have now been linked together.

MR. DEPUTY-SPEAKER: The Bill allows that.

SHRI DINEN BHATTACHARYYA: Perhaps you do not have the patience to hear me. I have enough experience.

MR. DEPUTY-SPEAKER: Please be relevant.

SHRI DINEN BHATTACHARYYA: Can I publish that Mr. S. N. Mishra is in jail?

MR. DEPUTY-SPEAKER: I am appealing to you to be relevant. You say: "Can I publish my speech in my Party journal" and my reading is that you can. The only thing is that somebody can bring suit against you.

SHRI DINEN BHATTACHARYYA: You kindly judge our position. We cannot publish the news about those MPs who are detained.

May I request the Minister to go back with his Bill and accept the amendment put by Mr. Banerjee to send it to the Select Committee so that you can consider it patiently and come prepared to face the public.

SHRI C. M. STEPHEN (Muvattupuzha): I rise to support the Motion moved by Mr. Shukla and oppose the Resolution moved by Mr. Sequeira.

[Shri C M Stephen]

I am just seeking to place before the House the limited question that is involved in this Bill. As far as my understanding goes, none of the privileges of this House and the privileges of the Members of this House, are sought to be encroached upon by this Bill. The privileges of this House and the privileges of the Members of this House are protected by article 105 of the Constitution. Sub-clause (1) of that article gives us 'that there shall be freedom of speech in Parliament'. Sub-clause 2 has two aspects. No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof. That part of it is not touched at all. Anything can be spoken here even the libellous statements can be made provided the Rules of Procedure permit it. The second part is: No person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings. Therefore the publication of any speech, any proceedings or any vote made in this House if the publication is made under the authority of the House that also is completely protected. No legislature and no ordinary law can take away that right. The only thing is that it must be with the authority of the House. Even libellous matters can be there and nobody can proceed against that. In every respect the law of privileges that was in practice in the House of Commons would be applicable to this House and Members thereof.

We are now considering as to what exactly is a privilege. I honestly feel that there is a misconception about the scope of the privilege. There was a time in the House of Commons when the publication of any speech of any part of any comment made in the House was treated as a breach of privilege. That continues to be the position even to-day.

MR DEPUTY-SPEAKER They now have live broadcasts, live TV broadcasts.

SHRI C M STEPHEN I am coming to that.

SHRI S M BANERJEE Your information is of the 18th century.

SHRI C M STEPHEN To begin with the House of Commons took up a position that it was a deliberative body and whatever was said in the House was for the Members of the House. It was not for publication and if publication was made the House passed a resolution prohibiting the publication thereof. Subsequently, there was a very heated discussion as to whether publication should be permitted and the decision was that

Though the House resolved on this occasion that the publication of its proceedings was a high indignity and a notorious breach of privilege the reporting continued in quarterly and monthly magazines, but under the cover of fictitious names for the House and its Members.

Subsequently this was relaxed in practice because publication started to take place and continued to take place.

MR DEPUTY-SPEAKER We know all this.

SHRI C M STEPHEN To day the position is that suppose a statement or a speech made is misreported and a garbled version is given no motion for privilege will lie against the Member on the ground of garbled version, but a motion will have to be given on the ground that the publication was made and that the fact that it was garbled was an aggravation of the breach of privilege. The point I am emphasizing is that in theory the House of Commons continues to hold that position even to-day viz that the publication is a breach of privilege. (Interruptions)

MR. DEPUTY-SPEAKER: They took it into account when the last bill was made into a law. The bill that we seek to repeal now took all that into account.

SHRI C. M. STEPHEN: The question is: "let there be no notion that there is anything fundamental in the right to get publication." After all, this House is a deliberative body. What is spoken here, is in an effort, as far as my understanding goes, to convert one another and to bring about a consensus or to accept a particular motion or something like that. Now it has gone ahead. Now the attention is more to the Press, more to the larger public, so much so that the deliberative character of the discussions of this House has become diluted.

MR. DEPUTY-SPEAKER: He did not say 'proselytization'. He said, 'conversion'.

SHRI C. M. STEPHEN: Now, taking protection under sub-clause (2) of Article 105, publication started in India also.

MR. DEPUTY-SPEAKER: You are taking a long time in giving all this history. We have only 2 hours for this bill.

SHRI C. M. STEPHEN: There were two criminal cases. In those cases, criminal proceedings were initiated. (Interruptions). My friend, without being here even for moving an amendment, is just (Interruptions).... Am I in possession of the House, or is he in possession of the House?

MR. DEPUTY-SPEAKER: You are in possession. But I am in possession of the time of the House.

SHRI C. M. STEPHEN: If the time is up, you can ring the bell; I will resume my seat.

MR. DEPUTY-SPEAKER: I have rung it once. Try to conclude.

SHRI C. M. STEPHEN: Can I get two minutes?

MR. DEPUTY-SPEAKER: Two minutes I will give you.

SHRI C. M. STEPHEN: That is right. When the two criminal cases came up before the Calcutta High Court, the court ruled that the protection was only to a Member. Protection is not for the publication. If the publication of a libellous matter comes up, then the publisher is liable for criminal action. Two rulings were given, one in 1951 and another in 1956. It was following that that this particular Act was passed by Parliament which said that save as otherwise provided in sub-section (2), no person shall be liable to any prosecution, civil or criminal, in any court in respect of any publication in a newspaper of a substantially correct report of any proceeding in the two Houses of Parliament. Therefore, what I am submitting is, what the law in this country was before the passing of this Act, that law is now sought to be restored by the passing of this Act. That is all what is taking place. None of the privileges of the Members of this House, or of the House, is sought to be infringed by that. The privileges will be retained completely, but the privileges which were enjoyed by the outside agencies is now sought to be removed. They will have to expose themselves to the ordinary criminal proceedings, as any other citizen is exposed to.

SHRI H. N. MUKERJEE (Calcutta—North-East) Mr. Deputy Speaker, instead of going at a tangent, it is important that we concentrate on the basic principle involved in the proposed legislation. I have heard the Minister twice, or may be thrice, on these issues because I opposed the introduction yesterday morning, and I have not found in what he said anything more than signs, either of naivete or a complete simplicity and ignorance of the position constitutionally, or a deep-seated desire not to expound the position correctly to the House.

[Shri H. N. Mukerjee]

The basic thing which we all have to bear in mind is that Parliament, freely functioning, enjoying popular support and responsive to it, critical wherever necessary, is the last insurance against subversion, if subversion happens to be of the undesirable sort. And this legislation has the very specific purpose of repealing a law, which was adopted by this House in 1956, on account of the Press Commission as well as the entire corps of journalists in this country asking for protection in regard to their freedom of publishing what goes on in Parliament.

It so happens, and I said it yesterday, that the Bill was sponsored by the late Shri Feroze Gandhi, with whom some of us had very close association, and I can recall very easily what happened in those days.

Now this Bill was brought forward because it was important that what was being done in Parliament was made known to the country immediately, and that could be done only by the press, or over the radio and other electronic devices that you have got today. And this fact is of the most tremendous importance for whoever cares in regard to parliamentary democracy. Now, we are not votaries of parliamentary democracy for ever and ever in every context; but, as long as we function as a parliamentary democracy, it has to function in an effective manner, and the experience of Britain is of great help. As I said, even though there was a great deal of basic hypocrisy in Anglo-Saxon jurisprudence and constitutional practice, at the same time, there are some really inspiring evolutions of things, the emergence of functions and practices, and that is why there are such leading cases as *Stockdale Vs. Hansard* early in the 19th century or *Warson Vs. Waller* in 1866 or where it was laid down that the freedom of the press to report faithfully what happens in Parliament is to be guaranteed.

My friend, Shri Stephen, was referring to the British freedom. He can go to the Parliament Library and look up the latest edition of the *London Times*, where full reporting of Parliamentary proceeding is made, in pursuance of the law of that country. Mention of the *London Times* reminded me that while my friend, Shri Dinen Bhattacharyya, was speaking we were all unhappy that the speech of our own friend and comrade, Shri Samar Mukherjee, was not reported in the press yesterday, but I learn that it was reported in *London Times* and possibly the Government's desire to get on the right side of our friends abroad is not sustained by this kind of thing happening—it will happen and it will continue to happen—because the press people, who represent the press in other countries, are enterprising enough to get hold of this material and publish that to the detriment of the image of India. They are now putting on the statute book a legislation repudiating Feroze Gandhi's Act and asking the press and everybody else not to report what is happening in Parliament.

