

12.22 hrs.

STATEMENT RE. TAXATION LAWS  
(AMENDMENT AND MISCELLANEOUS PROVISIONS) ORDINANCE  
1965

The Minister of Planning (Shri B. R. Bhagat): Sir, I beg to lay on the Table an explanatory statement giving reasons for immediate legislation by the Taxation Laws (Amendment and Miscellaneous Provisions) Ordinance, 1965, as required under Rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-4994/65].

12.22½ hrs.

## PRESS COUNCIL BILL—contd.

Mr. Speaker: The House will take up further consideration of the following motion moved by Shri C. R. Pattabhi Raman on the 23rd September, 1965, namely:—

"That the Bill to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers in India, as passed by Rajya Sabha, be taken into consideration."

Shri Surendranath Dwivedy (Kendrapara): How many time remains for this?

Mr. Speaker: Time allotted for general discussion was 5 hours of which 3 hours and 25 minutes have been taken and 1 hour and 35 minutes remain.

Shri Hari Vishnu Kamath (Hoshangabad): How much for clause-by-clause discussion?

Mr. Speaker: Two hours.

Dr. L. M. Singhvi (Jodhpur): Sir, I had written to you to raise a question of the constitutionality and the competence of Parliament . . . .

Mr. Speaker: I have got it. He might raise it.

Dr. L. M. Singhvi: The Press Council Bill which is before us embodies in it a provision casting some statutory obligation . . . . .

Shri D. C. Sharma (Gurdaspur): Sir, I welcome the Press Council Bill.

Shri U. M. Trivedi (Mandsaur) He is still sleeping.

Dr. L. M. Singhvi: The Press Council Bill before us embodies a provision casting certain statutory duties and obligations on the Chief Justice of India to make certain nominations and appointments to the Press Council. The office of the Chief Justice of India is a constitutional office. Its functions are defined by the Constitution itself. On this high judicial office it is neither appropriate nor is it consistent with the Constitution of India to cast any additional statutory extraneous obligations of a non-judicial character. Also, the question arises as to whether the consent of the Chief Justice, which may have been obtained in the present case, would be binding on the successor Chief Justice to make such nominations or appointments.

Mr. Speaker: We might just have this discussed in a brief manner.

Dr. L. M. Singhvi: I am concluding.

Mr. Speaker: I want to discuss it with him. He has said that it is not appropriate and, secondly, that it is against the spirit of the Constitution. These are the two objections.

Shri Warior (Trichur): The successor comes in.

Mr. Speaker: I appreciate that point: if the successor does not agree to it, what is going to happen.

So far as the question whether it is appropriate or not is concerned, it has to be decided by the Chief Justice himself. There was a mention made of the presiding officers also and I refused to be associated with it; I did-

[Mr. Speaker]

not agree to be associated with it. Therefore, it was for the Chief Justice himself to decide whether to agree or not and it was for the Government to consult him. If he has taken upon himself this additional job, then we cannot come and say that it is inappropriate and we shall not agree to it.

**Dr. L. M. Saghvi:** It is not a particular Chief Justice who has been designated . . . .

**Shri H. N. Mukerjee** (Calcutta Central): It may be that the present Chief Justice might temporarily, for tentative reasons, agree to something which does not bind his successor. Therefore, the alleged accord of the Chief Justice with the intentions of the Government does not help us at all. We are considering the appropriateness or otherwise of the matter.

**Dr. L. M. Singhvi:** As you rightly observed, so far as the appropriateness of it is concerned, it was a matter for the Chief Justice to consider, but we are considering not only the consent of the present Chief Justice whoever he may be but also of the office of the Chief Justice for making nominations and appointments to the Press Council. I have suggested in my letter addressed to you that this is a vital matter affecting the independence of judicial institutions, affecting the constitutionality of casting extra-constitutional statutory obligations on the office of the Chief Justice of India, and that it is a fit case on which the House should seek the opinion of the Attorney-General of India.

**Mr. Speaker:** There is nothing that I should ask him. Is the Minister going to say something?

**Shri N. Dandekar** (Gonda): I think this House feels a little concerned. I must say, after listening to Dr. Singhvi, I do feel a little concerned about the propriety, from the angle of the legislation that is sought to be enacted, of conferring this kind of duty on the Chief Justice. Secondly, there is the point of constitutionality.

The Chief Justice now assumes under this Bill, if enacted, statutory duties. It may well be that his functioning may be challenged as unconstitutional in the very Court of which he is the Chief Justice it would then lead to awful confusion. I do think that it is a very serious matter on which the opinion of the Attorney-General of India should be sought.

**The Deputy Minister in the Ministry of Information and Broadcasting** (Shri C. R. Pattabhi Raman): As you said just now, you were asked, the Chairman of the Rajya Sabha was asked and I have already pointed out on the last occasion some instances.

**Shri Hari Vishnu Kamath:** Say that 'you were requested' and not 'asked'.

**Shri C. R. Pattabhi Raman:** Yes, I stand corrected. I requested you and also the Chairman of the Rajya Sabha. On the last occasion I had given some instances, for example, London Times Trust on which the Lord Chancellor and Chief Justice are there. Apart from that, the Chief Justice himself of India has written on the 31st October, 1963, as follows:—

"I have to inform you that, after consultation with my prospective successor-in-office, there is no objection to the Chief Justice of India functioning in connection with the proposed legislation regarding the Press Council."

This is as a result of the wishes of the journalists who wanted a judge alone, the Chief Justice they did not want the Government to appoint the Chairman. In fact, the Chief Justice, himself is there on some Committees and I can, if necessary, furnish a list. You will please remember that he really functions along with the other two people and then they choose the Press Council. That is the position.

**Shri U. M. Trivedi:** May I make one submission before you? The explanation that has been offered by

the hon. Minister just begs the question. He does not seem to have applied his mind to the straight question that has been raised, but he merely comes to a decision that this should be so.

Whether the Chief Justice agrees or not is not the point for consideration, but the point for consideration before this House is, as Shri N. Dandekar has put it, the propriety of having the Chief Justice of India not only as a chairman but also as a person who will also appoint the various members or who will choose the various members. These two functions are to be performed by the Chief Justice. Further, the Press Council is going to be created as a body-corporate against which a suit may lie or which may sue anyone. These three things are not compatible with the position of the Chief Justice of India, and, therefore, the propriety of appointing him is a point to be considered, in a very dispassionate manner. It is not sufficient to say that he has agreed; that will not do.

**Mr. Speaker:** So far as the adjective 'proper' was concerned, I said that it was for the Chief Justice to decide. So far as propriety is concerned, it is for this House to decide when it gives its decision.

**Shri Hari Vishnu Kamath:** The House can throw out the Bill.

**Mr. Speaker:** There is no point of order where I should come in, so far as this objection is concerned. Even supposing there is something that is against the Constitution, then too I would not take the decision; then too, the House shall have to decide, the matter can be argued and the arguments advanced when the particular clause is taken up. That is all that I have to say.

**Dr. L. M. Singhvi:** I have moved that in view of the fact that this Statute is casting certain obligations . . .

**Mr. Speaker:** Even then, when the clause comes up, the hon. Member can only give his opinion, the ultimate decision is with the House.

**Dr. L. M. Singhvi:** That is why I have moved that the opinion of the Attorney-General should be obtained, a suggestion which has been supported also by my hon. friend Shri N. Dandekar.

**Mr. Speaker:** We attach as much value to Dr. L. M. Singhvi's opinion as we do to that of the Attorney-General. Therefore, there is no necessity for having the opinion of the Attorney-General.

**Shri Alvares (Panjim):** On a point of order. I am sorry I am raising it at this stage, but I am doing so because I did not have an opportunity earlier. But it occurs to me that when Government have moved an amendment after the report of the Joint Committee, the procedure followed is faulty; if Government want to do something and amend the Bill according to their old desire . . .

**Mr. Speaker:** How can that come up just at this moment? That point of order cannot be taken up at this stage.

**Shri Alvares:** I am sorry I did not have an opportunity earlier. But you will appreciate that the procedure that has been followed is faulty . . .

**Mr. Speaker:** When we come to the clauses, the hon. Member can raise this point.

**Shri Alvares:** I submit that it is at this stage that I must raise it . . .

**Shri Hari Vishnu Kamath:** His point, if I understand him aright, is this. After the Joint Committee has reported, if there is any new official amendment, then the Bill should be recommitted to the Joint Committee for consideration of that amendment.

**Mr. Speaker:** Then there ought to be a motion for that purpose.

श्री ज्वा० प्र० ज्योतिषी (सागर) :

प्रध्यक्ष महोदय, पिछली बार इस बिल का समर्थन करते हुए मैं यह निवेदन कर रहा था कि दुर्भाग्यवश इस देश में दीलनमन्दी के एक तबक में इस तरह की प्रवृत्ति का जाग्रण हुआ है कि पत्रकारिता भी एक व्यवसाय है और उसे व्यवसाय के तौर पर हाथ में ले कर जहाँ एक तरफ धन कमाया जा सकता है, वहाँ दूसरी तरफ इस देश के शासन को और इस देश की जनता के मस्तिष्क को इस तरह बदनाम जा सकता है, इस तरह प्रभावित किया जा सकता है कि सरकार और जनता उनके धन कमाने में सहायक हो सके । मैं इस तरह की प्रवृत्ति और वृत्ति का विरोध करता हूँ । इसलिए मैं समझता हूँ कि इस देश में पत्रकारिता के क्षेत्र में जो मानोपोलिटिक टैन्डेन्सीज हैं, वे न्यूजपेपर चलाने की जो वृत्ति है, यह कौंसिल उनको कब्ज कर सकेगी ।

धर्मा धर्मा इस सदन में इस बात पर बहस चली कि सुप्रीम कोर्ट के चीफ जस्टिस महोदय को इस कौंसिल के अध्यक्ष और सदस्यों की नामजदगी का अधिकार देना कान्टी-ट्यूशन के अनुकूल होगा—या प्रतिकूल होगा इस में कान्टीट्यूशन प्रॉप्रायटी है या इम्प्रॉप्रायटी है । मैं चीफ जस्टिस महोदय को बर्बाद और धन्यवाद देता हूँ कि उन्होंने इस संस्था को स्वरूप देने और उसके अध्यक्ष तथा सदस्यों की नामजदगी के उत्तरदायित्व को, जिस सीमा तक यह सदन उन को वह उत्तरदायित्व सौंपना चाहता है, स्वीकार किया है । इस देश में पत्रकारिता एक स्वस्थ पत्रकारिता बन कर जन्म ले, जो प्रजातंत्र की बुनियाद है, और स्वस्थ रूप से फले फूले, मैं समझता हूँ कि इस देश के हर एक सम्मान्य व्यक्ति को इस दिशा में अधिक से अधिक सहयोग देना चाहिए ।

12-35 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

मैं समझता हूँ कि चीफ जस्टिस महोदय ने अपने वर्तमान कार्य भार के प्रतिरिक्त यह जो नया उत्तरदायित्व स्वीकार किया है, यह प्रजातंत्र की मदद करने की दिशा में एक अच्छा कदम है । इस समय मैं इस विषय की कान्टीट्यूशनल प्रॉप्रायटी या इम्प्रॉप्रायटी में नहीं जाऊंगा । मैं समझता हूँ कि हर एक व्यक्ति को, चाहे वह किसी भी स्थान पर बैठा हो, यह अधिकार है कि अगर देश उसे कोई जिम्मेदारी सौंपता है, तो वह अपने दैनिक उत्तरदायित्व के प्रतिरिक्त भी उस जिम्मेदारी को वहन करना स्वीकार करे ।

इस के प्रतिरिक्त मैं नहीं समझता कि चीफ जस्टिस महोदय पर जो उत्तरदायित्व डाला जा रहा है, उस से उनके वर्तमान कार्य में किसी प्रकार का कोई व्याघात उत्पन्न होने जा रहा है । यह नामजदगी का कार्य ऐसा नहीं है, जो बहुत समय लेने वाला हो । पत्रकारों और इस व्यवसाय से सम्बन्धित लोगों की संख्याएँ कुछ पैन्ल उन के पास प्रस्तुत करेंगी और उन पैन्ल में से चीफ जस्टिस महोदय को नामों का चयन करना है ।

मेरे मित्र, श्री सिधवी, ने अपने भाषण में इस बात का बहुत जिक्र किया था कि क्या चीफ जस्टिस महोदय इस कार्य के लिए उपयुक्त होंगे या नहीं, क्या वह पत्रकारिता के ट्रेन्ड को ठीक तरह से समझ सकेंगे या नहीं, वह विशेषज्ञ हैं या नहीं । मैं निवेदन करना चाहता हूँ कि कौन धादमी सर्वज्ञ होने का दावा कर सकता है । इस जिन्दगी में साधारणतः सभी धादमी सामान्य ज्ञान के द्वारा ही चल रहे हैं । मैं समझता हूँ कि सामान्य ज्ञान वाले व्यक्ति ही कार्यों को ठीक स्वरूप देते हैं । यह सही हो सकता है कि किसी भी धादमी को—और चीफ जस्टिस महोदय को भी—पत्रकारिता के सम्बन्ध में पूरी-पूरी माकूमत न हों, लेकिन वह

न्याय बुद्धि निश्चित रूप से उन के पास है कि इस देश में किस तरह की पत्रकारिता चलनी चाहिए, कौन सी बात लिखा जाना उचित है, कौन सी बात लिखा जाना देश के हित के लिए घातक हो सकता है, आदि। आखिर इस देश में ऐसे कौन से धादमी हैं, जो इस विषय में निर्णय कर सकते हैं? मैं समझता हूँ कि अगर इस तरह की क्षमता और योग्यता किसी धादमी में है, तो हमारे सर्वोच्च न्यायालय के सर्वोच्च न्यायाधीश में वह निश्चित रूप से है। जब हम एक सेमी-जुडिशियल वाडी इस देश में स्थापित कर रहे हैं, तो इस सेमी-जुडिशियल वाडी में नामजदगी करने का अधिकार अगर कोई व्यक्ति रख सकता है, तो कोई जुडिशियल व्यक्ति ही रख सकता है और चीफ जस्टिस महोदय की अपेक्षा और कोई दूसरा व्यक्ति इस के लिए उतना उपयुक्त नहीं हो सकता है। इस लिए मैं समझता हूँ कि चीफ जस्टिस महोदय द्वारा यह कार्य-भार स्वीकार करने के बारे में जो प्रालोचना हुई है, वह बेबुनियाद और गैर उकरी है।

मेरे मित्र, श्री रघुनाथ सिंह, ने कहा है कि हम कौंसिल में पार्लियामेंट का कुछ अधिक प्रतिनिधित्व हों। उपाध्यक्ष महोदय, इस पार्लियामेंट के डिम्मे बहुत से काम हैं। इसलिए पंचवीस-छत्तीस सदस्यों की कौंसिल में अगर हमारे तीन प्रतिनिधि पहुंच जाते हैं, तो वह पर्याप्त है। वह संस्था फिर तरह से काम कर रही है, उसमें किस तरह के ट्रेन्सैक्ट चल रहे हैं, यह समझने के लिए हमारा यह प्रतिनिधित्व पर्याप्त होगा। आखिर हम उस संस्था पर कोई दबाव नहीं डालना चाहते हैं। हम चाहते हैं कि वह स्वतंत्र रूप से विकसित हो, अधिक से अधिक पत्रकार उस में रहें और वे पत्रकारिता के हित के दृष्टिकोण से—न कि पार्लियामेंट के दृष्टिकोण से—कार्य करें। यह भी कहा गया है कि दूसरे पक्षों की मौजूदगी में यह संस्था अधिक अच्छी तरह से कार्य कर सकेगी। इस सम्बन्ध में पक्षों की दृष्टि से सोचना मैं चलन सम्मता

हूँ। यह उकरी है कि हम पक्षातीत हो कर इस बारे में विचार करें और इस संस्था में ऐसे धादमियों को भेजें, जो समाज की पिछली बन्दियों, पार्टी की बन्दियों छोड़ कर, इस देश के हित की दृष्टि से सोच सकें, ताकि हमारे यहां पत्रकारिता में विभिन्न विचारों की अभिव्यक्ति की स्वतंत्रता, वैयक्तिक स्वाधीनता, विचारों के प्रवर्तन की स्वतंत्रता, उन को व्यक्त और प्रसारित करने की स्वतंत्रता बनी रह सके।

इसके लिए यह उकरी है कि पार्टी बेसिस पर न जा कर समस्त पत्रकारिता तथा समस्त राष्ट्र के हित को दृष्टि में रखते हुए धादमी वहां भेजे जायें। मैं समझता हूँ कि यह ज्यादा अच्छा होगा।

एक आखिरी बात कह कर मैं समाप्त करता हूँ। इस काउंसिल को एडमिनिशन से घागे बढ़ कर भी कुछ करने का अधिकार दिया जाना चाहिये। अगर कोई पत्र चलत नीति प्रख्यार करता है, कोई सम्पादक चलत नीति प्रख्यार करता है तो न केवल उस का तम्बीह भी जाए बल्कि ऐसे प्रख्यारों को यदि राष्ट्रीय हित में हो तो बन्द भी किया जा सके, ऐसी व्यवस्था घापकी करनी चाहिए। देश में स्वास्थ्य-प्रद तथा स्वच्छ वातावरण बनाये रखने के लिए यह उकरी है कि जिस तरह छायाओं पर हम नियंत्रण करते हैं उसी तरह से चलत डंग के जा विचार है उन पर भी नियंत्रण करें, उन को फँसने में रोके। विचार स्वातंत्र्य का मैं हामी हूँ, लेकिन स्वतंत्रता के माने यह नहीं है कि किसी का भी हम किसी भी तरह की बाँट पट्टाने की इजाजत दे दें, जो अच्छी प्रवृत्तियाँ हैं, उन अच्छी प्रवृत्तियों को नुस्मान पहुंचाने दें। इस तरह के नुस्मान पहुंचाने वाले म्यालात पर हम को रोक लगानी चाहिए।

Shri Alvarez: As a preliminary remark, I would like to register a protest at the manner in which the Government have treated the Joint Committee.

**Shri Hari Vishnu Kamath:** Let at least one of the Ministers listen. The two are having a tete-a-tete.

**Mr. Deputy-Speaker:** Both are listening.

**Shri Alvares:** It is unfortunate that I have to raise this point. After the Joint Committee had come to certain conclusions and made almost unanimous recommendations, Government later on moved amendments to the very clauses which had been amended by the Joint Committee unanimously. The Government have the right, I concede, to bring amendments to the Bill in the Joint Committee. The Government did bring some amendments which the Joint Committee considered and probably approved of, but for Government to move amendments, after the report of the Joint Committee, in the Rajya Sabha, is tantamount to making the work of the Joint Committee infructuous. If the whole Bill had been submitted to the scrutiny, vetting and voting of the Joint Committee, then it amounts to this that any subsequent Government amendment does not go for the scrutiny of the Joint Committee, and there is, therefore, no purpose in setting up a Joint Committee. If this procedure is followed, and if the Joint Committee is ignored in this manner, Government will be encouraged, after the report of the Joint Committee, to move as many amendments as they desire, and particularly on issues which were under the consideration of and amendment by the Joint Committee.

**Shri Hari Vishnu Kamath:** A very bad precedent.

**Shri Alvares:** Therefore, this procedure is obnoxious, and Government must give a fair explanation of the circumstances which led it to move these amendments after the report of the Joint Committee.

**Shri Warrior:** It should be sent back to the Joint Committee then.

**Shri Hari Vishnu Kamath:** It can be recommitted even now.

**Shri Alvares:** I raised this point, but it was not upheld by the Speaker. As far as the main provisions of the Bill are concerned, I may say that the Joint Committee has done a very good job of it, sat for many hours on this very important piece of legislation—the Deputy Minister himself was a member of the Committee—and succeeded in changing its bureaucratic overtones into an institutional form which does justice to the purpose of the Bill.

The Press Council Bill is essentially meant to substantiate and encourage the freedom of the press, and if Press Council is of the nature of a bureaucratic institution, then obviously the purpose of the Press Council, the Freedom that it is supposed to guarantee, would not be served. The Joint Committee in its wisdom and by its procedure was able to change this and bring about certain amendments which are in keeping with the purpose of maintaining the freedom of the press. May I refer to them briefly?

In page 2, Clause 4(3)(c), the Joint Committee has made an amendment whereby, among the three members from among persons having special knowledge, one will be a member who is conversant with science. This will help, I hope, to bring about a scientific attitude among the newspapers in this country, and that the member who has a knowledge of science will be able to bring to bear his expert knowledge in order to bring about a scientific orientation among our newspapers.

The second amendment that the Joint Committee has made is in page 3, Clause 4(4), where it says: .

“in making any such nomination, the Committee shall have due regard to the consideration that not more than one person interested in any newspaper....”.

This shows the anxiety of the Joint Committee that not more than one person shall represent any one special interest. This was not in the original Bill, and the Joint Committee has included this in its anxiety to see that there is no over-representation of any particular category.

In Clause 4(5), a very important amendment has been made, i.e., instead of the Government drawing up the first list of nominations, it is now the Council that shall do it. The Joint Committee removed this from the purview of Government and put it entirely in the hands of the Council, and therefore this is something that must be commended to the House. The Council was against Government compiling any panel from which nominations could be made, and thereby removed it from bureaucratic control and gave this responsibility of making the panels from which nominations can be made entirely and exclusively to the Press Council.

The fourth amendment that the Joint Committee made was this, that no member shall hold office for more than six years in all. In the previous Bill it was permissible for members to continue indefinitely. The word "aggregate" has now been used. No member can be on the Press Council for more than an aggregate period of six years even if he holds office intermittently.

There are some very important provisions to which the Government have moved amendments. The Committee felt that there was a lot of foreign interference in the press, that it was possible for foreign Governments to suborn the press, and therefore, in order to avoid these contingencies, the Press Council should be charged with the responsibility of keeping a review of such assistance that may come from foreign countries. The Minister seeks to amend it on the specious plea that if a foreign Government gives innocuous advertisements that will attract the notice of this Clause. I am sorry he should do this on this ground. Surely a review gives the Press Council sufficient discretion to decide

what is obnoxious and what is not, what is proper and what is improper, what is meant to suborn the press and what is not meant, and if the Press Council has the discretion to review such assistance, a word with a wide connotation, there can be no objection to the Press Council keeping a review of all such assistance with a view to maintaining the freedom of the press. The freedom of the press can be undermined in very many ways. It can be undermined by over-vigilance of the Government, by the bureaucracy from time to time and also by the press lords; it can also be suborned by foreign Governments giving large assistance through innocuous advertisements or otherwise. Now, there could be no objection to government allowing this to remain. This was the clause which exercised perhaps the utmost attention of the Joint Committee. Only after very detailed discussion the Joint Committee agreed to amend that clause and finally it came out. It is regrettable that government for some reason or the other sought to change this very protective clause.

Government have also moved in to delete clause 13(2). As I said earlier the Press Council is charged with the responsibility to maintain the freedom of the Press. Now, this freedom can be attacked in many ways; one way is by suborning it; another way is by the action of the executive. Now, this clause says that the Press Council may hold an enquiry in the manner prescribed and previously it covered any interference by government or any officer or authority under the control of government; and the council may forward the report of the enquiry to the government. But the government have now brought forward this amendment to delete the clause. The Joint Committee felt that one of the ways in which the freedom of the press can be curtailed or nullified is by interference of government; there are such instances and the press in such cases is helpless. It is precisely to protect this, this self-regulatory process that the institution like the press council was thought of. The

[Shri Alvares]

Joint Committee felt that among other things the Press needs freedom from government interference also. The salutary provision that existed was that if the government interfered with the freedom of the press, the Press Council shall have the right to make an enquiry and forward the report of that enquiry to the government. If that provision is deleted, there is no freedom of the press.

**Shri C. R. Pattabhi Raman:** My esteemed friend cannot be unaware of the fact that we have got a guarantee for the freedom of speech; it is a constitutional guarantee. It comes under the umbrella of that freedom and I will refer to it in course of time. But there is no question of government interference with the freedom of the Press; there was no need anywhere for this.

**Shri Hari Vishnu Kamath:** It is subject to restrictions.

**Shri Alvares:** It can be argued, as Mr. Kamath points out, that this is a reasonable restriction. If the Joint Committee felt that the freedom of the press should be protected from government interference and the Minister had at that time accepted it, I do not see why it should be deleted. I do not see the reason why this should have been deleted. Now the Press Council cannot make an enquiry into any governmental interference. They should not be under any apprehension that the Press Council would censure the government. It will only report back to the guilty party if they have interfered and there is no reason why government should have brought forward an amendment withdrawing this salutary provision.

I have said more than once that there are various ways in which the freedom of the press can be curtailed. When we substituted 'freedom' for the word 'liberty', we have said that it has wider connotation and that 'free-

dom' gives a great amount of latitude for the functioning of the free press. References were made in this connection that it meant not merely the dissemination of the news but also the manner in which news was obtained by those connected with the conduct of press. In other words, a person who gets news from any source whatever is protected from government compulsions to divulge the source of the news. If that is so, I am afraid that clause 14 (ii) (a), (b), (c) and particularly 14 (ii) (b) requiring the production of document, militates against the concept of the freedom of Press. I am sure the hon. Minister while replying will make it clear that the connotation of the words 'freedom of the press' include getting news and also giving protection from divulging the source by any law of the country and that this freedom is not abrogated by clause 14 (ii) (b) wherein it is required that the 'discovery and production of documents will be required to be produced before the Press Council'. Unfortunately, the very good Bill which emanated from the Joint Committee had been altered by two government amendments and because of this, though I was a member of the Joint Committee, I have to oppose this Bill because those two amendments have completely changed the motive and the context of the Press Council.