Feroze Gandhi, on that occasion, had pointed out specifically, and I am trying to recall those days, that people have a right to know what happens in Parliament, which is a universally accepted principle, that the libel law is a sort of Damocles's sword hanging on the press people and others, that M. Ps. have absolute privilege, we can say whatever we like,—Mr. Bhattacharyya a little while ago said whatever he liked, even though you rightly stopped him, but he has that right—that judicial proceedings can be reported faithfully and correctly—but Parliamentary proceedings cannot under the law that we are going to put on the statute book be reported faithfully—and that, therefore, it was important and the entire journalistic corps, apart from enlightened opinion, wanted that freedom of parliamentary reporting should be guaranteed.

He had quoted on that occasion the observations of one of the most important authorities on libel and slander called Blake Auger, and I am quoting these words, "The public conduct of every public man is a matter of public concern." The public should know. They have sent us to this House, they should know what we are doing, so that they would be able to determine what should be their duty in regard to ourselves.

In Feroze Gandhi's time as well as later on it was pointed out more than once, any number of times, that after all what happens in Parliament is regulated by certain procedures. There are our rules of procedure, and then there is the Chair always to regulate the conduct. But the Minister comes forward and says, "The press in India has failed to exercise full self discipline and restraint and the privilege of Members of Parliament has assumed extraordinary proportions in the last three years. Is it the contention that the press is congenitally impossible of self-discipline? On the other hand, we have a patriotic and very efficient press.

Of course, the press is largely controlled by big money interests who want to operate to the detriment of our nationally accepted objectives. So, I can understand it if Government do come forward in order to check the press barons who have done damage during the last decade or so, but far from trying to discipline the press barons who have been behind every damage done to our aspirations even, — they are coming to terms with them, people like K. K. Birla who is coming back to control not only their own papers but the Indian Express group also, they are treated as socially conscious capitalists with whom they are beginning to join hands—they are punishing decent, honest, independent reporting by putting up here a censorship apparatus which is utterly ridiculous.

On the floor of the other House the Chairman was requested to see to it that the censorship is not operating in the fashion that it does today. In this House also we have repeatedly pointed out how censorship is operating, but nothing would happen because Government insists on the censor doing his duty in his kind of way, which is an utterly wooden, bureaucratic sort of way, and the freedom of everybody concerned as being decimated. This sort of thing just cannot pass muster.

When Feroze Gandhi had brought this Bill, it was not out of a sudden impulse, it was not because of a desire to be sentimentally helpful towards the press; it was because many significant events had happened. For example, it was officially stated in Parliament that some coal wagons bound for the Government ordnance factory at Muradnagar were diverted to Modinagar and were taken delivery by the local industries. There was a serious coal shortage and this was a very revealing situation. The name of the industry was not allowed to be published by the legal advisers of the Press Trust of India, this was before 1956, on the ground that if Modinagar Industries filed a case for defamation, the PTI by itself had no proof excepting the statement of the Railway Minister in Parliament at that time, which was not acceptable to the courts as a matter which was proved.

We find, again, in the Lok Sabha, the Prime Minister Nehru made a reference to the late Mr. Savarkar in his speech on the assassination of Mahatma Gandhi. Mr. Savarkar gave a legal notice to the PTI which was waived only on an undertaking given to the court by the PTI that it would release Mr. Savarkar's statement also.

Then, again, in the Lok Sabha, Mr. Feroze Gandhi himself brought up the famous Bharat Insurance case which, ultimately, ended in the nationalisation of life insurance companies and which also landed Mr. Ram Krishna Dalmia in jail but none of the serious charges against Dalmia levelled by



[Shri H N Mukerjee]

Mr Feroze Gandhi in Parliament and accepted by the then Finance Minister. Mr C D Deshmukh, could be published in the papers. Neither the name of Dalmia nor his companies could be mentioned in the reports. I remember Mr Feroze Gandhi from there got up to say I find the things said in Parliament which were very important to national welfare are not reported in the press only because the freedom which MPs have is not shared even to a small extent by the press of our country.

It is after these experiences that the Indian Federation of Working Journalists went on carrying a propaganda in favour of the new freedom and the American, French and other European countries' practices were referred to. The whole position was placarded before the whole country and Mr Feroze Gandhi introduced his well-known Bill. The result of this was that it became possible for Parliament and the press acting together in cooperation to focus the attention of malpractices in big industrial houses and elsewhere.

Many Reports of the Public Accounts Committee and the Estimates Committee got published and action was taken against the guilty, for example against Mr Aminchand Pavarelal. Possibly Sir you had come to Parliament at that time and you will remember that case and many other cases were referred to. The nationalisation of banks, the nationalisation of coal mines and the nationalisation of general insurance and similar measures could be attributed to some extent to the fact that there was press publicity in regard to the misdeeds of people who were brought to focus in Parliament. Therefore it was found important that these things should be allowed to be published. The Minister says that they can even now publish it. But don't leave it to them, they have to go to the court and defend themselves.

Then the Government says that in the last three or four years the powers were misused. I am very sorry to get

a feeling that there is, by implication, a reflection on the Chair. About the last three or four years, you say that it was a bad period, a black period, whose memory the Government wishes to erase by mere force, not by creative measures fulfilling the wishes of the people but by putting something on the statute book and getting the miserable censorship to work. That is not the way in which you can erase the memory of the recent past.

What happened in those days? I remember very distinctly how the Chair—the former distinguished occupant of the Chair is sitting here before me—has functioned and we have found to our consternation that the Chair could not be assisted by the leaders of the ruling party whenever such situations arose. I have heard, in this House the Speaker Mr Hukam Singh did some thing wrong because he had sent out a few people for deviating the rules and the conventions of the House. I have heard the praise of Mr Sanjeeva Reddy for a not having ever used this disciplinary jurisdiction. I have heard the praise also of Dr Dhillon that he kept his temper cool in the most exacting situations and never took a drastic step. Why was it that the Chair was disabled from taking steps which day in and day out proclaimed from the house tops were the remedies of parliamentary discipline?

15 00 hrs

That was because they had a guilty feeling themselves. They could not take that stand on principle. They could not assist the Chair in the manner in which the Leader of the House and other leading members of the Government Party are expected in any Parliamentary apparatus to help the conduct of the Parliamentary proceedings. I have the mortification, I belong to the Opposition. It is not for the Opposition to help the Government by way of rescuing them in distress. But I have found it repeatedly, I have found the Members of the Govern-

ment leaving one of their number, a Cabinet colleague, late Shri L. N. Mishra for example, in the lurch, never defending him properly, never saying anything, never putting up a challenge, never saying a counter-challenge to a challenge. If they had the guts and the moral authority to do so, they could give an answer, but they did not choose to give the answer. They had to be goaded and goaded in order to come forward before the House. Why? Because, the Chair, after all has to observe certain proprieties. The Chair cannot just lay down the law and push it through. The Chair has to be assisted from both sides of the House. But Government never assisted the Chair, they had clay feet, they did not have the moral guts to stand up on themselves and when on occasions they tried to defend for example a Minister like late Shri L. N. Mishra, they put up a very much better case than when they had kept mum, completely silent, about it and merely said that, because of the uproar, they could not answer. They never played their role properly. If they had the moral guts and the capability in Parliamentary terms they could have assisted the Chair but they did not do so. What I say is that the assistance from the House would be forthcoming on a matter of principle where the honour of the country is involved and the security of our nation and the prospects of its development are involved. When the fight against neo-fascists is taking on such an urgent character, this Government can certainly enlist the support of all people of goodwill. But they have not got the courage, they have got their own clay feet they have got their own guilty conscience somewhere which is why they do not get up and assert their own right. That is why I say that it is entirely dishonest on the part of the Government to put the blame on whoever was responsible for the conduct of Parliamentary proceedings in the last five years. It is entirely dishonest to put the blame on the press for having reported things badly. A

section of the press, the big money press, has always behaved shabbily in regard to the national aspirations of India, but Government has never had the guts to manacle that section of the big money press, but Government have the guts to put down the working journalists but not the big money press—that is what they do not propose to do. Now they bring forward this legislation.

I do not wish to end on a sentimental note, because there is no question of sentiment about it. Feroze Gandhi had brought forward this Bill, not because the Parliamentary practice in Britain had to be followed here—that is the least part of the story for our own reasons, we want this Bill—but for certain reasons I cannot, for the life of me, as I said yesterday, understand why an one line Act would be put on the Statute Book—The Feroze Gandhi Act is repealed for what purpose?