**Shri D. C. Sharma:** Mr. Deputy-Speaker, I welcome this Bill. Though it has a simple name, the Press Council Bill, it has assumed for itself a very huge responsibility. On the one hand it is going to perform the functions of the UGC in some ways; on the other hand it is going to do the work of the CSIR. In the third place it is going to serve as a vigilance commission and in the fourth place it is going to be a kind of miniature department of the Ministry of Home Affairs in this country. I want to ask myself whether this Press Council will be able to fulfil all these functions, whether it will have the resources to do so,

whether it will have the finances to do so, whether it will have the manpower to do so. When I think of that I feel that perhaps the Bill may not give as good an account of itself as it is promised in the *Statement of Objects and Reasons*. I would, therefore, like to know: what are going to be the financial resources of this Press Council which is going to undertake the task of education of journalists also? Is it going to duplicate the work done by some universities in India, such as the university of Delhi, or of Punjab or of Nagpur and other universities? How is it going to fulfil this function and at the same time how is it going to act as a court when it is in doubt about the *bona fides* of something which had appeared in the Press? Of course, it is vested with the powers which are enjoyed by a civil court. But I want to know what resources it will have to enforce those powers which it is going to get under this Bill. All these things raise a large number of doubts in the mind of persons like me, because, one feels that though this Press Council means well, its way may be paved with good intentions, and when the way is paved with good intentions, you know where we go, though it is still beset with difficulties.

12 hrs.

Now, the purpose of the Bill is stated to be the freedom of the press. I want to ask the hon. Deputy Minister of Information and Broadcasting, what is the quantum of yellow press in this country, when compared with respectable, honest press. I want to ask the hon. Deputy Minister of Information and Broadcasting, what is the quantum of irresponsible writing in this country of mine. I remember that there are papers published in Delhi and elsewhere which publish all kinds of scandals and stories about sex and all that kind of thing. There are papers published in this country of mine which publish all kinds of vituperations against public men of all categories and all parties. There are papers in my country which try

to indulge in anti-national activities. I know a paper in one of the States of India which published recently that the aggression against India by Pakistan is aggression by one community on the other and the third community has nothing to do with it. I do not know what action has been taken against that paper. I feel that though they stand for the freedom of the press, undiluted, unmitigated and unfettered freedom of the press, I do not want that this freedom of the press should be abused by any person. I know a newspaperman who said, "I do not get any newspaper quota from you; I do not get any money from you; I do not get any assistance from you and therefore I can proceed in my own way, and I can do whatever I like." What guarantee is there that the freedom of the press will not be abused in such cases? You will say that the Home Ministry is there. I know what the Home Ministry does. The Home Ministry is a great Ministry, and I have great respect for it, but I think the Home Ministry is characterised by ineffectiveness where it should be effective. If this is going to be the guardian of the freedom of the press, may I know if it is also going to be the watchdog for those papers which indulge in licences of all kinds in the name of the freedom of the press?

When we were attacked by the Chinese in 1962, one newspaper in Delhi published a front-page story from a fictitious widow giving a fictitious story and calling the Government's action to account. What action was taken against it? He tendered an apology. Are apologies enough for such heinous, treacherous and treasonable actions? No. Therefore, I say that I love freedom, but I do not want to love freedom in the same way as the lady from Soviet Union tried to. When the Soviet Union had freedom, she walked on the right side of the road, instead of on the left. She was asked why and she said "We have got freedom now." I do not want this freedom to be abused. I want this Press Council, more than anything else, to be the

[Shri D. C. Sharma]

watchdog of the liberty of the press; and not only that; it should also be the watchdog in such a way that this liberty does not degenerate into a licence of any kind.

Do you know, Sir, that so much of literature is being published underground these days—literature which I cannot mention here, literature which does no good to our country, and does no good to our traditions and no good to our great democracy? But that is being published in the form of newspapers and pamphlets. How are you going to tackle all this problem? You will say, it is the problem of the Home Ministry. I will say that the whole press should be taken away from the purview of the Home Ministry and the Ministry of Information and Broadcasting should be made wholly and solely responsible for the running of the press and for keeping it in good condition and saving it from all kinds of vagaries and aberrations and all things of that kind.

Now, when you say that there is freedom of the press, what kind of freedom do the foreign correspondents enjoy in my country? After all they are also of the press. What is the news that they send out, and what is it that they sent out when we had the aggression from Pakistan? What action did we take against them? The only clause that was in the Bill against those persons who get money from the foreign people has been deleted. All right; let it be deleted; but I want to ask one question: what is the duty of this Press Council towards those foreign correspondents who always declare India as the aggressor? I was reading a letter in which very good gentlemen had said that "we have not been anti-Indian." He was talking of the United Kingdom. "We have not been anti-Indian; we have been pro-Pakistan." It is as if to be pro-Pakistan is not to be anti-Indian! This is the kind of subtle distinction which is made between one and another. What action are you going to take against such foreign

correspondents who send highly coloured, sensational and mendacious stories about my country, which put my country to shame and which put the valour of the jawans of my country in an unfavourable light and which try to downgrade our defence efforts and all that? What are you going to do about it?

I think this Press Council should not only deal with Indian newspapers but it should also deal with those foreign correspondents who try to do something against us. Then, I want to ask one more question. I want that the standards of newspapers should be improved in India. Of course, I think some of our newspapers have done as well as any other newspaper in any other country. I will say that with a sense of responsibility, but I would also say, how can we improve the standard of newspapers if we do not improve the working conditions of working journalists, the craftsmen, the apprentices, the printers and so on? Even the *New York Times* has had a strike only recently. It was on strike two years ago, the correspondents struck work and the paper did not come out for so many weeks. You will say that this is something which comes under the purview of the Labour Ministry. What is the good of having a Bill which is so circumscribed, when its right hand is tied down by the Home Ministry, its left hand is tied by the Ministry of Labour, its back is pulled by the foreign correspondents and its front is pulled in other directions by the people who are monopolists? What is the good of having this kind of a Press Council Bill? Anyhow, I will say that these things go together.

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri D. C. Sharma:** Two minutes more, Sir.

It has been said that the Joint Select Committee's recommendations have

been over-ruled, as if the House had not the power to over-rule the recommendations of any committee. The House is greater than any Joint Select Committee or anything else.

I find here special emphasis is going to be given to education. Why? I think all these persons will be fully educated. Science—the journalists will be fully conversant with science and literature. Law—I think every journalist knows as much law as is necessary. Culture—the journalists are the custodians of our culture. So, what is the good of having these things here?

I want to point out one thing. Read all the newspapers in India and you will find that no newspaper writes knowledgeably, efficiently and comprehensively on defence matters. We get sidelights on defence from the correspondents of other countries, but in our country there is no knowledge on defence matters so we must have a representative of Defence in this Council.

I find this body is a paradise of nominations! I do not believe in any paradise. If it is going to be undiluted nomination, I think it is not going to do much good. You may call it a semi-judicial body or anything you like, but I do not like a person having power to select any names he likes.

What is the power given to this Press Council? We are creating a lion, but you say this lion cannot roar; it has no claws and no teeth; it cannot bite and it cannot be a man-eater. The Press Council will have the power only to censure. This terminology of 'censure' is obsolete. I think something more should be done. We want something more from this Council besides censure, because censure has proved a useless thing in our bureaucracy.

With these words, I support this Bill.

डा० राय मनोहर लोहिया (कर्मबा-  
बाद) : उपाध्यक्ष महोदय, भारत के प्रख़बारों में 50 से 70 फ़ीसदी ख़बरें प्रेस ट्रस्ट ऑफ़ इंडिया के द्वारा छपती हैं और शायद संसार भर में इस से ज्यादा प्रेस की प्रजावादी को और सच्चाई को मारने वाली और कोई संस्था नहीं होगी। इस लिए जब तक इस प्रेस ट्रस्ट ऑफ़ इंडिया को बिल्कुल प्रघार में बदला नहीं जायेगा तब तक किसी प्रकार की प्रेस की स्वतंत्रता और सच्चाई के बारे में बात करना मज़बूत है और उस का बुनियादी कारण यह है कि इस वक़्त एक तिकोना है। एक तरफ़ तो प्रख़बारों के मालिक हैं जो कि कारख़ानों के भी मालिक हैं और जिनका कि माध्यम इस प्रेस ट्रस्ट ऑफ़ इंडिया के बोर्ड ऑफ़ डायरेक्टर्स है। दूसरी तरफ़ ऐसे मंत्री हैं और ख़ास तौर से काबीना के मंत्री हैं जिनका कि उन से सम्बन्ध है और तीसरी तरफ़ इस पी० टी० आई० में काम करने वाले ख़ास तौर से ऊंचे दर्जे के लोग हैं। इस तिकोने ने प्रेस ट्रस्ट को गंदा बना रक्खा है और कैसे? वह मैं सब से पहले एक दूसरे भावनी की बहस से सावित करता हूँ। श्री इन्द्रजीत गुप्ता ने इसी लोक-सभा में जो बहस की थी उसमें तीन, चार, सफ़े यहाँ पर जो पी० टी० आई० का संवाद-दाता था उस ने दिये थे लेकिन मंत्री जिसके कि ऊपर धाक्षेप किया गया था उस की और उस के धादमियों की सलाह से यह सारा ख़त्म करवा दिया गया। फिर मेरी बात लीजिये। प्राध घण्टे की बहस हुई थी 6 मई 1965 को। यह चार सफ़े पी० टी० आई० का जो संवाददाता यहाँ लोक-सभा में था उस के दिये हुए हैं जिससे यह सिद्ध हो जाता है कि भारत के वित्त मंत्री का ख़ानदान बाहरी विदेशी मुद्रा की ख़ोरी में लगा हुआ है जिस से यह सिद्ध हो जाता है कि सब तरह की बच्चों की दबाघों में भी ख़राबियां लाकर यह ख़ानदान मूनाफ़ा कमा रहा है। लेकिन लोक-सभा में भी इस बहस को जो पी० टी० आई० के संवाददाता ने दिया था,

[डा० राम मनोहर लोहिया]

यह मेरी नहीं है लेकिन चूंकि वित्त मंत्री श्री कृष्णमाचारी का मामला था इस लिए जो वहां पर दिल्ली के दफ्तर में मुख्य सचिव ऐडीटर बैठा हुआ है उस ने अपने मैनैजर से सलाह कर के बिल्कुल खत्म करवा दिया ।

इस सम्बन्ध में मैं आपको एक और घटना बतलाना चाहता हूँ । मैं ने कभी अपनी सफाई नहीं दी । जब भूतपूर्व प्रधान मंत्री यहां मरे थे तो मैं मिसिसिपी में था । वहां के असोसिएट प्रेस प्रांक्ट्रमरीका ने मिसिसिपी में, वहां क्या डब्लरत पड़ी, कौन मुझ को जानता है, सरकार के ही लोगों को वह नहीं जानते, लेकिन उसने बारबार टेलीफोन कर के मुझ से पूछा कि तुम को कुछ कहना है प्रापश्यक रूप से । यह खबर यहां से गई थी कि उन से कुछ संदेश पूछ कर बताया तब मैं ने जेल से छूटने के बाद, क्योंकि मैं ने असोसियेटेड प्रेस को कह दिया था कि देखो मुझे इस धन्याय से पहले लड़ लेने दो । मैं उस धादमी की याद में तभी कुछ कहूंगा जब यह धन्याय से लड़ाई मेरी खत्म हो जायगी । मेरा ऐसा क्या है कि उस से ज्यादा बढ़िया स्तुति उन के मरने पर किसी धादमी ने नहीं की थी । लेकिन उस में एक वाक्य था कि मैं सन् 1946 तक के अपने नेता के बारे में बात कहता हूँ बाद वाले के लिए कुछ भी नहीं कहता । वह यहां पर खत्म कर दिया गया । इसे पी० टी० धाई० ने खत्म कर दिया । इस के बाद न्यूयार्क में जो इस का एक संवाद-दाता बैठा हुआ है और वह एक ही नहीं बल्कि यहां दिल्ली में जो 11 बैसे संवाद-दाता हैं उन में 9 ऐसे हैं जो मुझसे चिड़ते हैं । किस लिए ? कि मेरा जैसा धादमी क्यों प्रबेडी के खिलाफ है : जब मैं किसी को भारत में एक हबार रुपये महाने से ज्यादा तनकावाह नहीं देना चाहता जब राष्ट्रपति को नहीं देना चाहता जो फिर उन को तो और भी कम हो जायगी ।

इस लिए वह चिड़े हुए रहते हैं और चिड़े हुए रहने के कारण ही न्यूयार्क के संवाद-दाता ने मेरे प्रेस सम्मेलन की बातों को तोड़ा मरोड़ा, छोड़ा और कुछ बातें झूठ जोड़ कर के ऐसे यहां पर छपवाई कि उस के सबब से आज तक कुछ वर्गों में, सब में नहीं, लेकिन कुछ वर्गों में मैं अब तक बदनाम हूँ । और शायद यह जो मंत्रालय है न, यह सूचना मंत्रालय, ऐसी झूठी खबरों के प्राधार पर मुझ से कुछ दुश्मनी भी निकाल लिया करता है क्योंकि प्राब्लिम को यह सारी जितनी चांजे चल रही है, अपनी बात को तो मैं अभी छोड़े देता हूँ...