I have heard some words, whispering here and there that, perhaps, Government are having a second thought in regard to this matter. I wish to Heavens that Government does take a second thought, that the Minister goes back. Mr Shukla please do not make naive speeches in Parliament, which is not worthy of you, because you are more intelligent than that. Either you are too clever by half or you are presenting a case which you do not know anything about. Please go back to your leader, the Prime Minister and find out if you are really and truly going to have this very unsavoury legislation, this one line Act repealing the Feroze Gandhi Act that has a history behind it which I have tried to detail before you. You are trying to ring the bell. I am perhaps trying to take advantage of my seniority in this House. But that is not the point. I wish him to go back to his Prime Minister to find out whether they are or they are not going to reconsider this matter. I wish to Heavens that

[Shri H. N. Mukerjee]

he withdraws this legislation. Let the Feroze Gandhi Act remain on the Statute Book. The Heavens will not fall. Why should the Heavens fall? If the dogs bark in Parliament, why are you afraid? If the dogs do not bark here, they would bite you elsewhere. Parliament is an insurance against revolution. Try to have a revolution by means that would be acceptable to our people and which would produce results. Do not play with the idea of revolution. Revolution is the most authoritarian thing in the world. I would accept authoritarianism provided I know that a real revolution is taking place. But, in the name of a fake revolution, do not impose authoritarianism of the sort that is implied in this kind of legislation.

I oppose this Bill, I support necessarily the resolution of my friend, Mr. Sequeira and I wish the government would have the good sense to withdraw this Bill and put an end to this.

SHRI N. K. P. SALVE (Betul): I shall deal a bit later with the basic principles and the cardinal postulates of the Bill to which Shri Mukherjee made a reference.

But I must start my speech straightaway by refuting completely the allegations made by Shri Hiren Mukherjee and it is a very extra-ordinary manner of making an allegation against the Congress Party where you find fault with us for the misbehaviour of the Opposition Party. The Opposition Party misbehaved in this House and made the working of the Chair very difficult. I was one of those who made and endeavoured their best to repel every indecent remark and every wild allegation made in an extremely irresponsible and heinous manner by the Opposition Members to run down the late Shri L. N. Mishra. It was our leader who prevailed upon us to ensure that we did not follow in the Chamber tactics of the opposition.

Now, for this restrained behaviour shown by us in the midst of provocation Mr. Hiren Mukherjee blames us, that we were developing clay feet and that we have a guilty conscience. To say the last, this is exceedingly unfair. I wish he had got up at that time when the opposition members were misbehaving and trying to gherao the Chair. He should have got up and abused those people as he is trying to abuse us now. If he had done the right thing at that time, possibly this Bill would never have seen the light of the day. Having failed to do his duty at that time, now to pass on the blame to us does not befit a parliamentarian of the seniority and esteem of Shri Hiren Mukerjee.

I am one who is connected with newspapers. Therefore, this Bill is of quite some importance to me. But, if one were to see, what is the principle and the postulates behind this Bill, with objectivity he can see the rationale, I have heard Shri Dinen Bhattacharyya come out with an extremely high sounding and erudite speech. However, it appeared that he seems to have studied everything on the earth excepting the provisions of the Bill. There is no provision in the Bill by which any newspaper is stopped from printing anything which it wants to print, including the proceedings in the Parliament. The only provision that is sought to be made is that the protection which is given in Section 105(2) to a Member of Parliament is not super-imposed and made applicable to the Press, Now, to say therefore, that this measure is going to adversely affect and impede the efficient functioning of the Parliament or the efficacy of the Parliament may be true, but, it is partially true only. It is not fully true. One has to understand that the publicity of everything that happens in this House has its own merits. The country must know what goes on in Parliament. And for the efficient functioning of the Parliament in a democracy, it is necessary that

newspapers should give publicity to the proceedings in this House. But as one who is watching the proceedings for last nine years in this House, I am ashamed of several things happening in this House and published outside. I ardently hoped that those things had never happened, and at last if they were not publicised the image and the respect of this Parliament would have risen much higher in the esteem of the people, and parliamentary democracy would have been far more stronger than what it has been. Let us make an honest evaluation of the entire situation and see whether or not the members and press had abused the immunity which has been granted to the Press under the law which is now being sought to be repealed. Did not the Members look forward to making wild and reckless allegations, scurrilous and offensive speeches, particularly by the Opposition members times without number and despite the Chair's protest? On the second day itself when I came to Parliament, two full days were taken for discussing Svetlana, a lady who came here and stayed for a few days and went away. The matter was publicised as though that was the greatest event of the country. Then came the milk coat. Then came one scandal after another. Satisfactory replies were given about that but the replies found a place in the newspapers in only two or three lines. What the Opposition leaders said including of most reckless and irresponsible allegations made by them came out in banner headlines. I speak with great respect to the press. I am not trying to denigrate them. But the Parliament news has invariably been published as though this is the biggest market or fish place and the people come here to make out all sort of wild allegations, irresponsible comments, character assassination and that is all what the Parliament is meant for? Such was the image that was sought to be created by the press in an extremely irresponsible manner. As to

whether or not this is true, let us search our hearts. We ourselves want a very efficacious and efficient functioning of the Parliament. I have conceded that the publication of proceedings is important. But Parliamentary democracy's cause would have been served better if many things that have happened here and many comments which were made were kept confined to the House. Therefore, I do not feel any difficulty in accepting this repealing legislation, as a measure, which is very wholesome, very necessary and very pragmatic.

15.09 hrs.

[SHRI C. M. STEPHEN in the Chair.]

I wish to refer to one more aspect of the matter here. Shri H N. Mukherjee has gone away: Has it not been the case that the members, despite protests and warnings from the Chair, despite repeated reprimand from the Chair, insisted on saying things which they should never have done.

I have myself been a victim of the slanderous remarks in this House. A young member of the Socialist Party, when I was absent, just got up and started shouting that certain Drug firms in Indore got import licences and in these import licences, crores of rupees were made. In those crores of rupees which had been made, according to that young Member of the Socialist Party, the Health Minister of Madhya Pradesh was involved and a colleague of mine in Parliament and I was involved. This was said despite repeated warnings by the Chair, to stop talking nonsense entirely against the rules I was absent from the House. The Chair was unable to give me the protection against the member who flouted the Chair and Rules of Procedure. It was magnanimous of the Speaker who allowed me

[Shri N K P Salve]

to make a statement that day and I categorically denied and said, that far from doing anything in the matter of drug imports I have never been to Indore, I have never known about any drug licence being given and if the member can prove that I have ever known anything, far from taking money, about the whole matter I shall resign from this House the very moment. The next day Mrs Salve rings me from Nagpur and tells me that she read in banner headlines 'Mr Salve involved in receiving crores of rupees'. She rings me from Nagpur to find out where is the money and why I was not sharing that with her. This is a reality. There is considerable irony in many things which are happening in this House. Are we coming to this House to baiter away our self-respect and honour simply because the press must be allowed to publish wrong things said and done in this House? Could not the press keep this news away? Against the ruling of the Speaker one Member got up and shouted what was uncontaminated nonsense and falsehood and he got banner headlines 'is this sort of publication not a gross abuse'. Shri H N Mukerjee still feels that efficient functioning of the Parliament will be adversely affected, if press publications are subjected to law of the land.

Time has come when our notions about the freedom of press and various other freedoms require proper reconsideration. Whether emergency has proved anything else or not, whatever else it may have proved or disproved, it has proved one thing clearly and that is that this country is not meant for soft and permissive democracy. We need a democracy in which we need to take a very realistic view of the matter and we need to rule to some extent with 'danda' itself. I congratulate the Minister for bringing this legislative measure, as a result of which, press will have to be respon-

sible on their own under the law of the land and press can publish whatever they like but they will be liable, they will be responsible.

**SHRI KRISHNA CHANDRA HALDER** (Ausgram) One day that Danda will fall on your head.

**SHRI N K P SALVE** I shall be too willing to take a danda if it is for a cause and not as vengeance of the Opposition party. I do not mind it. But let me assure, Mr Halder one thing, if it ever comes to a rule of danda, he and his party members are the one who will be hung by the closest lamp-post by the shortest rope and would be sent to heavens. People will never give us danda. You protect your skin and head if you have one.