श्री प्रिय गुप्त (कटिहार) : पिछले दिनों के झगड़े का असर तो नहीं है इंदिरा जी के साथ जोकि अभी सूचना मंत्री है?

डा० राम मनोहर लोहिया : जब मेरा झगड़ा अब आप से ही नहीं है तो उन से कहीं होगा ? मैं समझता हूँ कि शायद ही मैं ने किसी की इतनी इज्जत की हो । तो मैं आप को औरों की बतलाता हूँ । एक बार इसी पार्टी की, जिसकी सरकार चल रही है उस के समापति श्री कामराज लखनऊ गये थे । पी० टी० धाई० ने लखनऊ से पहले जो खबर श्री कामराज जी के बयान की, उस में लिखा हुआ था कि उन्होंने मुगरजी देसाई को नहीं भेजा था । मालूम होता है कि बाद में कुछ झगड़ा मचा होगा, तो दूसरी खबर आ गई और पहली खबर को खत्म कर दिया गया । मेरे पास इस बारे में सब सुबूत मौजूद हैं । मैं बिना सुबूत के नहीं बोल रहा हूँ ।

उसी तरह से और जितने प्रापण होते हैं, उन पर हमेशा कलम चलाई जाती है, मुख्य बातों को खत्म कर दिया जाता है, मंत्रियों के ईमान की कमी पर पर्दा डाला जाता है और जो कोई भी प्रबेडी के विरोधी

है या सरकारी धोर शेर-सरकारी धोर बिड़ला, टाटा धोर मुकूर्जी की क्रिजलखर्ची धोर ऐयासी पर रोक लगाना चाहते हैं, उन सब से पी० टी० ध्राई० धपनी दुश्मनी निकालता है। ऐसी हालत में कहां रह जायेगा सत्य, कहां रह जायेगी ध्राजादी ?

यहां पर बिड़ला साहब के करोल बात में फलैट्स हैं। पी० टी० ध्राई० के बड़े बड़े धफ़र वहां पर तीस रूपये महीने में ऐसे फलैट पाते हैं, जिन की बाजार में कीमत पांच सौ, एक हजार रुपया महीना होगी। मैं ने जान-बूझ कर नाम नहीं लिया है। धगर ध्राप चाहें, तो मैं उन के नाम लिये नेता हूँ।

**Shri P. R. Patel (Patan):** Sir, I rise to a point of order. I want to know whether this discussion is relevant to the present Bill. The Bill is about one thing and the discussion done by my hon. friend is about something quite different.

**Mr. Deputy-Speaker:** He is saying that the press reports are not correct; they are distorted.

**Shri D. C. Sharma:** This is not the "PTI Bill", this is the Press Council Bill.

डा० राम मनोहर लोहिया : ये जो डायरेक्टर बगैरह हैं, जब कभी वे इधर से उधर घूमते फिरते हैं, वे 250 रूपये रोज़ धलाउन्स पाते हैं। बोर्ड धाफ़ डायरेक्टर्स में जो करोड़पति लोग हैं, वे ध्रखबारों के भी मालिक हैं धोर कारखानों के भी मालिक हैं। धब तक तो मैं सूचना मंत्री के बारे में कह रहा था। धब मैं वित्त मंत्री साहब के बारे में कुछ कहना चाहता हूँ।

**Mr. Deputy-Speaker:** You have said enough about the Minister of Finance.

डा० राम मनोहर लोहिया : उन पर ध्राप की विशेष मेहरबानी मालूम होती है। तो क्या मैं सूचना मंत्री के बारे में बोखू ? धगर मैं उनके बारे में बोखूंगा, तो ध्राप कहेंगे कि क्या बोल रहे हो—धगर मैं धपने विल की बात बोल गया, तब।

वित्त मंत्री धोर बोर्ड धाफ़ डायरेक्टर्स के इन लोगों का ऐसा संबंध रहता है कि वित्त मंत्री इन को ध्रायात-निर्यात का माइसेंस देते हैं दूसरी चीजें देते हैं जिस से वे धुप हो जाते हैं धुन हो जाते हैं धोर तब उन की मुद्रा की सब चीरी धुप जाती है।

इस के धलावा जो खरीदने वाला है वही बेचने वाला है। यह धजीब प्रेस ट्रस्ट धाफ़ इंडिया है। यही खबर बेचते हैं धोर धोर यही लोग खबर खरीदते हैं धोर खरीदने वाला धोर बेचने वाला एक ही हो जाये तो वह संस्था बिस्कूल वाधियात हो जाया करती है।

इस वक्त दिल्ली में प्रेस्ट ट्रस्ट धाफ़ इंडिया के जिन को विशेष-विशेष बड़े-संवाददाता कहते हैं वे 11 हैं जो सरकार धोर लोक-सभा के साथ जुड़े हुए हैं। इन 11 में 9 हैं धंग्रेजी के धक्त जिस का साफ़ मतलब है हिन्दुस्तान के दुश्मन क्योंकि मेरी राय में ध्राज जो धंग्रेजी का धक्त है वह हिन्दुस्तान का दुश्मन होना।

इस के धलावा धभी मुझ को ताखा ताखा खबर मिली है कि कुछ दिनों से इतना सब होते हुए भी जितनी खबरें जाती हैं उन पर एक "पी" लगाना जरूरी हो जाता है।

उपाध्यक्ष महोदय : ध्राप भी धंग्रेजी जानते हैं।

डा० राम मनोहर लोहिया : मैं हज़ूर की खिदमत में भ्रष्ट कर दूँ कि आप की जितनी भंगेजी तो जरूर जानता हूँ। लेकिन वह जान कर भी मैं ने क़ौमला किया है कि जब तक यहां से भंगेजी को ख़त्म नहीं किया जायेगा तब तक भ्रष्ट, सच, उन्नति कभी नहीं हो सकती है। आप भी अगर मेरी बात को मान जाते और प्रेस ट्रस्ट आफ इंडिया को ठीक करवा पाते तो बहुत भ्रष्टा होता। जब ये मंत्री लोग बोट लेने के लिए जाते हैं तो वहां हिन्दी बोलते हैं लेकिन यहां न जाने क्यों इन को भंगेजी बोलने में मजा आता है। और वे ऐसी भंगेजी बोलते हैं जिस को सुन कर मुझे उन्नीसवीं सदी की याद आ जाती है। कम से कम वे बीसवीं सदी की भंगेजी तो बोलें। वह लिख कर न लाया करें। जैसे ताजा वह है वैसी ताजा बोली रखें। मंत्री महोदय इस पर ध्यान दें कि जब 11 धादमियों में से 9 भंगेजी भक्त हैं तो कैसे काम चलेगा।

उपाध्यक्ष महोदय : माननीय सदस्य भ्रष्ट ख़त्म करें।

डा० राम मनोहर लोहिया : धनी ख़त्म कर देता हूँ।

“पी” माने “पास किया गया”। पहले ही से मंत्रियों और करोड़पतियों के हाथों सब चीज काट-कूट दी जाती है। बिड़ला, टाटा, मुफ़्जि के खिलाफ़ कुछ नहीं हो सकता है।

उपाध्यक्ष महोदय : भ्रष्ट माननीय सदस्य ख़त्म कर दें।

डा० राम मनोहर लोहिया : मंत्री महोदय अगर इस तरह कुछ ध्यान दें कि हर एक संदेश “पास” किया जाता है, हर एक पर “पी” लिखना पड़ता है। और वह कौन है “पास” करने वाला ? जब फ़्रांस का पतन हुआ था, तब भंगेजों की लोक सभा में एक सदस्य ने कहा था कि फ़्रांस के पतन का एक कारण यह है कि वहां के भ्रष्टाचारों पर निरख

बिठा दी गई थी। मैं सन्नमता हूँ कि यहां के भ्रष्टाचारों पर पहले ही से पी० टी० आई० की सेन्सरशिप यानी निरख बैठी हुई है, उन पर दबाव है और ख़बरों को काट-कूट दिया जाता है और ऊपर से यह “पी” वाला न जाने कहां से आ कर बैठ गया है। इस तरह सच्चाई और ईमान बिल्कुल नहीं रह जायगा। इस लिए जब तक पी० टी० आई० को ख़त्म नहीं किया जाता है, तब तक कुछ नहीं हो सकता है।

उपाध्यक्ष महोदय, क्या मैं ये काताख़ आप को दे दूँ ?

उपाध्यक्ष महोदय : आप अपने पास रखिए।

डा० राम मनोहर लोहिया : क्या ये साड़ी और दवा की बोतल की तरह रहेंगे ?

Shri Muthiah (Tirunelveli): Mr. Deputy-Speaker, Sir, the Press Council Bill is an important Bill which has been long overdue. The setting up of the Press Council was recommended by the Press Commission as early as 1954. The Bill seeks to regulate the duties and responsibilities of newspapers and periodicals and provide for their fair and efficient functioning.

The Press is one of the important organs of society. It is considered as the fourth estate in all democratic countries. It plays a leading role in the efficient functioning of democracy. It safeguards democracy and prevents developments towards totalitarianism and dictatorship. It thrives best in free and democratic countries. It is muffled in totalitarian countries.

The Press not only reflects public opinion but also instructs and guides it. The Press has a great role to play in guiding public opinion. It should serve as the liaison between the Gov-

ernment and the people. The freedom of the Press is essential for the healthy functioning of democracy. It is guaranteed by our Constitution, under article 19(1) that "all citizens shall have the right to freedom of speech and expression". Freedom of the Press comes under "freedom of expression". Freedom of the Press is essential to political liberty which is vital to democracy. The American Commission in their report: 'A Free and a Responsible Press' have stated that freedom of the Press is essential to political liberty. The people of the country can benefit only from the fullest possible information and the fair presentation of differing opinions. Mahatma Gandhi's memorable words are worth recalling here:

"I do not want my house to be walled in on all sides and my windows to be stuffed. I want the culture of all lands to be blown about my house as freely as possible."

The right of the Press to freedom of expression implies certain responsibilities. It has to give correct information and make fair and unbiased comments and uphold moral and spiritual values. It has the right to criticise government's policies and actions, wherever necessary, in the best interests of the people and the country and to suggest a proper course of action, but it should not be influenced by bias at any stage. Its comments on proceedings in Parliament and State Legislatures should be absolutely fair. Absolute fairness is needed in the presentation of news and in the conveying of news and in making reports and making editorial comments. Reporters, correspondents and editors of newspapers should be free from bias and should be impartial and truthful and fair. They should be free from pressure from owners of newspapers, advertisers, political parties, foreign governments and foreign information services.

The press should strictly avoid the following: disclosing matters which must remain secret in the interest of national safety and security; disclosing information received in confidence; expressions which incite people to violence and criminal acts; expressions which are obscene and vulgar or which are dangerous or which will rouse passions and weaken the moral stamina of the people; expressions which damage other peoples' reputation without benefiting the people; reports which are deliberately false or distorted and which undermine the relations between peoples and States, and harmful advertisements. Newspapers should be careful in the choice of advertisements. They should not accept harmful advertisements.

**Mr. Deputy-Speaker:** Instead of dilating on the general subject, he should say something about the Bill under discussion.

**Shri Muthiah:** I am coming to that. There are certain irresponsible papers in our country both in English and in the regional languages which are harmful to youngmen and to their moral behaviour. There are papers in English and in regional languages which promote religious or communal or caste or linguistic conflicts. They should not be encouraged. Government should put down such trends.

I now come to the Press Council Bill. The Bill is intended to set up the Press Council. The object of the Press Council is to preserve the freedom of the press and to maintain and improve the standards of newspapers in India. The Press Council should look after editorial independence, objectivity of news presentation, fairness of comments and regulation of the conduct of the press in the matter of objectionable writings which are not legally punishable.

The Council has to enforce a code of conduct which would enhance the prestige of the profession, censure any journalist or newspaper guilty of

[Shri Muthiah]

violation of the code, ensure high standards for newspapers and journals and foster a sense of rights and duties among the citizens, keep under review any assistance received by any newspaper or news agency from foreign sources and, finally, study tendencies towards monopoly or concentration of ownership of newspapers and suggest remedies therefor.

The Select Committee has made certain important changes and recommendations. In sub-clause (3) of clause 4, the Committee has recommended the inclusion of scientists for representation in the Press Council and added "science" to the subjects specified there. This is a necessary amendment in view of the rapid advances of science and technology and their far reaching consequences.

The second change is in sub-clause (4) of clause 4. By this amendment, the Committee has provided that no newspaper or chain or group of newspapers should have more than one representative in the Council. This is to ensure that chains or groups of newspapers do not have undue weightage in the Council.

In clause 12 the Committee has made a change to empower the Press Council to review any assistance received by any newspaper or news agency in India from foreign sources. This amendment is important because it will have a check on newspapers which are anti-national and which have extra-territorial loyalties.

It is mentioned in clause 13 of the Bill that the decision of the Council in respect of any enquiry shall be final and shall not be questioned in any court of law. Since a judicial procedure is adopted for enquiry under clause 14, it must be open to any party to raise the issue in appeal on the ground of mistaken appraisal of evidence tendered before the Press Council and to seek remedy in the form of an appeal. This right is denied by clause 13 of the Bill.