**SHRI KRISHNA CHANDRA HALDER** I do not want protection from you Mr Salve, Sir.

**SHRI N K P SALVE** Thus as a result of this legislative measure, the press has lost the immunity from legal action under law of the land which they were enjoying. As a result of the immunity the demand of the press and the Parliament coming to a level which did not in any manner raise the level of the Parliament or the Press as such. Therefore, once again I congratulate the Minister for bringing this legislation. There is a great deal of pragmatism in this legislation.

**SHRI VIRENDRA AGARWAL** (Moradabad) The political situation in the country today is charged with tension and confrontation. The Government of the day has failed to make an objective assessment of the situation prevailing in the country. I do not believe that a person of my temperament can either make a worthwhile contribution to make the debate really meaningful. The newspapers of the day are abusing and maligning the opposition and describing the opposition as traitors, reactionaries,

criminals, fascists and CIA agents. But the Government leaders are being described as champions of freedom and downtrodden and what not. But the fact remains that the major casualty of the emergency in the country is either freedom or the poor.

Sir, who does not know that the supremacy of Parliament, independence of judiciary and freedom of press have been greatly undermined and that is why one who has a little intelligence to understand the fundamental things of this country believes that there is no democracy in the country. It is the opposition which always sets the pace in any democratic country of the world. You should better learn what the British Prime Minister recently told the Soviet Government about the speeches made by conservative leader Mrs. Thatcher in UK. Whenever the opposition is gagged with an object to liquidate it, it implies that the country is moving towards one party rule and that means dictatorship.

It is always the despotic ruler who has been afraid of public opinion. If you do not allow free press it implies that you are determined to throttle public opinion. Public opinion is the essence of democratic functioning. Press is the essential vehicle to build public opinion in any country. Opposition and the Press are the essential virtues of a democracy.

We have now reached the cross-roads when we have to decide whether we want to have one party rule or whether we want dictatorship to prevail in this country. We as a nation are known to be peace loving and the people of India relish certain basic freedoms as guaranteed in the Constitution. India has remained under foreign domination for more than 1000 years but these freedoms have never been curtailed. Foreigners could succeed because they were able to read Indian mind correctly. We talk so

much of discipline and progress today but I can assure you that a slave mentality can never allow the nation to grow. What we need today is freedom plus discipline and not discipline minus freedom which leads to slavery. This is a very sad situation, for healthy growth of this country. I will just quote what Pandit Jawaharlal Nehru said on these national issues as far back as in April 1936. He said this while addressing the Lucknow Congress. I quote:

"Comrades, being interested in psychology, I have watched the process of moral and intellectual decay and realised, even more than I did previously, how autocratic power corrupts and degrades and vulgarises.

Of one thing I must say a few words, for, to me it is one of the most vital things that I value. This is the deprivation of civil liberties in India.

"A government that has to rely on the Criminal Law Amendment Act and similar laws, that suppresses the press and literature, that bans hundreds of organisations, that keeps people in prison without trial and that does so many things that are happening in India today, is a government that has ceased to have even a shadow of a justification for its existence.

"I can never adjust myself to these conditions; I find them intolerable. And yet I find many of my countrymen complacent about them, some even supporting them, some who have made a practice of sitting on the fence into a fine art, being neutral when such questions are discussed."

This is what Jawahar Lal said in 1936 while addressing the Lucknow Congress session. I have heard the hon. Minister and he has made the whole preposition very simple as if nothing is happening to the country.

[Shri Virendra Agarwal]

Sir, I have seen one notification issued by the Chief Censor on 4th January, 1976 about the proceedings of the House. I would like to read this notification which will show to what extent Mr. Shukla is correct in explaining the Bill in this House. This notification says:

"Notwithstanding anything contained in letter No. 1/3/75/CC dated August 19, 1975, addressed to all accredited Correspondents representing Indian news organisations and letter No. 2/4(iii)/75-CC dated August 5, 1975, addressed to all Editors in Delhi and other parts of India, and any undertaking by foreign correspondents to observe the guidelines in return for exemption of pre-censorship, the attention of accredited correspondences (including the foreign) and editor is drawn to Statutory Order 275(E) dated 26th June, 1975 and as amended on 12th August, 1975 made under Rule 48(1) of the Defence and Internal Security of India Rules and to state that all news, comments (including editorial comments), rumour or other reports relating to the proceedings of the 15th Session of Fifth Lok Sabha, 1976, and 94th Session of the Rajya Sabha falling within the provisions of the said Statutory Order 175(E) shall be submitted for scrutiny and shall not be published without permission in writing."

This is what the Chief Censor has notified to the papers in Delhi. This particular censor order clearly explains to what extent the Minister is right while explaining the objectives of the Bill.

So many things have been said about the correctness of the Bill. One can very well appreciate and at least I do that character assassination or defamatory language must be stopped but it does not imply that the corrupt Minister should not be exposed. At times

it is taken for granted that if a corrupt Minister in the House is exposed that means you are trying to defame the Minister. It is the responsibility of the Prime Minister to see that those who are inducted in the Government are really above board. If they are not then this Parliament has the right to attack and expose and let the whole country know that they are really corrupt. I do not see the reason why the corrupt Ministers in this House should not be exposed and the country be not told that these people are corrupt.

SHRI VIDYA CHARAN SHUKLA:

You are speaking irrelevant things which have nothing to do with the Bill. You do not understand it.

SHRI VIRENDRA AGARWAL:

The question is, are the ministers more capable of making responsible statements as against the average, member of this House?

SHRI N. K. P. SALVE: Who is that average member?

SHRI VIRENDRA AGARWAL:

Any member like you or me. You see any publicity material. Only the Ministers' speeches are carried, while the speeches of other members irrespective of party affiliation, including even the senior-most Congress leaders of this House are blacked out. I can give you the names. At least four senior Congress members of this House have told me that whenever they speak, their speeches are not allowed to be published. Therefore, in the garb of this Bill, you are trying to blacklist every member of this House, irrespective of party affiliation. It is not a question of opposition or Congress members. Is freedom of speech meant only for ministers or is it for everyone? I think we, the members of this supreme sovereign body, are equally responsible and we do have as much representative character as anybody else sitting on the treasury benches. This discrimi-



nation between ministers and non-ministers is repugnant to the human mind and hits hard at the foundation of democratic functioning. Either give equal treatment to all members of the House so far as parliamentary proceedings are concerned or let there be secret sessions. I represent a constituency and I have got a responsibility to see that the people of my constituency know what I have spoken in this House. If I want my speech to be published for circulation in my constituency is it allowed or not? These are the questions which are agitating our mind. I think it is the responsibility of the Hon'ble Speaker to uphold the supremacy of the Parliament and to grant equal treatment to all members of this House.

With these words I oppose the Bill.

SHRI B. R. SHUKLA (Bahraich): Sir, Shri Virendra Agarwal and Shri Hiren Mukerjee have made brilliant speeches but they have only misdirected themselves to issues that are not at all germane or relevant to the topic under discussion. Either they have not read the bill or if they have, they have not understood its implications. I entirely agree with the reasoning and brilliant exposition of Mr. Vidya Charan Shukla. The point is very simple. The Parliamentary Proceedings (Protection of publication) Act has created an anomalous situation. If an hon. member, in spite of the vigilance exercised by the Chair, has wholly misdirected himself and made wild and baseless accusations on the floor of the House, article 105 gives him ample immunity from being prosecuted in a court of law or being sued for damages for tort in civil courts. He may not have the courage to repeat the same accusations outside the Parliament. But if he makes such a speech in Parliament and if it is published in the newspapers and read by millions of people, the editor, printer and publisher enjoy immunity

under the Act which is sought to be repealed. Therefore, the newspapers should not enjoy the immunity larger than the ordinary citizen of this country. That is why I say that this Bill was long overdue to repeal that Act.

Now, many sentimental references have been made to late Feroz Gandhi. While discussing the Bill we should confine ourselves to the merits of the Bill and we should not be influenced by the personality of the author of a particular Bill. We have challenged the philosophy, we have challenged the Vedas, we have challenged the Shastras but here are persons who are attacking the Bill not on merit but they are resorting to personality cult. That is a wrong approach. My submission is that the Bill has a limited purpose that a special privilege which was sought to be created under the colour of the Act, should be taken away. There is no curtailment of the freedom of speech of any hon. Member of this House. If hon. Members are interested into all sorts of libellous matters to be published in newspapers without the risk of prosecution, they have wholly misunderstood the scope of freedom and the limit of liberty and I think, the Bill has been rightly brought before this House.