In conclusion I want to submit that in the appointment of the Chairman of the Press Council, the Chief Justice of India should see that he is a person with adequate legal knowledge and varied cultural interests.

Shri Alvares: At what time is the Minister replying to the debate?

Mr. Deputy-Speaker: After one more speaker.

श्री श्रीकार लाल बरवा (कोटा) :  
उपाध्यक्ष महोदय, इस बिल का स्वागत करते हुए जो संशोधन मैं उन का मैं विरोध करता हूँ। प्रवर समिति ने जो सुझाव दिये थे उन को दबाने के लिए शायद ये संशोधन लाये गये हैं। वहाँ पर इन सुझावों को चूँकि मन-बाया नहीं जा सका है, इस वास्तु उन को शायद यहाँ मनवाने की कोशिश की जा रही है और जो सुझाव प्रवर समिति के हैं उनको दबाने की कोशिश की जा रही है। ऐसा करना संसद् के माथे पर एक कलंक समााना होगा।

इस काउंसिल के जो चेयरमैन होंगे उन को मनोनीत करने का अधिकार चीफ जस्टिस को दिया गया है। इस काउंसिल में प्रेस के नुमाइन्दे लिये जायेंगे, पत्रकारों के नुमाइन्दे लिये जायेंगे, एडीटर्स के नुमाइन्दे लिए जायेंगे, दूसरी तरह के लोग लिये जायेंगे, लेकिन कहीं पर यह नहीं लिखा गया है कि जो छोटे-छोटे बख्खवार हैं उन के नुमाइन्दे को भी काउंसिल में लिया जायगा। इस के धलावा कहीं पर भी कागज के कोटे के बारे में कुछ नहीं लिखा गया है। जहाँ तक कोटे का प्रश्न है धाज से तीन साल पहले जो रुल बना था और जो कोटा बख्खवार वालों को दिया जाता था वही धाज भी दिया जाता है। तीन बरस पहले जिस बख्खवार की पांच हजार प्रतियां निकलती थी और जिस की धाज पन्द्रह हजार प्रतियां निकलने लग गई हैं, उस को वही कोटा धाज भी दिया जा रहा है, उसी कागज के धाखार पर

वे प्रश्नकारों को निकाल रहे हैं। ब्लैक में से या किसी धीर तरह से उन को कागज का इंतजाम करना पड़ता है। इस बिल के धन्दर कहीं नहीं लिखा है कि इन के कोटे बढ़ाये जायेंगे। मैं समझता हूँ कि ये सारे जो उन के हक हैं वे मार दिये गये हैं।

एक धीर हक उनका मार दिया गया है। उन को पहले यह अधिकार होता था कि तीन वानिग्ड चार वानिग्ड या पांच वानिग्ड जब मिल जाती थी तो भी वे हाई कोर्ट में जा कर प्रपील कर सकते थे। अब उस प्रपील का हक बिल्कुल उनको नहीं रहेगा। यह तो बिल्कुल एक काउंसिल बन करही रह जाएगी। यह काउंसिल तो बिल्कुल सरकार की ही पैरवी करेगी। सरकार के खिलाफ यह कभी किसी मूरत में नहीं जा सकेगी। यह काउंसिल जो भी कार्रवाई करेगी, एकतरफा कार्रवाई करेगी। सरकार के पक्ष में ही यह बोलेगी उस के विपक्ष में कभी नहीं बोलेगी। इस के फैसलों के खिलाफ किसी दूसरी जगह पर प्रपील हो सकती है, यह कही नहीं लिखा है। प्राप प्रेस काउंसिल बना रहे हैं। एक प्रेस काउंसिल सरदार प्रताप सिंह कैरों ने भी बनाई थी। उसके सारे पत्रकार, सारे पेपर गुलाम हो गए थे। ऐसा न हो यह भी उसी तरह की काउंसिल बने। प्राज स्थिति क्या है ? कुछ पेपर तो मिनिस्ट्रॉ के बेंटे हुए हैं और कुछ पेपर कैपिटलिस्टों के बेंटे हुए हैं। इस का नतीजा यह हो रहा है कि जो छोटे-छोटे पत्रकार हैं, जो छोटे छोटे पत्र हैं वे छ्हर उधर मारे-मारे फिर रहे हैं। वे मर रहे हैं। इसका कारण यह है कि जितने विज्ञापन मिलते हैं सब बड़े बड़े पेपर वालों को मिलते हैं। जो छोटे-छोटे पेपर हैं और जो गांवों के धन्दर अपने बिचारों को फैलाते हैं उन को किसी प्रकार की कोई सुविधा नहीं मिलती है। यही पेपर हैं जो गांवों के धन्दर जाते हैं। इस बिल में कहीं यह नहीं लिखा है कि छोटे पत्रों को ये सुविधाएँ दी जाएँगी, उन को इतना इतना

कागज का कोटा दिया जायगा। उन का कागज का कोटा इस इस हद तक बढ़ाया जायगा।

विदेशी पत्रों तथा पत्रकारों के हक में भी यह बिल है उन का विरोध तो प्राप कर ही नहीं सकते हैं। प्राज कनाडा और ब्रिटेन के पेपर हिन्दुस्तान के खिलाफ कितनी घाबाज उठा रहे हैं, इस को प्राप देखें। लेकिन प्राप उन के खिलाफ कुछ नहीं कर रहे हैं। श्रीनगर के धन्दर पांच प्रगस्त को जिस वक्त काश्मीर पर हमला हुआ ये दोनों प्रेस वाले मौजूद थे। क्या उन को पहले से ही इस चीज का पता था ? दस प्रक्टूबर को जिस वक्त वहां पर विद्याधियों का वहां जलूस निकला, उसने धन्दर भी वे मौजूद थे। इन्होंने अपने पेपर्स के धन्दर इन के बारे में बातों को बढ़ा-बढ़ा कर लिखा। लेकिन भारत सरकार मौन है। पता नहीं क्यों ? यह बात हमारी समझ में तो प्राती नहीं है। हमारे जो पेपर हैं उन के ऊपर तो सब प्रकार के नियंत्रण सरकार लगा देती है और यह काउंसिल बिल भी उन के लिए ही बनाया जा रहा है लेकिन जहां तक उन पत्रों का सम्बन्ध है, सरकार कुछ नहीं करती है। उन को तो वह प्रोत्साहन दे रही है। शेष प्रभुल्ला की धीरत जिस दिन उस से मिल कर आई उस के दूसरे दिन ही विद्याधियों ने प्रान्दोलन शुरू कर दिया और इन पेपर्स ने उस को एक दिन पहले ही निकाल दिया। उस वक्त कोई बात नहीं थी, कुछ नहीं था, सिर्फ शेष प्रभुल्ला और उसकी धीरत मिल रहे थे। पेपर्स में बिल्कुल नहीं दिया। यह इन्होंने किस तरह किया, समझ में नहीं प्राता ऐसे पेपर्स को प्रोत्साहन देना और उनको चलने देना कहां तक ठीक है, यह प्रापको सोचना चाहिये।

विज्ञापनों के धन्दर भी देखा गया है कि भाई भतीजावाद्य चलता है। दो पेपर लखनऊ से 1963 में निकाले गए। एक रांची एक्सप्रेस और दूसरा भारत मेस।

[श्री श्रीकांठ लाल बेरवा]

“रोषी एक्सप्रेस” ने डिक्लेरेशन दिया। “भारत मेल” को न्यूजप्रीट तक दे दिया लेकिन “रोषी एक्सप्रेस” को न्यूजप्रीट नहीं दिया गया। यह क्या बजह है कि एक साथ के दो पेपर्स को दो अलग अलग तरीके से देखा जाये। जब तक यह भेदभाव का बरताव बन्द नहीं होगा तब तक हमारे पेपर्स भागे उन्नति नहीं कर सकेंगे।

मैं एक बड़े खेद की वाद यहां पर बताना चाहता हूँ। 2 अक्टूबर को गांधी जयन्ती भी थी और श्री शास्त्री का जन्म दिवस भी था। आप 2 अक्टूबर के सारे अखबार उठा कर देख लीजिये, एक भी पेपर के अन्दर गांधी जी का फोटो नहीं होगा जब कि श्री शास्त्री के बड़े बड़े फोटो निकले। मैं पूछना चाहता हूँ कि क्या इतने दिनों के अन्दर गांधी जी की मान्यता घट गई है। होसकता है कि आप की निगाह में ऐसा हो गया हो लेकिन देश के और विदेशों की निगाह में गांधी की प्रतिष्ठा नहीं घटी है। मैं जानना चाहता हूँ कि यह हमारे पेपर्स का कुसूर या या हमारी सरकार का कुसूर था। इस बात की और हमारी सरकार को ध्यान देना चाहिये। कभी कभी मेरे मन में विचार उठता है कि शायद हमारी सरकार ने इस के लिये मन कर दिया हो, लेकिन ऐसा सम्भव नहीं जान पड़ता। पेपर वाले भी ऐसी गलती नहीं कर सकते, लेकिन फिर भी इन शिकायतों को सुधारने की जरूरत है।

मैं आप से कह सकता हूँ कि इस संघाम के समय में पेपर वालों ने बड़ा साथ दिया। प्रेस वालों ने बड़ा जबर्दस्त साथ दिया है सामाजिक तथा सार्वजनिक कामों के अन्दर। हमारी जो विजय हुई है उस का बीसवां भाग इन प्रेस वालों

के कारण है क्योंकि समय समय पर सारे समाचार हमें मिलते रहे और जनता का मनोबल ऊंचा रहा। लेकिन अगर इन्हीं प्रेस वालों को सुविधायें न दी जायें और उन के हकों को कुचला जाये तो यह बहुत बुरी बात होगी। इस लिये यह जो प्रेस काउंसिल बिल है उस को प्रेस की स्वतन्त्रता के लिये बनाया जाये और वह प्रेस वालों को हर तरह की सुविधा देने के लिये तैयार रहे।

एक बात मैं आप से और अर्ज करना चाहता हूँ कि यहां पर पेपर्स के लिये डिक्लेरेशन की अधिक सहूलियत नहीं है। ब्रिटिश जमाने में एक एक पेपर वाले के पांच पांच डिक्लेरेशन होते थे। अगर एक को जप्त कर लिया जाय तो दूसरे के नाम से चल जाये, दूसरे को जप्त कर लिया जाये तो तीसरे के नाम से चल जाये। लेकिन यहां पर तीन तीन चार चार महीने तक डिक्लेरेशन में भग जाते हैं। जब तक इन पेपर्स को इस तरह की सहूलियत नहीं मिलेगी तब तक यह पेपर्स किसी तरह से भागे नहीं बढ़ सकेंगे। इस लिये प्रेस काउंसिल बिल जो बने वह पेपर्स की सहायता के लिये बने और जो गन्धे पेपर्स हैं जो भारत के खिलाफ अपनी आवाज उठाते हैं या विद्रोह का नारा लगाते हैं उन को बन्द किया जाये। बम्बई का एक साप्ताहिक पेपर है जिस को लोक-सभा ने रोषी कराया था। लेकिन हमारी सरकार आज उस के नौ चांद लगा रही है। नौ चांद लगा कर उस को सम्मानित कर रही है। मैं जानना चाहता हूँ कि क्या बजह थी लोक-सभा के उस को गलत करार देने की। क्या लोक-सभा उस वक़्त किसी के दबाव में आ गई थी। क्या गलत ढंग से उसे रोषी करवाया गया

था। उस को कौरन बन्द करना चाहिये था।

इसी तरह घमरीका का "न्यूजवीक" है जिस ने अभी हाल में यह समाचार निकाला था कि शायद हो सकता है कि पाकिस्तान ने काश्मीर पर हमला किया हो, लेकिन काश्मीर के सम्बन्ध में पाकिस्तान ने कहा था कि जनमत संग्रह होना चाहिये। जनमत संग्रह न कराने के कारण पाकिस्तान के पास कोई चारा ही नहीं रहा था जिस के अनुसार वह भारत के सामने दूसरी बात रखता। हालांकि पाकिस्तान ने हमला कर भी दिया तब भी वह उसे साफ हमला नहीं कहता। कहता है कि शायद हो सकता है कि काश्मीर पर हमला किया हो। ऐसे प्रखबारों को हमारी सरकार बड़े चाव के साथ, बड़े उत्साह के साथ प्रोत्साहन देती है। मेरी समझ में नहीं आता कि जितने हिन्दुस्तान के पेपर हैं उन को तो हर तरह से किसी भी बात को ले कर क्यों बचाया जाता है और विदेशी पेपर्स को हर तरह से प्रोत्साहन दे कर हमारी सरकार क्यों एड देती है। इस लिये मैं कहना चाहता हूँ कि जितने भी हमारी विरोधी रूनाबा, ब्रिटेन और घमरीका के पेपर हैं उन्हें तुरन्त बन्द कर दिया जाये क्योंकि वह भारत के खिलाफ जहर उगलते हैं। चाँच कर जो हमारे यहां के कम्युनिस्ट पेपर हैं जो कि दोनों देशों की नीतियों को सम्भाले हुए हैं, चीन और रूस दोनों को वे कर सामग्री और दक्षिणपंथी नीतियां चलाते रहते हैं।