With these words, I support the Bill. I think that all the fears and apprehensions that are there in the Members' minds should stand allayed in view of the explanation which has been given by the hon. Minister in-charge of this Bill.

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, I rise to strike a dissenting note. I have heard Mr. N. K. P. Salve advocating in so many terms, the adoption of 'danda democracy' as he himself described it! Mr. Salve is a very experienced elder and I want to ask him whether 'danda' goes with

[Shri P. G. Mavalankar]

'democracy'. He is talking in terms of contradiction. Either you want the 'danda' or you want the democracy; you cannot have both.

The Bill, on the face of it, looks harmless and the Minister tried to tell the House in so many words how and why it is harmless. But if one ponders at some depth, it will be seen that this measure is a retrograde step because instead of trying to remove the defects which have been there, he is suggesting the other extreme that the country will not know anything, just because the country should not know something which is wrong or libellous.

I do not want to speak at length on the Censor. But can the Minister be honest in saying that whatever is propounded, and whatever is said here and whatever has been said during the July-August session last year and is being said now in this session, that it all goes to the Press? Do our constituents know what we are doing here and what we are saying here?

Sir, look at the Minister's own statement. I want to suggest briefly that the built-in safety-valve is there itself. The Minister himself made a reference to it in his statement, that

"The Act of 1956 was intended to protect " etc. I am quoting

"provided the publication was without malice and was for the public good."

That built-in safety valve was there in the 1956 Act. If that built-in safety valve is abused by any one of us, on either side, then we should find out a remedy to remove that abuse. But the remedy cannot be the removal of the 1956 Act. The Government's charge is that—I am quoting from the Statement of Objects and Reasons:

"The actual experience proved to be that the privilege given by the Act was misused frequently and systematically."

Why did the Government allow this to happen? Do they want me to believe and the House to believe that all this was tolerated by them and that they were so helpless in taking to task those who were responsible for serious misbehaviour, if any? That is my point. In the last paragraph of the same Statement, the Minister says:

"The misuse of this privilege assumed extra-ordinary proportions during the last three years."

Now, Sir, I am with the Minister if he says that there was some misuse; but if he says that the misuse assumed extraordinary proportions, then, if the blame is partly of the Opposition, if the blame is partly of the Press, am I to believe that the blame is not at all of the Government, that the Government is free of all blame and the entire blame is that of the Opposition and of the Press—as if only we are talking to the gallery and the Government is talking to their conscience and to the countrymen? It is an absurd argument to make. Therefore I want to ask why was the Act of 1956 applauded so loudly and universally? The late Mr. Feroze Gandhi was then hailed as the hero, and praise was showered on him. The late Mr. Feroze Gandhi was, of course, a very honourable, scholarly and learned gentleman, and he was a good friend and a warm-hearted person, as many of us knew him. We had the privilege of knowing him. But, now, Sir, Feroze Gandhi is being depicted as an awkward person and a wrong individual (Interruptions). If you don't depict him as awkward, why repeal this Act or have this Bill? The late Feroze Gandhi was not doing it for his own sake. He was doing it as a public duty, viz, that what Parliament does

should go back to the entire country and the constituency. Parliament, any Parliament in a democracy, is a talking shop. Mr. Herbert Morrison, Deputy Prime Minister in the Atlee Government in Britain, described Parliament as a talking shop. Of course, that talking shop cannot go on talking endlessly or aimlessly, or go on talking in an abusive manner. I entirely agree with the Minister and every Member who says so. But do we come here and just talk among ourselves, for our mutual satisfaction, for our mutual consumption, or do we talk so that the country at large can listen and can listen immediately, instantaneously almost, through the Press, through radio, through television? Unfortunately, radio and television are complete departments of the Government of India. Therefore, only the Press remains as a free agency; to the extent it remains so, the press tries to portray and express the happenings and sayings of Members of this House and of the other House to the entire country. This is possible only if it can swiftly and freely communicate to the outside world what is said and done in this House and the other House. I would go further and suggest to the Minister and to all others, that a free Press is inevitably an extension of a free Parliament; if you take away the free Press, the free Parliament does not remain a free Parliament. If you want a free Parliament to remain free, then you must accept simultaneously the tenet that the Press must also be free to express and portray what is happening in Parliament and what is being said in Parliament. Members of Parliament must use their privileges responsibly, just as the Members of the Press must use the same privilege which was granted to them by the 1965 Act freely and responsibly. But if the Press cannot report, portray and even comment—and comment honourably and charitably—on the

proceedings here, and make our countrymen know what their representatives are doing and saying, or are not doing or not saying in this honourable House, I would not feel happy and satisfied. Moreover, the role of a Member of Parliament is not restricted to just his own constituency. The enlightened Conservative leader, Mr. Edmund Burke, in 18th Century England, was elected from Bristol, and on his triumph told his constituents—at that only men had the vote; women had no vote—something to this effect:

“Gentlemen of Bristol, you have elected me from Bristol. I owe to you some responsibilities; I must listen to you. But when I go to London to the House of Commons, I am not a Member of Bristol, I am a Member of Parliament.”

Therefore, when I talk, I do not talk merely for my own constituency, I am not talking merely for Ahmedabad, from where I have the honour of being elected, to this House. I am talking to and for the entire country, to my fellow-countrymen living from Kashmir to Kanyakumari, and from Assam or Manipur or Meghalaya to Dwaraka and Saurashtra. What I am saying here, the press will report. If I misuse my position here, that also the press will report and the people will know what I am doing. After all, the whole country is my constituency, and it should, therefore, be kept well informed of my sayings and doings here.

The Minister says that our speeches can be printed, and he says that with a broad smile, because he knows what it means. Whatever freedom is given by legislation, even that is taken away by the censor that is functioning in the whole country. Even in this Parliament House, censorship is being enforced. I cannot understand how a censor could occupy a place in this independent Parliament House. But

(Shri P. G. Mavalankar)

there sits an officials, the censor, who tells the press what to publish, and what not to publish, what to publish with bias and what not to publish without bias, what to inject and what to cut out! Yet, the Minister comes and says the press is free!

Now, assuming the censorship is temporary, I want to ask a further question. Even if our speeches can be printed by the editors, as the Minister says and assures, they will find that they will have to fight against time because they will have to glean through them late in the evening or night and decide which part of the Member's speech is right and which part is wrong and, therefore, cannot be published. He will have no time, no energy and no opportunity to go through them. The result will be that nothing will go to the press, even if everything goes into the record here! The record may have everything for the future historians but people of the present generation will not know what is taking place in Parliament!

From all these angles, I oppose this Bill which is brought forward by the Minister of Information and Broadcasting.

**श्री मूलचन्द डागा (पाली):** एक छोटी सी बात मैं समझना चाहता हूँ। अगर एक पार्लियामेंट का सदस्य बात कहता है झूठ बोलता है बकवास करता है तो वह बात प्रोसीडिंग में छप जाती है और आपका रूल 305 यह कहता है कि अगर मैं कोई बकवास भी करता हूँ तो सामने वाला माननीय सदस्य खड़ा हो कर सफाई पेश कर सकता है और अगर कोई गैर हाजिर है और उसके मुतालिक वह बात कही गई है तो वह फिर मौका ले सकता है और बोल सकता है। आप कहते हैं कि अखबार वालों को भी मौका दिया जाए कि मैं जो कुछ कहता हूँ यह सही कहता हूँ या नहीं कहता हूँ इसकी वे जा कर जांच करें और जांच करने के

बाद वे पाएँ कि वह सही बात है तो 499 और 500 आई०पी०सी० के अन्दर वे मुनाहवार नहीं ठहराए जाएँगे। बहुत कृपा की है आपने। वे मुनाहवार न ठहराए जाएँ इसलिए वे जांच करने के बाद ही हमारे भाषण को पब्लिश कर सकेंगे। अगर वे ऐसा नहीं करते हैं तो हमें अधिकार होगा कि हम उनको प्रासीक्यूट कर सकें 500 के अन्तर्गत। जब यह एक्ट बना था तब उस में कुछ बर्ज दिए गए थे :

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

अगर आदमी की नीयत खराब नहीं है तो 182 आई० पी० सी० में कोई आदमी अपना मुकदमा दायर नहीं करेगा। अगर मैं जानते हुए भी कोई फाल्स कम्प्लेंट करता हूँ, तो मुझे प्रासीक्यूट किया जा सकता है, वरना नहीं। यह बिनाकुल ठीक बात है कि जो अखबार वाले अपनी-अपनी भूमिका अदा न कर के कुछ प्रतिक्रमण करने हैं, उनके खिलाफ कार्यवाही की जानी चाहिये। पार्लियामेंट के सदस्य जो बोलने हैं, चाहें इधर के हों या उधर के, उनकी बात को दुनिया समझनी है। दुनिया को गुमराह करना या छपना किसी के लिये संभव नहीं है। भरोसा रखिये जनता पर जिसने हमें चुना है। अगर अखबार वालों को यह अधिकार नहीं होगा तो क्या लोगों को यह मालूम नहीं होगा कि उनके प्रतिनिधि पार्लियामेंट में क्या कहते हैं? आखिर लोग प्रोसीडिंग्स तो पढ़ सकते हैं। समाचार पत्र वालों पर रोक लगाई जा रही है कि अगर वे कोई बात छोपे तो उनका प्रासीक्यूशन किया जायेगा। इस पर मेहरबानी कर के मोचिये

प्राज का अखबार वाला, प्राज का बुद्धिजीवि खतरा मोल नहीं लेना चाहता और वह उससे बचना चाहता है। वह चाहेगा कि मैं पब्लिश न करूँ। यह बहुत बड़ा सवाल है। प्राज कोई बुद्धिजीवि अखबार वाला इतनी जांच कर के क्यों प्रकाशित करेगा ? अगर वह विडिओडेंट मैलिस करता है, अगर वह किसी तरह से मोटिवेटिड नहीं है, तो उसको एग्जैम्प्ट करना चाहिये। इसमें यह सशोधन करना जरूरी है।

**SHRI VIDYA CHARAN SHUKLA:**  
I thank the hon. Members who have taken part in this debate. There are certain matters which require clarification before I answer the points that hon. Members made.

Good many Members have said that whatever they say here is censored, but all of them know that censorship is a temporary phenomenon. It is not going to last for long, for ever, and most likely censorship will terminate along with the internal emergency, and then the proceedings of House or elsewhere would be published in the same manner as they used to be before the imposition of censorship. Therefore, if there is any restriction on the reporting of the proceedings of this House today, it has nothing to do with this Bill or the Act which this Bill seeks to repeal. So, whatever they may have said about the present state of reporting of Parliamentary proceedings has no relevance to the consideration of this Bill. This Bill is of far-reaching importance for our democracy, for the health of our press and for healthy deliberations in this House.

Does Mr. Mavalankar or Mr. Sequeira or any other Member who has spoken against this Bill want all kinds of unhealthy tendencies to grow? If Mr. Mavalankar makes a very successful speech, he finds only four or five lines in the newspapers, but if he makes an irresponsible

speech, making all kinds of wild and irrelevant allegations against people who are present in the House or are not Members of the House, he finds a big mention in the newspapers. Does he want such things to happen all through?

Time has not stood still when the Act which we seek to repeal today was passed. It was 20 years before. After that there has been a qualitative and quantitative change in our public life, in the standards of journalism and elsewhere. What held good 20 years back does not hold good any more. We have gone far ahead in many respects and there has been, as I said, a qualitative and quantitative change in journalism as well as in the public life of our people. Whosoever is involved in scandals must be exposed. The corrupt people, may be Ministers, Members of Parliament, businessmen, industrialists or whosoever it is must be exposed. If an hon. Member of Parliament chooses to get up and gets the permission of the Chair to say that, according to the rules of procedure of this House, by all means, that can be reported. The repealment of the Act does not prevent any such reporting. I am talking of a period of normal times when the censorship is not in operation. Today nobody should cloud his argument by saying that anything can be reported. The situation is different today. When the censorship is lifted, the situation will be what we are planning for. We are planning for in this Bill a normal situation. In a normal situation, when every bit of word or thing said in the House, in the Parliament, can be reported and should be reported.

There is no inhibition; there is no prohibition; there is no restriction on the Members of Parliament to say whatever they want to say according to the rules of procedure and subject to the rulings given by the Presiding Officer. There is no prohibition no restriction, on the newspapers to report whatever comes to them from the proceedings of the Parliament.

[Shri Vidya Charan Shukla]

How does this Bill prohibit that? How does the present Act provide for that? It does not provide for that.

As Mr. Salve very ably pointed out, there were irresponsible personal charges levelled on Members and non-Members day in and day out with malice and with political motivation and not with any motivation of public service or public good. These were played up and constructive speeches made by Opposition members, by sober people with a sense of responsibility, were blacked out. Why were they blacked out? Not because there was any restriction or there was any prohibition but the tendency was going in that manner.

When we seek to repeal this Act, this is meant to check that tendency. To day if, Mr. Mavalankar or Mr. H. N. Mukerjee or Mr. Dinan Bhattacharyya wants to expose somebody—I am talking of normal times when there will be no censorship—he will be most welcome to do that. He should do that. It is his duty to do that. His constituents have every right to know what he is doing. The repeal of this Act does not prevent newspapers from reporting what Mr. Bhattacharyya is saying or what Mr. Mavalankar is saying. It does not prevent the newspapers from letting his constituents to know about it. The only thing that it seeks to ensure is that the immunity which the hon. Members of Parliament enjoy inside the House is not abused by the editors, printers and publishers of the newspapers all over the country in the manner in which they have been doing in the last 20 years. If our experience of the protection given to the editors, printers and publishers was happy, somebody should get up and say that this has enabled the exposition of scandals which ultimately proved true. Even today, after this Act is repealed, if any allegation is made, if any scandal is exposed which has basis and facts, that is not covered by this repealment. It can still be

reported. There is no harm in publishing it. *Prima facie*, by using commonsense, by utilising their background material, anybody who is in the press world can know what looks to be correct, what appears to be correct and what does not appear to be correct.

It is all right, it is perfectly justifiable, for the Members to have full freedom to say whatever they want here, but to say that the same freedom should be given to a district yellow journal or a district yellow weekly is not at all justified, in my opinion. And I would say that every Member of this House must have been subjected to this kind of yellow journalism in small places—where anything was picked out or quoted out of context, where completely wrong allegations were made or reproduced to defame or malign a Member or a supporter of a Party. Here, this repeal is going to prevent such malicious and wilful defamation, and it is being done only by the common law to which all citizens of this country are subjected; it is not that specially the journalists will be subjected to that or that the newspapers will be subjected to that. Why should anybody who has got the facts in his hand and who is speaking factually worry about their non-publication? Prof. Mukerjee quoted many things that led Mr. Feroze Gandhi raised in the House. I had the privilege of being a Member of this House when Mr. Feroze Gandhi was functioning here in this House; I have seen him functioning....

SHRI S. M. BANERJEE: You were too young at that time.

SHRI VIDYA CHARAN SHUKLA: We were all his supporters. We knew that, whenever he spoke in this House, he had solid facts behind him. I wish I could say the same thing about the Opposition Members here. But, with the exception of a very few, one or two, most of the Members of the Opposition—and I have said this in the Statement of Objects and Reasons—now speak purely on conjecture, purely with political motivation, not

bothering as to what is true and what is not true; they have heard something or they have been told something and immediately they make innuendoes and make all kinds of allegations....

SHRI DINEN BHATTACHARYYA:  
Are they all mad?

SHRI VIDYA CHARAN SHUKLA:  
They are not, but they are politically motivated....

SHRI DINEN BHATTACHARYYA:  
You always claim that you speak sense and the truth, hundred per cent truth.

SHRI VIDYA CHARAN SHUKLA:  
It is exactly this mentality that I am referring to. This is what is sought to be curbed. Nobody, on the spur of the moment, should get up and say things without knowing what he is talking about. This is not healthy for Parliament or for press or for public life in this country. Let everybody say things which have as their basis facts, and let all those things be printed, in papers. Let all the papers and journals be subjected to the common law of the land. We do not want the immunities of the Members of Parliament, which they enjoy only inside the House, to be extended to all and sundry who masquerade or pretend to be journalists; there are lots of people who are really not journalists but who bring out weeklies and papers just to malign certain people or for such purposes which are not strictly journalistic. This has been the bane of our public life for the last several years. Therefore, if we seek to correct the situation—because the situation has changed drastically and fundamentally—then, I do not understand why there should be such opposition to this. If the hon. Members are interested in truth, if they are interested in having a good standard in public life and a good standard in Parliamentary debates, they should not oppose this Bill. This Bill, as I have explained earlier, and which I want to reiterate, puts no bar on any Member of Parliament to

say here anything which can be said according to the Rules or Procedure and with the permission of the Speaker; it puts no bar on any newspaper, howsoever—irresponsible it may be, to publish whatever they want; they can still do it....