साच ही ऐसे पेपर्स को भी बन्द कर देना चाहिये जिन के घन्दर नंगी औरतों के फोटो दिखलाये जायें। जैसे कि "मिन्ट्र" वगैरह प्रखबार हैं। हमारी सरकार बड़े चाव से उन को साइबेरी में भंगवाती है लेकिन जो पेपर्स ऐसे हैं जो

कि धार्मिक हैं, जो पब्लिक के घन्दर उत्साह पैदा करने वाले हैं उन को साइबेरी के घन्दर स्थान नहीं दिया जाता। ऐसे पेपर्स को मान्यता दी जाती है जो देश के खिलाफ जहर उगलते हैं और नंगी फोटो छापते हैं जिन को देख कर जनता भ्रष्ट होती है। इस लिये मैं निवेदन करूंगा कि जो पेपर्स घपमानजनक हैं, जो देश के प्रति विष उगलते हैं, उन को बिल्कुल बन्द कर दिया जाये और जो छान्टे पेपर्स हैं उन्हें प्रोत्साहन मिलना चाहिये। ऐसे प्रखबारों का जो कोटा तीन साल पहले या कम से कम उस से दुगुना उन को मिलना चाहिये ताकि ब्लैक मार्केट बन्द हो जाये। साथ ही जो ऐसे पेपर्स हैं जिन की सी प्रतिमां भी नहीं निकलतीं लेकिन जिन को कागज मिल रहा है ब्लैक में बेचने के लिये उन को बन्द किया जाये।

अन्त में जिन पेपर्स ने इस संघर्ष के समय प्रपना सहयोग दिया है मैं उन को इस के लिये धन्यवाद देता हूँ और प्रार्थना करता हूँ कि जो ऐसे पेपर्स हैं जिन्होंने भारत के खिलाफ यहां ही नहीं विदेशों में भी जहर उगला है उन को बन्द कर दिया जाये।

**Shri P. R. Patel:** Mr. Deputy-Speaker, Sir, I have pleasure in supporting this Bill. The purpose of the Bill is to preserve the freedom of the press and to maintain and improve the standard of newspapers in India. But I ask the question whether the press is so free as it was before 1942. My feeling is that perhaps the press is losing its freedom, not because of the Government but because of other things.

Before 1947, to have a press and to publish a paper was a mission in life; today, it has become a business. So, the standard has gone down. Then, in those days we had the fortune to read the *Chronicle* and the *Bombay Sentinel*. Today I do not

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find any paper in the country which could be compared to the *Chronicle* and the *Bombay Sentinel*. What do we find today? I will not find fault with the Government, but the press business has become a business and it has lost that missionary zeal. Also, the persons working there, be they editors or correspondents—I have respect for them—do not enjoy the freedom that Horniman enjoyed in publishing a paper. So, if you want to raise the standard of newspapers, you have to see that some security of service is given to editors and the correspondents or the writers. Today, they are at the mercy of the management.

After independence, newspapers became a business and they look to the financial side. They look to the advertisements from the Government and from semi-government institutions because large advertisements have been given by these two. To secure advertisements they have to secure the favour of the Minister and for that they have to lose their freedom and praise the Minister and his work. That is weakness.

**An hon. Member:** Is the hon. Member publishing any paper?

**Shri P. R. Patel:** I am publishing a small weekly paper in Gujarati. I am of the opinion that the mentality of securing advertisement has affected the freedom of the Press. So my submission is that something should be done for this. Let us take the daily newspapers; there are newspapers in English language; there are regional language newspapers but they are read in cities. So far as the rural side is concerned, it is only the weekly newspapers that serve, but that is forgotten absolutely. Even though the Press Commission, some years back, gave a report that some encouragement should be given to weeklies, I do not find any encouragement. On the contrary, whatever encouragement is given is given only

to the daily newspapers and especially to the newspapers published in English language. Because these newspapers are mostly in cities, they have some contact with the Government officials and they get more advantages. So my submission is that the Government should see that not only the freedom is preserved but the Press gets the real freedom. There are yellow papers in our country; there are papers which are full of vulgar language and, therefore, some people say that our standard is very low, but if you compare them with the foreign newspapers, you will find that our standard is high because whatever obscene things we find in the foreign newspapers are not there in our papers. But at the same time we should be very careful about this. When we say that the freedom of the Press is the strength of democracy, we cannot take any action on any paper unless the editor of that paper is prosecuted or some other legal action is taken. Here in this Bill what have you provided for? The only provision that you make is censoring a newspaper or an editor. Would that be sufficient? Well, I have only one objection so far as the constitution of the Council is concerned and that is that the Chief Justice of India should be kept aloof. I am of the opinion that, as far as possible, the judiciary should be kept aloof; the Chief Justice should not be put on any Committee or Council; let him do his legal work independently and let him not come in contact with the government machinery as far as possible. If you want to preserve the democracy and freedom of the country, I am opposed to putting the Chief Justice of India on any Committee. Then comes the indirect election—a panel to be submitted out of which some members are to be chosen. If there is some other way of electing the members, I would prefer that because, in democracy, these panels and nominations must go; it is for the Government to find out a better way

of election rather than going to panels and nominations.

There is one thing in Clause 13, sub-clause (3). It says that the decision of the Council shall be final and shall not be questioned in any court of law. It seems that we are just afraid of legal courts and legal proceedings. If the decision of the Council is correct, what is wrong if it is tested by the Supreme Court or a High Court and if it is not correct and if it is reversed by the Supreme Court or a High Court, what is wrong therein? I do not think that those persons who will be sitting in the Council will be judges or having the knowledge of law; there will be only editors, representatives of the management of the Press and so on and nobody with the legal brains. I do not think that there is any provision in this Bill that the Council will be composed of legal brains. If the majority of the members of the Council pass a censure against any editor or any newspaper rightly or wrongly, what will happen? If it is rightly, then so far so good; but if it is wrongly, what is the remedy? It is not proper to bar a person from going to a judicial court. So some remedy should be provided either in a High Court or in the Supreme Court.

There is one thing in Clause 13. It says:

"Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste. . . ."

I would like to know what are the "standards of journalistic ethics", whether there is any definition given anywhere of the "standards of journalistic ethics". How are these ethics to be interpreted? Will it not depend on the whim of the persons sitting there? Then comes the word 'public taste'. This is a very wide term.

Only those newspapers which have pictures of cinema actors and actresses and so many other things are read more. So what am I to understand by 'public taste'? You will find 'Blitz' and 'Observer' being read by many people; if they are read by many people, then public taste is there. So I would say that this also requires to be defined. Then it continues:

".....or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics. . . ."

What is 'professional misconduct'? If he is bribed by somebody or if he accepts some gifts from somebody..

Shri Alvarez: Libel.

Shri P. B. Patel: Newspapers would always be prosecuted for libel. It depends on the news that the editor gets. This is not the proper thing and to put all the things and to ask the people to judge the things is not proper. Then, I come to clause 12(f) which reads thus:

"to keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government."

14 hrs.

That means that if the Central Government would be pleased to refer a matter, then that would be looked into. If certain facts are lying with Government but Government are not pleased to refer that matter, then the council is not competent to look into that. As regards foreign assistance to newspapers, I do not understand why a newspaper which thrives on foreign assistance should not be stopped. I would request Government to look into it.

As regards foreign correspondents, this Bill would not apply to them.

[Shri P. R. Patel]

More harm has been done recently to our country by the foreign correspondents. What are we going to do with them? We want to punish our own persons, our own correspondents and our own editors; we want to censure our own editors, but those persons who send news outside, who send worse news, harmful to the country are not going to be censored, because we are helpless there. So, I would submit that some clause should be inserted in this Bill under which we could censure foreign newspapers or foreign correspondents also, and if such newspapers are censored, then the import of such newspapers would be automatically barred.

**Shri C. R. Pattabhi Raman:** May I at the outset gratefully acknowledge the valuable contribution which the Members have made during their speeches? Various opinions were expressed on the different provisions of the Bill, but I am very glad that the general consensus of opinion is in favour of having a statutory press council in India as recommended by the Press Commission.

While I would where necessary deal with the individual points raised over the different clauses when the clause-by-clause discussion takes place, I would like briefly to survey and where necessary clarify the points raised in the general discussion.

My hon. friend Shri N. Dandekar thought that the Bill was premature, that the press council should be a voluntary body and that for the purpose of correcting the individuals indulging in yellow journalism involving sedition, promotion of communal or religious hatred, defamation, scandal-mongering, obscenity, indecency—with his eloquence, he was giving a number of instances; I hope I shall not try to imitate him, but I shall certainly take note of the—~~the~~ relevant penal laws should be amended to make them more stringent. In

this connection, I would like to draw the attention of the House to paragraph 946 of the Press Commission's report. There, they have stated:

"It is true that the legal system of the country does contain provisions for dealing with such offences. We are discussing in the next chapter the scope of the Press Laws, but we realise that whatever the law relating to the Press may be, there would still be a large quantum of objectionable journalism which, though not falling within the purview of the law, would still require to be checked."

The Press Commission themselves went exhaustively into the question of how to deal with yellow journalism. In fact, they had a lot of voluminous evidence before them, and then came to the conclusion that in spite of the legal punishment provided for in the penal laws of the country, there should be a body like the press council to check the marginal cases which would not strictly fall within the purview of the law. It is mainly for this purpose that we are envisaging the establishment of the press council of this country.

The Press Commission recommended the establishment of a Press council as early as 1954, and a Bill came before Parliament in 1956, which subsequently lapsed. Now, by this measure which is before the House, we are implementing the Press Commission's recommendation. While many Members and some press organisations, particularly the Indian Federation of Working Journalists, are complaining that the establishment of the press council has been delayed, I am rather surprised that Shri N. Dandekar should think that the Bill is premature.

As regards the voluntary or statutory nature of the council, the recommendations of the Press Commission

are in favour of the latter. In this connection, I would like to quote paragraph 849 of the Press Commission's Report. It reads thus:

"The fact that the Press Council in the United Kingdom is a purely voluntary body has undoubtedly handicapped it in the exercise of its authority over the press. Its decisions in certain cases have been the subject of violent controversy particularly by those affected. Even in the last instance the Council could not ensure the appearance of Mr. Gunn before it when it was investigating the matter. We feel that a voluntary body of this nature might not have the necessary sanction behind its decision nor legal authority to make inquiries."

In that case, namely the *Daily Sketch* case . . .

Shri N. Dandekar: It was just one case.

Shri C. R. Pattabhi Raman: But that is symptomatic. They knew that they were helpless. I would like to tell my hon. friend that in the course of the earlier discussion I had read out from the latest report of the press commission in England, and I had pointed out that they are throwing up their hands and saying 'What else can we do?'. Actually, in that case, the letter to the editor was mutilated and torn out of context and only certain portions were used, and the man concerned complained. It was deliberately done, and when the press council summoned those people, they just twitted their fingers and said 'I would not come before you'. That is precisely what they have pointed out in that report.

From the observations of the Press Commission, the case for a statutory press council is clear. In any case I think it is rather late to consider and decide whether we should not have a voluntary press council in this country. It must be remembered that

so far the press has not been able to set up a voluntary press council.

My hon. friend Shri Warior referred to the composition of the council, which, he felt, was not in line with the recommendations of the Press Commission. Dr. L. M. Singhvi thought that it would not be proper to associate the Chief Justice of India with the nomination of the chairman or the members of the press council. With regard to the Chief Justice of India, I thought that I could point out the real position when the point would be raised, but I may straightway say that there are some instances already; for instance, paragraph 11 in Part D of the Second Schedule to the Constitution deals with provisions as to the judges of the Supreme Court and of the High Courts. That gives a definition of the expression 'actual service' in relation to a judge. It provides:

(b. "actual service" includes—

(i) time spent by a Judge on duty as a Judge or in the performance of such other functions as he may at the request of the President undertake to discharge;

From this it will be clear that the President—which would also mean really an Act of Parliament—can request the Chief Justice to discharge or undertake any other function. Since this has been envisaged in the Constitution itself, there can be no question of any impropriety or any constitutional bar to the Chief Justice being associated in this matter or being assigned certain specific functions under the Press Council Bill. I find that in the matter of the river water boards also, there is a similar provision. I have not been able to lay my hands on it just now. That would also be a good example. Similarly, section 58 (4) of the Employees' State Insurance Corporation Act, 1948, provides that in case of dispute between a State Government and the corporation as to the sharing

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of the medical expenses, it shall be referred to an arbitrator appointed by the Chief Justice of India. I do not think that I need multiply these instances. But because it fell from a distinguished lawyer like my hon. friend Dr. L. M. Singhvi, I thought that I must devote some time to this aspect of the matter.