SHRI ERASMO DE SEQUEIRA:  
After Emergency.

SHRI VIDYA CHARAN SHUKLA:  
After the censorship is lifted; we are talking of those days when there would be no censorship. They can publish whatever they want, but it is too much for them to claim to be equated with Members of Parliament and to ask for the same privileges and immunities which the Members enjoy inside the House. If Mr. Sequeira says something here, he will get away with it. But if he says the same thing outside the House and if he is taken on that by the person maligned or defamed, he will have to go to the court. Most likely he may be acquitted or he may be convicted. But the newspaper to-day will go scotfree. They would have no liability, no legal responsibility and have complete licence to print whatever they want and pick and choose and print whatever they wish to....

16.00 hrs.

SHRI ERASMO DE SEQUEIRA:  
Whatever is said here.

SHRI VIDYA CHARAN SHUKLA:  
That is right. I am talking of that only.

Now, you say—I do not mean 'you'—some members say rotten things in this House because that gets printed. But if it is not printed, probably, they would not say these things here and same thing vice versa. Some rotten things are read and then they are repeated here and then they are sought to be propagated through the forum of this hon. House, which is very unhealthy. Therefore, when we have brought forward this Bill, it is with the intention to see that regarding hon.



[Shri Vidya Charan Shukla]

Members who speak with a sense of responsibility, who discharge their duty honestly and fearlessly, there is no bar on that. There is no bar of any kind on anybody. But the only bar that comes is on the irresponsible section of the Press and that bar can only be exercised through the forum of the law courts and not arbitrarily by the government. This Bill does not give any additional power to the government. This Bill does not seek to give any extra legal powers to anybody. It only says that the aggrieved party is allowed to go before a court in the country, right from the District Court to the Supreme Court, to vindicate his honour if he thinks that his honour has been compromised in some way by some irresponsible allegations made against him and printed and published and circulated by the newspapers. This is the limited purview of this Amendment Bill.

Shri Virendra Agarwal spoke absolutely irrelevant things. He spoke all the time against censorship and he also surprisingly quoted Jawaharlal Nehru and what Jawaharlal Nehru said in 1930 against the British Government. For Mr. Virendra Agarwal, the government of free India and the British government have no difference. Therefore, I do not want to waste the time of the House in replying to his arguments....

SHRI M. RAM GOPAL REDDY (Nizamabad): Will he be allowed to migrate to Britain?

SHRI VIDYA CHARAN SHUKLA. In conclusion, I want to again reassure the hon. Members that neither the privileges of this House nor the privileges of the Members of this House are going to be affected by the repeal of this Act. The privileges of the newspaper journalists are not going to be affected by this amendment or the repeal. The only people who will be affected are those who are interested in spreading rumours, those who are interested in giving rise or giving cur-

rency to false allegations, false scandals which have no basis in fact and those who are interested in sensational reporting and saying things sensational which have no basis in fact.

Prof. Mukerjee spoke rather sentimentally. He spoke very ably and he quoted what Mr. Feroze Gandhi has said. All right. But would he not concede that in these 20 years there has been a tremendous amount of change? He has been a member of this House for a long time..

SHRI DINEN BHATTACHARYYA: Changes for worse?

SHRI VIDYA CHARAN SHUKLA. I have heard him speaking and throwing his hands in anguish saying, 'What has happened to this Parliament? What is it that is happening?' It is not the fault of the leadership of the House or of the Speaker or the Members of the Opposition or the members of this side, but the tendency that was growing the tendency that was being fanned and the tendency that was being helped all the time by certain irresponsible sections of the Press which was interested in spreading falsehood, which includes the monopoly press and this is a curb on such irresponsible tendencies. There is nothing more than that Hon. Member like Shri H. N. Mukherjee chose to oppose, certainly on sentimental grounds and not on the grounds of reasons. Sentimentality has its own place and it has its own respectability. But this repealment is not going to inhibit any Member of Parliament. It is not going to damage our public life. On the other hand, as things stand, and as things are bound to grow in future, this is going to help healthy journalism, this is going to help healthy debates in Parliament and all round it is going to be helpful to those people who are interested in the future of democracy and who want to stand in democracy.

SHRI ERASMO DE SEQUEIRA. Mr. Chairman, I share the anxiety of the Government that the floor of

this House should not be misused for slander. With your permission I would like to resurrect for the records of this House the letter that lies un-repealed on the record of Mr. Speaker. This is a letter which I wrote to him in my first or second year in this House. In that letter I said to him, if I remember correctly that I have the loudest lungs in this House and if you force me I will use them. But please do not penalise me for being well-behaved and as a result of that letter Mr. Speaker, Shri Sanjiva Reddy, in his wisdom decided to use his red pencil. Every time my name came in the list and every time I had to wait for Mr. Khadilkar to take the Chair to enable me to speak in this House. This is not that Government alone has been concerned about what was happening in this House. I have no quarrel whatsoever with the objective of the Government if their objective is at all sincere. My only difference of opinion is that while Government is trying to achieve their objective, to my mind then being reasons other than what are stated in this House by the hon. Minister, Government is trying to achieve that objective by putting curbs on the press. I would like to say that the objective may be achieved by self control by all of us in this House. Does the dignity of the House increase in any manner if the slander continues in the Chamber, what is not correct to the people. How does it help? It is here that the slander must be stopped. Let me say one thing and we must admit that whenever it has come, it has not been only from one side of the House. It has come from all sides.

SHRI N. K. P. SALVE: Out of frustration also.

SHRI ERASMO DE SEQUEIRA: I am glad that the hon. Minister, when he was speaking, chose the example of my father. I can assure you that that example went home, but not in the direction he wanted? I think it

went in the opposite direction. Many allegations, precisely of the kind he is talking about, were raised against my father. Let me say something that the man who has led a kind of exemplary public life does not require the protection of any libel law to defend himself, because the people will always judge the good leader by what he is and what they see and not by what slander is thrown against him. This is the position with reference to the leadership in this House. Let me ask you something.

SHRI SHASHI BHUSHAN (South Delhi): Many things are publicised against them.

SHRI ERASMO DE SEQUEIRA: This is how I think I have survived them for some reason because my people judge me by what they know of me and not by what anybody says. This is how they will judge Mr. Shukla and the Prime Minister.

We will judge them by their performance or non-performance in office. This is what we feel. It is because Government is not prepared to face the people that they are coming with all kinds of grilling powers; they are running away from people; if they go and face an election they cannot come to Government again. If we go, we will be the Government. The hon. Minister was asking why there was special privilege to the press with reference to parliamentary proceedings which was not available to the common citizen of this country. With your permission, I will give the answer. The reason why the privilege exists is this. This House only becomes meaningful when a balanced presentation of what happens here is carried to the people immediately. This House becomes, to the extent that these feelings are not expressed through the press redundant. That is why our predecessors had extended this facility to the Press that no motives could be imputed. They did

[Shri Erasmo De Sequeira]

not extend it even to the Member himself, for example, when the member publishes his own speech. But they extended it to the Press for a true report of the entire proceedings of the House I would like to submit to Mr Shukla that whether it is normal times or otherwise, such a report should be made immediately available to the people through the Press. Sir, if we were to go by the assurance that we receive in this House I would have had no difficulty in accepting what the Minister has said. But there is a wide gap between what he says to us in the House and what is actually done by the Government. There is a gap sometimes between what is said yesterday and what is said today, what is said in the morning and what is said in the afternoon. From what I read in the newspapers this morning, I have got the clear impression that Mr Shukla has said that there was no restriction on the publication of the proceedings of Parliament. In his intervention in the House in the morning it has become clear that this thing only applies to the period after the emergency.

SHRI VIDYA CHARAN SHUKLA  
I have always said so

SHRI ERASMO DE SEQUEIRA  
On the one side we are told that there is no bar. On the other hand we find this restriction. Please see this Order No. 2/147/75-CC dated the 4th January, 1976 of the Chief Censor which says

"Reports relating to the proceedings of the 15th Session of Fifth Lok Sabha, 1976."

—which is this one—

'shall be submitted for scrutiny and shall not be published without permission in writing.'

This is from the Chief Censor who has put this restriction. This shows the extent to which this House is

separated from the people. There is this big difference between us and the Government. We want them to go to the people and they are not prepared to do it. They know what the result will be. That is the reason.

The hon. Minister gave an example of what happened before. It is true, there have been occasions when bombastic statements were published and constructive speeches were not given publicity. I have often faced a similar situation. I am going to bring to his attention a situation which existed before the emergency and even today. There have been instances where backbenchers have made constructive speeches, but they are not published, whereas 5 column and 3 column headlines are given to all kinds of gibberish said by the Ministers. Take an example. Mr Shukla said in his reply just now that except perhaps one or two of us in the opposition, the rest of us had no facts to back up what we were saying. This, Sir, is slander on the opposition. I am going to bet with you five de-valued rupees that tomorrow morning the newspapers will carry what he said and it will not carry what I said today.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, on a point of order. Is it permissible for him to make a bid with the Chair like this?

SHRI ERASMO DE SEQUEIRA: If he wants to say something he must quote the rules. He has never read them. Sir, much more than any restriction in what is being said in Parliament, I submit, the time has come in this country to introduce the concept of "equal time"—the concept which exists, either by convention or in some cases by law, in most other democratic countries.

that whenever Government leader comes forward with a statement the Opposition is given equal time to state its point of view. This would be in consonance with the principle that in all cases it is the people who must ultimately judge.

Sir, Mr Shukla found no distinction between British Government of India and this Government. I would like to find a distinction because this is my Government and that was not. But unfortunately the one distinction that I find is that the British had somewhere to withdraw but this Government does not appear to withdraw. If they insist on continuing beyond their term—as they seem hell-bent on doing—then, I am afraid, the fight is going to be much more intense and much longer than the fight of this country for freedom.

MR. CHAIRMAN: The question is:

"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"

*The motion was negatived.*

MR. CHAIRMAN: The question is:

"That the Bill to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: Now, we will take up clause by clause consideration. The question is:

"That Clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

*Clause 1 was added to the Bill.*

# **Enacting Formula**

*Amendment made:*

Page 1, line 1,—

for "Twenty-sixth"

substitute "Twenty-Seventh" (1)

(Shri Vidya Charan Shukla)

MR. CHAIRMAN: 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 beg to move:

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

MR. CHAIRMAN: Motion moved:

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

SHRI S. M. BANERJEE: Mr. Chairman, Sir, although the Bill is going to be passed a fervent appeal was made by my hon. friend, Shri H. N. Mukherjee to the Government to reconsider the matter. Sir, I am making a last—although futile—appeal because the hon. Minister said that many things have changed during the last 20 years. Yes, many things have changed. I know, Sir, when I joined this House I had black hair and now my hair have grown grey. Things will change but we have to see whether the change is for better or for the worse. Sir, I happen to know Feroze Gandhi since 1957 when I was a Member of this House and even earlier when I was not a Member of this House. Sir, I used to watch the proceedings of this House from the galleries and I had seen his performance.

I feel that he really considered all the aspects and brought forward this

[Shri S. M. Banerjee]

Bill. The people sitting on the Treasury Benches were giants—Pandit Jawaharlal Nehru, Pandit Govind Ballabh Pant, Maulana Azad and others. Such people are born perhaps once in a century. This Bill was passed when such giants were there on the Treasury Benches. I appeal to the hon. Minister and through him to the Prime Minister. Let us not pass this Bill today. I appeal to the Prime Minister not because she is the wife of Shri Feroze Gandhi, but because she is the daughter of Pandit Jawaharlal Nehru, who was a party to this Bill being passed.

I am not trying to defend the press if they want to reduce themselves to yellow journalism. I have always been against the jute press. I am one of those who demanded delinking and diffusion of press ownership and I still stand by it. By passing this Bill, we are not going to achieve anything except giving one more handle to the right reactionaries in the country to say that the freedom of the press is being taken away. So, please reconsider the whole matter. Don't have the final voting today. You will surely win; there is no question about it. But this should be reconsidered in the light of the observations made by those whom I consider to be abler than me. I again make a fervent appeal to the hon. Minister to hold it over.

MR CHAIRMAN: The question is:

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

Those in favour may say 'Aye'.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those against may say 'No'.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The Ayes have it; the Ayes have it. The Bill is passed.

*The motion was adopted.*

SHRI DINEN BHATTACHARYYA: It is on record that you are in the Chair and this Bill has been passed.

SHRI P. G. MAVALANKAR: The Noes have it.

MR. CHAIRMAN: Now I proceed to the next item No. 22 Mr. Sequeira.

SHRI P. G. MAVALANKAR: I said, the Noes have it.

AN HON. MEMBER: You said it too softly!

MR. CHAIRMAN: I did not hear it.

SHRI P. G. MAVALANKAR: I want to go on record that the same minute you said "The Ayes have it", I said, "The Noes have it." I have been shouting continuously that the Noes have it. Please look into the record and hear the tape also.

MR CHAIRMAN: As far as I can understand, I said, "The Ayes have it; the Ayes have it." No protest came and I passed on to the next item.

SHRI P. G. MAVALANKAR: On a point of order, Sir. When you said, "The Ayes have it", I immediately said, "The Noes have it". If you did not choose to hear it, what can I do? It is my right to ask for a division.

SHRI H. N. MUKHERJEE: Every Chairman has conceded the right of even a single member to challenge a division.

MR. CHAIRMAN: The point is, the right of any member to say 'No' and challenge the announcement made by the Chair is not disputed. As far as the Chair is concerned, I said, "The Ayes have it; the Ayes have it" and I said, "The Bill is passed." In the meanwhile, now you say that you said "No". I did not hear it. Once I have announced that the Bill is passed, that is the end of the matter. I have passed on to the next item. The next item will proceed.

SHRI P. G. MAVALANKAR: If you did not hear me and if I say that I said "The Noes have it", you do not take me for my word?

MR. CHAIRMAN: After I have announced that the Bill is passed, I passed on to the next item.

SHRI H N MUKHERJEE: Can a Chair turn its deaf ear to all the other people? Is it not lack of alertness on the part of the Chair? (Interruptions)

SHRI P G MAVALANKAR: You can just go through the records, I said, 'noes' have it

MR. CHAIRMAN: It is a completely accepted principle that what has happened in the House, the Chair is the final judge. Here I repeat for the sake of the record that I said, ayes have it, I waited for some time and I did not hear anyone saying noes have it. At that moment, I said that the Bill is passed and then I passed on to the next item. After Mr Sequeira stood up, then Mr Mavalankar said that noes have it

SHRI P G MAVALANKAR: With great respect to you, Mr Chairman, I said at once that noes have it. Why do you deny me this right, because I am alone? Tape-recording also will show that I said, "noes have it" immediately (Interruptions)

MR. CHAIRMAN: Never after next item.

SHRI S. M. BANERJEE: On a point of order. When this question was raised by Mr. Mavalankar, I think, we should have also said that noes have it. Now, you said that you did not deny that he had used that word but you did not hear. Now, we are not concerned with the hearing power of the Chairman. The question is that since

he has said so, the benefit of doubt goes to him. (Interruptions) Let us hear the tape

MR CHAIRMAN: It is not the question of harmful but it is the question of procedure. Now, a motion is put to the House the Chair has to decide whether the House has accepted the motion or not. There are certain stages stipulated in the rules. The Chair is directed to call for ayes and noes and the Chair has to go by the will of the House and the Chair will announce that. After I said, ayes have it, I waited for some time, and then I said the Bill is passed. In the meanwhile, I did not hear as far as I know and I stand by it any member saying noes have it. The Bill has been passed and we have moved on to the next item. So, that is the end of the matter. No Rules of Procedure can give me the power to re-open the matter.

Now, Mr. Sequeira will move his Resolution

16.30 hrs.

STATUTORY RESOLUTION RE DISAPPROVAL OF PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER ORDINANCE, 1975 AND PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER BILL

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

"This House disapproves of the Prevention of Publication of Objectionable Matter Ordinance, 1975 (Ordinance No. 28 of 1975) promulgated by the President on the 8th December, 1975."

What has happened in the House now is very unusual. Mr. Chairman, I have had the privilege to be in this House for nine years. Never have I