Broadly speaking, in the matter of composition, the Bill closely follows the recommendations of the Press Commission. It consists of a chairman and 25 other members as recommended by the Press Commission. There are 13 working journalists including editors, 6 members representing the proprietors, 3 Members of Parliament representing the public at large and 3 members from among persons having special knowledge or experience in the field of education, science, literature, law or culture. The expression 'science' also has been added by the Joint Committee, and we have accepted it. Thus, it would seem that the membership is sufficiently broad-based, and provides for a balance of representation for different wings of the press and various sections of the people.

As regards the nomination of the chairman and the members of the council, I had occasion to explain earlier why we could not retain the provision as it existed in the earlier Bill. It was only after a detailed discussion and examination in the Joint Committee that we came to the conclusion that the best course would be to request the Chief Justice of India to nominate the chairman of the press council and to be a member of the committee of three persons for the selection of the members of the council other than Members of Parliament. The Chief Justice himself agreed after consulting his successor, whose name had been announced, to the inclusion of the provision in the Bill, and I do not see, therefore, anything improper in

this arrangement. In fact, this will go a long way in creating confidence and respect in the persons selected to the council. Actually, the working journalists were very clear on the point and they wanted a judge. The Press Commission also had indicated that. But we thought in the Joint Committee that it would be unfair, to say the least, to fetter the discretion of the Chief Justice. So, we left it to him; he would certainly bear in mind the wishes of the working journalists and see that the person is one with judicial background or knowledge. It need not be said that he should be actually a judge, because as you, Sir, are aware, there are practising advocates-general, or ex-advocates-general or distinguished lawyers and so many other people concerned with law such as jurists, for example, professors of law and so on.

In regard to the powers and functions of the council, Shri N. Dandekar referred to the freedom of the press vis-a-vis Government. Shri Khadilkar thought that the standards of foreign newspapers and journals being imported into India should also be subject to review by the press council. Shri A. N. Vidyalkar was of the view that under the provisions of the Bill the press council would be merely an advisory body for Government.

Members also referred to monopolistic tendencies in the press. Some expressed their concern that there is nothing in the Bill empowering the Press Council to do much in this regard except to suggest remedies therefor. The Press Commission itself envisaged that the Press Council should concern itself mainly with the formulation of a code of conduct for the press which will enhance the prestige of the profession, and censure anyone who is guilty of infraction of the code. The Commission further considered that the regulation of the conduct of the press in the matter of such objectionable

writing as is not legally punishable—that is the borderline, and marginal cases, they always had in mind—should also be the responsibility of the Press Council. In other words, the emphasis is on the creation of a professional body for the self-regulation of the press by the press itself.

In regard to the expansion of the functions of the Press Council to include a review of the standards of foreign newspapers and journals being imported into India, it would be difficult to include this function, because no Act of Parliament has extra-territorial application. From what fell from my learned friend, he implied that. It will, therefore, be impossible to think of the Press Council trying to improve their standards. As regards the effect of such newspapers on the Indian press, there will be no objection to the Press Council including such things in their annual reports under 'the factors affecting the standards of the Indian press'. If the Council feels satisfied that foreign newspapers with particular standards should not be imported into this country, they can make a suitable recommendation to that effect suggesting corresponding amendments, if necessary, in the laws governing import of foreign publications. Government would consider such recommendations at the appropriate time.

I am unable to appreciate the objection of Shri A. N. Vidyalankar that the Council has become an advisory body. There is no provision in the Bill saying that the Council would merely act as an advisory body for Government on matters referred to it by the latter. In fact, the original cl. 13(2), as it stood before the Bill was referred to the Joint Committee, gave rise to some misunderstanding that Government was trying to revive, in the form of the Press Council, the old Press Advisory system which did not find favour with the Press Commission. The House will remember that there was a discussion on this point. Two or three

members referred to it. After censure, if there is repetition, the Press Council should place the matter before Government for such action as they thought fit. If I may say so, this provision was quite rightly criticised and, therefore, we dropped it. The word 'advisory' would take away the strength, *proprio vigore* of the system of dealing with pressmen as their equals. The Joint Committee deleted the sub-clause after some discussion.

As regards the monopolistic tendencies, to which reference has been made frequently—I quite see the force of it—the action that Government or the Press Council could take in this regard is somewhat limited in view of the freedom of speech and expression and the right to carry on any occupation, trade or business guaranteed by the Constitution. The House is aware that when an attempt was made in regard to the price page schedule, it was struck down by the court. I have answered a number of questions on that. This is the position today. There are so many fundamental guaranteed rights; if I may say so, they are the glory of our Constitution. Therefore, one has to proceed rather very carefully in this matter. It would be pertinent to point out that the Press Commission itself recommended that the Press Registrar should keep a close watch on the circulation of newspapers, and if he came to the conclusion that in a particular area or in a language, a monopoly had developed, he should bring it to the attention of the Press Council, who should conduct an investigation into the existence of the monopoly. Here I would like to read what the Press Commission said nearly 11 years ago. If I may say so, it is quite valid today. This is from paragraphs 830 and 831 of their Report:

"830. In our view, an investigation of this character, besides helping the Press Council to come to definite conclusions on

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the subject will serve to educate public opinion on the monopoly. If monopoly is to be discouraged, the public must realise the implications of a monopoly. An investigation will also throw light on unfair practices, if any, in which the newspaper might have indulged".

Paragraph 831 is also very important.—

"831. We expect that an investigation of this nature and the publication of the findings of the Press Council would have the direct effect of breaking the monopoly by drawing public attention to it. Members of the public who realise the danger may change to another paper, and the starting of rival papers would also be stimulated. The figures in the Readership Survey already show that a considerable percentage of the readers of many papers today dislike the views expressed therein and would welcome the starting of rival papers. It should be open to the Press Council to suggest specific measures for encouraging competition in such areas. We might state, however, that we are strongly opposed to the subsidising of such competition in any manner by Government".

They even went to the extent of warning against subsidising by Government. In other words, the Press Commission did not contemplate any action beyond the publication of developments relating to monopolies in the press by the Press Council and suggestion of remedies to Government. This has been amply provided for in the amended Bill before the House.

Some concern has been expressed against cl. 14 conferring certain general powers on the Council, with particular reference to the lack of a specific protection against disclosure of

sources of information before the Press Council—with regard to black-mailing, forcing journalists to divulge information etc. I am going to deal with that. As I have already explained, there is nothing peculiar in these provisions. They are merely enabling provisions intended to make the working of the Council more and more effective. The Council would consist predominantly of experienced working journalists, including editors and other newspapermen—there will be 13 working journalists, of whom 6 will be editors; I read the whole list—and it is difficult to envisage that the Council would force in each and every case the disclosure of sources of information by a journalist, which the majority of the members of the Council themselves hold as a journalistic privilege. The Council may well be expected to use its discretion in utilising its powers but the absence of such enabling powers would seriously hamper the working of the Council. No special privilege is given to a journalist under the Evidence Act and, therefore, the law of the land requires a journalist to disclose sources of his information if it becomes relevant for any particular proceeding. This is the position in many other countries. Actually, case law in England and America is more or less "in pari materia" so far as we are concerned. This is precisely a privilege of the Journalist.

Lastly, I would like to refer to one of the principles drafted by the Press Commission for inclusion in the code of conduct to be formulated by the proposed Press Council which reads as follows—I am quoting from paragraph 957(8) of their Report—

"Confidence shall always be respected and professional secrecy preserved, but it shall not be regarded as a breach of the code if the source of information is disclosed in matters coming up before the Press Council or courts of law".

That always happens. Suppose something comes out as a result of the investigation. So that has to be taken into account. I suppose this at least will satisfy Members that even the Press Commission did not contemplate any special protection for journalists.

Cl. 13(3), to which reference was made, conferring finality on the decisions of the Council has been added at the instance of the Working Journalists' Federation, Hon. Members are aware that even under the Industrial Disputes Act . . . .

**Shri P. R. Patel:** Barring the jurisdiction of the courts?

**Shri C. R. Pattabhi Raman:** It cannot. I may straightway say that nothing can prevent the Supreme Court on a special leave from treating any matter coming before it. If it allows a petition by special leave, it can go into the decision of any tribunal. It is fundamentally wrong to read into the provision anything else. Here the Working Journalists themselves wanted it. I was associated with the Labour Ministry for sometime earlier. There is a real fear on the part of trade union workers that this is really a procedure by which there is delay and labour suffers. So in order to prevent it, the working journalists wanted this provision to be there. It went through two or three filters, if I may say so. All the time, we thought that this cannot prevent—if there is really anything wrong—the writ jurisdiction coming in. The special leave application to the Supreme Court is there.

As regards arrangement for financing the Press Council, to which some exception was taken, I explained earlier the idea was that there must be a cess levied on newsprint. I am pointing out what is the position in India so that hon. Members may know it.

Incidentally, I think hon. Members also know that the price and quantity of newsprint imported at the time the Press Commission reported involved only a few thousand rupees, while the present price and volume would involve lakhs of rupees as income to the Press Council, but I am going to point out how it is not possible.

As regards arrangement for financing the Press Council, to which some exception was taken, I explained earlier that having regard to the financial procedure laid down in the Constitution, it would be difficult to make provision for self-financing arrangements. Even if a provision is made for the levy of a cess, all such revenues accrue to the Consolidated Fund of India, and no moneys can be withdrawn from that fund except under appropriation made by law. It follows, therefore, that payment to the Press Council will, in any case, have to be formally voted by Parliament out of the Consolidated Fund and covered by a provision in the Appropriation Bill. It must also be noted that the present consumption of newsprint has risen very much more than what was contemplated at the time of the Press Commission. Thus, while there is no special advantage in making a provision for the levy of a cess, the inclusion of such a provision would result in certain practical difficulties in the collection of the cess. As any such provision would not in any way make the financing arrangement of the Council different, we thought that there may be no special provision for levying a cess for this purpose. In any case, the Council will have to be financed out of the funds given by the Government.

Certain general objections were raised, particularly by Shri Dandekar, that in most of the provisions it has been provided that actions of the Council are subject to prior approval of the Central Government. It should be emphasised here that

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there are certain matters in respect of which the Central Government has to frame rules and there are other matters in respect of which the Council will have to make its own regulations. Already there is a Clause where they have got the right to make their own rules. So, one need not be confused with the other. As far as the establishment and financial matters are concerned I need hardly say that the Central Government and Parliament should be the final authorities as the moneys are paid from the Consolidated Fund. This is achieved by subjecting the Council's regulations or actions on these matters to the approval of the Central Government which is answerable to Parliament. The rules to be framed by the Central Government are subject to the approval of Parliament, thus ensuring Parliament's supervisory authority over the rules. As regards the day to day functioning of the Council and in regard to its actions against individual newspapers or persons, the Council is left entirely free to decide its own procedure and to frame its own regulations therefor. I assure this House that there will not be any interference from Government on the efforts of the Council in evolving its procedure and its own methods for the preservation of the freedom of the press and for the improvement of standards of newspapers in this country. I suppose I have made the position of the Government vis-a-vis the Press Council in its functioning amply clear. There need be no doubt about this bifurcation of Government's powers on financial and establishment matters and independent and unfettered powers of the Press Council in its day-to-day functioning and in enforcing its decisions over the industry.

Shri Alvarez referred to amendments made after the report of the Joint Committee. Even when it was discussed in the Joint Committee, I pointed out the stand of Government. I might be asked why I did not write

a Minute of Dissent in that case, but that is never done.

There are two clauses to which reference has been made. One is Clause 12(2) (f), which reads.

"to keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government:"

which is followed by the proviso:

"Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources in any other manner it thinks fit."

That is, because there is the Press Council, the Central Government should not be precluded from taking action with regard to this assistance or any loaded thing that may come. I had pointed out then and I repeat now that a number of Governments especially to the east and west of us are seeking technical personnel. They insert advertisements in papers. There is a regular process. They go to the Commerce Ministry and sometimes to the Education Ministry. They even indicate the region. Supposing it is Fiji, they may indicate Bombay; if it is Singapore, they may indicate Madras. It depends on the Indians there, the language they speak etc. There can be no objection to that.

Shri Alvarez: "Review" does not mean you necessarily take note of the advertisement. It is a review.

Shri C.R. Pattabhi Raman: Actually, the words are:

"to keep under review such cases of assistance received by any newspaper or news agency..."

I pointed out then, and I repeat now— I am glad that I was able to convince the other House, and I hope I will be able to convince this House also—

that if the original clause had stood, there would be thousands of complaints, and it will become a regular tribunal. They have a separate department in the Ministry dealing with advertisements. You may have seen in papers various Communities and creeds, all holding our national flag. It may refer to such an advertisement in the emergency or to various other matters. Daily there are thousands of advertisements, and I can envisage thousands of cases coming up, with the result that this Council will have no other business except dealing with individual cases. Therefore we said they should not be cluttered up with this sort of work.

I shall also read the original Clause 13(2):

"Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that there has been any interference with the freedom of the Press by any person or authority, including any Government.."

That has also been removed. I pointed out then and I repeat now the reasons for this. As I pointed out, it will become a regular court of law, which is not what is envisaged of it.

The word "nomination" was referred to frequently. "Nomination" is really a term of art. It is really the Chief Justice who decides who should be the Chairman. Then he, the Chairman and another person together empanel the Council. That is only in the first instance. In fact if I may be pardoned for this expression, I was very particular that after the first empanelment, the franchise question should be entirely with the Press Council. They will decide thereafter how it should be done. The regional language papers, journalists associations, press reporters associations, press correspondents associations, so many associations may come, and we must never face these troubles in the beginning. It is left to the Press Council to give recognition after going through the papers and credentials.

Then we have made it very clear that even among editors, only those who are free, from any link with management, pure and simple editors, should be eligible. The actual clause says that.

I do not think I have anything more to say. I will deal with other things when the clauses are taken up.

Newsprint quota is the only thing that remains. I want to assure hon. Members that there are rules with regard to it. So far as advertisements and newspaper quotas are concerned, we are guided by certain rules that are published.

**Shri Mohammed Koya (Kozhikode):** Our complaint is against the rules.

**Shri C. R. Pattabhi Raman:** Nothing can prevent the Press Council from advising us on newsprint. I submitted in the Joint Committee, and I repeat now, that under the rules today as they are we have got two or three methods of checking circulation. I do not say they are perfect. I personally feel that they should be tightened much more. I have no doubt that a number of papers that are appearing ostensibly cannot have any newsprint for their purpose. I have no doubt that there is backmarketing. We are trying our very best to check it. We cannot multiply our officers. We have various inspectors, the Registrar and the Auditor Bureau of Circulation. They are not foolproof. We are devising a system.

Finally, may I say that the whole world is looking at this Bill. We have had a number of enquiries from sister countries. We are all hoping that this will be a model, and I have no doubt that by experience suitable amendments can be made. I move.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to establish a Press Council for the purpose of preserving the freedom of the

[Mr. Deputy Speakers]

Press and of maintaining and improving the standards of newspapers in India, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

Mr. Deputy-Speaker: 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 4— (Composition of the Council)

Shri N. Dandekar: I am moving my amendments, Nos. 3, 5, 6, 8, 11 and 12.

I beg to move:

(i) Page 2, line 18,—

for "twenty-five", substitute—

"twenty-seven". (3)

(ii) Page 2, line 18,—

after "person", insert—

"with not less than five years' service as a judge of a High Court."; (5)

(iii) Page 2, line 20,—

after "chosen", insert—

"from four categories". (6)

(iv) Page 2, line 26,—

for "six", substitute "eight". (8)

(v) Page 3, line 1,—

for "the Chief Justice of India" substitute—

"the Chairman of the Union Public Service Commission". (11)

(vi) Page 3, line 11,—

omit "in the prescribed manner," (12)

Shri Warior: I am moving my amendments, Nos. 2, 4, 7, 9 and 10.

I beg to move:

(i) Page 2, line 18,—

after "Chairman", insert—

", Vice-Chairman" (2)

(ii) Page 2, line 18,—

(i) after "Chairman", insert—  
"and Vice-Chairman"; and

(ii) for "a person", substitute—  
"persons". (4)

(iii) Page 2, line 21,—

for "thirteen", substitute "sixteen"  
(7)

(iv) Page 2, line 26,—

for "six", substitute "three" (9)

(v) Page 2, line 38,—

(i) after "aforesaid", insert—

"half the number of members under sub-section (3)(a) of section 4 shall be elected by the representative organisations of the working journalists in the case of the former and two members under sub-section (3) (b) of section 4 shall be elected by the newspaper management organisations and"; and

(ii) for "all the other members", substitute—

"the rest of the members". (10)

Shri N. Dandekar: I would like to take my amendments in separate groupings, Nos. 3 and 8 I would like to take together, because one is consequential upon the other. No. 8 is concerned with increasing the number from six to eight, in sub-clause (3) (b), of members to be appointed from among persons who own or carry on the business of management of newspapers. I feel, on going through

the weightage given, there is something wrong. There are four categories, of members, namely (a), (b), (c) and (d). Categories (c) and (d) are, of course, men in public life in the field of education, science, literature, law and culture, and three from Parliament. As regards categories (a) and (b), who are in one fashion or another from the newspaper world, either working journalists or proprietors or managers of newspapers and so on, I get the very definite feeling that there is a grave imbalance against item (b). I have therefore suggested that we should add two more to the number of members from among persons who own or carry on the business of management of newspapers—as distinct, of course, from ownership of newspapers; this is concerned with management.

And consequent upon that, I have suggested that in sub-clause (1) of clause 4 the total number should be, the Chairman and twenty-seven other members, instead of twenty-five. I would not like to labour that point: it is simply a question of a reasonable, balanced representation on the Press Council of the various elements in the newspaper world.

Then I would like to go on to amendment No. 5 which is concerned with the person who shall be nominated as Chairman by the Chief Justice. Here I would like to say, first of all that I frankly am not satisfied with the explanation which the hon. the Deputy Minister offered for dragging the Chief Justice into this at all. The first explanation he gave was that the Constitution permits the Chief Justice to undertake the duties in the Constitution plus such other duties as the President may request him to discharge. And he glossed over it by saying that since the President would be assenting to this Bill, therefore it must be assumed that the President had assented, within the meaning of the Constitutional provision, to a request being made to the Chief Justice to undertake this. I am quite clear in my mind that the occasions on

which the President would be asking the Chief Justice to take any particular function would be rare and—highly important, but—specific. There may be, for instance, a reference where he might ask for his opinion about a proposed legislation; or there may be occasions on which he may invite the Chief Justice himself to be so good as to conduct a particular inquiry, or matters of that kind where the Chief Justice as chief justice is what the President wants—in other words, a person with his great legal knowledge, knowledge of the law of evidence, knowledge of legal procedure, his experience in assessment of evidence etc., which is relevant. The only other instance that the hon. the Deputy Minister gave was that of the Provident Funds Act or some other matter concerned with labour welfare legislation. In which the Chief Justice would be the person appointing an arbitrator—a perfectly correct kind of function that the Chief Justice can perform without impropriety, that is to say, indicating a person of some standing who can be entrusted with difficult matters of arbitration and so on. But I frankly am not satisfied that it is either proper or constitutional to ask the Chief Justice to accept the burden in a matter of the kind we are now considering.

Having said that, I naturally have to proceed on the assumption that the Government are going to be adamant about this. That is why my amendment No. 5 is concerned with stating that the Chairman shall be a person with not less than five years' service as a judge of a High Court, nominated by the Chief Justice of India,—if there is any particular reason to drag the Chief Justice into this at all. It is not that he knows the entire population of the country from Cape Comorin right up to Simla, but that he has special knowledge of persons of high judicial competence. Moreover, as regards this body, the Press Council consisting of persons eminent in their own field, but a miscellaneous collection of persons in so far as judicial

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experience goes, in so far as handling of evidence goes, in so far as assessment of evidence goes,—this body should have presiding over it as its Chairman a judge of some experience and some standing. If that is the intention, the Chief Justice would be a proper person to nominate a chairman of that kind for this particular body. And therefore my amendment No. 5 is concerned with suggesting, in sub-clause (2), that the Chairman shall be a person with not less than five years' service as a judge of a High Court, nominated by the Chief Justice of India. It is only in those circumstances that the nomination of the Chairman of the Council by such a person as the Chief Justice would have any meaning and propriety.

My amendment No. 6 is merely of a clarificatory kind. In sub-clause (3), where the clause says that "the other members shall be chosen as follows", I have suggested the insertion of the word "categories", that is, "the other members shall be chosen from four categories as follows", because I see later on that the "categories" are referred to. When I was reading the Bill, sub-clause (6) of clause 5 says this:

"Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same authority by which and in the same manner in which, that member was appointed".

So I looked round for a definition of "category", I did not find it. I presume that in sub-clause (3) of clause 6 are the categories; I am only assuming, because I cannot find any other categories anywhere. So I suggest, in order to avoid confusion as to what is meant by "categories", there is

need for this amendment No. 6 which would make sub-clause (3) read as follows: "The other members shall be chosen from four categories as follows"; and then come (a), (b), (c) and (d). I feel sure the Minister will see the point of making clear what exactly are the categories referred to, by accepting this amendment.

I have already spoken about amendment No. 8 partly in relation to amendment No. 3 where I have suggested the increase of membership by two. This amendment I seek for the reason that, as I said, there are thirteen members of the Council from among working journalists who are again, sub-divided into certain sub-categories. It says "of whom not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers, so however that the number of editors of newspapers published in Indian languages shall not be less than three". That is perfectly sound. But then, having regard to the fact that thirteen members shall be working journalists, I do submit with great conviction that to have only six members representing the management of the newspapers would be an inadequate representation in the light both of the representation of the working journalists as well as the total membership of the Council. It reduces them to an insignificant number of persons out of a total of 25 in the proposed council and therefore instead of six members from among persons who own or carry on the business of management of newspapers, I suggest that the number of members from this particular category ought to be eight.

My next amendment No. 11, is concerned with the constitution of the committee which will, in the first instance, be selecting the members of this Council. You will recall, Sir, that the chairman of the Council himself is to be nominated by the Chief Justice and there remains the question of how the remaining 25 or, as I have suggested, 27 members are to be chosen. Quite rightly, the machinery

for this has to be provided; but it is sought to be provided in this fashion, namely, "...shall be nominated by a committee consisting of the Chief Justice of India",—this time he himself is to be a member,—"...the Chairman of the Council and a person to be appointed by the President of India and in making such nomination..." That is a further matter to which I will come presently.

Sir, it is going much too far to get the Chief Justice himself involved not merely in nominating the chairman, a person of outstanding capacity and of standing and status and of experience and so on and I have moved an amendment that he should be a judge of five years experience,—but the unfortunate Chief Justice is also to be a member of the selection committee consisting of himself, the Chairman of the Council whom he himself will have nominated and a person nominated by the President of India. I think it really becomes improper that the Chief Justice should be dragged into this business of selecting members of the Council. There will be a whole lot of people proposed for instance in respect of the 13 members of the council who are to be the working journalists, the Chief Justice has to be put in a position of having to say: no, I do not think that this gentleman is fit; I think this fellow is goga; this chap is too old or that fellow is too young; among this bunch of so and so's these are the only thirteen people who are fit and proper, etc. I do not think that the Chief Justice ought to be dragged into a matter of that kind at all. It is both derogatory and wrong to drag the Chief Justice into that kind of situation. I do not also think he has any special competence for discharging a function of that kind. There is also the other provision; he is to join in selecting six members from among persons who own or carry on the business of management of newspapers. And these selections have to be made out of panels prepared by various representative bodies. The procedure is altogether such that I am quite clear in my mind

that the Chief Justice ought not to be involved in it, not indeed, with great respect to the Chief Justice, is he particularly or specially competent to discharge a function of that kind. Therefore, Sir, my amendment is to substitute for the Chief Justice the Chairman of the Union Public Service Commission. And then the picture changes immediately. I am suggesting a person who is the head of a statutory body, the UPSC. The head of the UPSC and its members have wide experience of precisely the kind of function that is involved,—to select, in accordance with the requirements, from a body of persons who consider themselves qualified to be on this Council,—to select persons whom he, in collaboration with the two other esteemed gentlemen, think would be the proper persons to be on the council. And that is precisely the purpose of amendment No. 11, to delete the Chief Justice of India from this committee and to put in the Chairman of the Union Public Service Commission.

Then Sir, there is my amendment No. 12. It is the first of a series of amendments I shall be moving, which are concerned with eliminating the most undesirable features from this Press Council Bill, relating to its procedure or rules and so on, which make it a creature of the Central Government. This clause here reads: "Before making any nomination under clause (a) or clause (b) of sub-section (3), the Committee referred to in sub-section (4) shall, in the prescribed manner, invite panels of names..." The Government have to indicate the manner in which the panels of names have to be invited. It seems that the government have very little faith in the capacity of these persons to handle the business of selecting these 13 and the other 6 or 8 as the case may be, members of the Council, or perhaps,—that is what I suspect to be the case,—government wants to make this Council a creature of the government, right from the commencement of it,—beginning with how the panel shall be constituted. It really means, of course, that a whole lot of people shall be

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first eliminated from being eligible to be chosen. As I said, this is the first of a series of amendments I have proposed which were solely and wholly animated with the purpose of reducing the degree of interference with the affairs of the Press council by government procedures, government interference, government sanctions, government approvals, government indication of the manner in which people are to work and so on. I have therefore suggested the deletion of the words 'in the prescribed manner'.

**Shri Warior:** Sir, this clause is one of the most important clauses because it gives a chance to speak on the composition of the Council and once it is all right, we can say that the intention of the Bill is more or less gained because it rests upon this. My first amendment is that not only a chairman but a vice chairman is also necessary—my amendment No 2. The Chairman is nominated by the Chief Justice; he can himself nominate the Vice Chairman also so that in the absence of the Chairman the functions of the Council can be carried on. In all the other bodies, we have got this office and why should we not have one in this Council? I think it is necessary that we should have this.

There is a more important thing. I have had occasion to mention that the composition itself is weighted more in favour of the management of the newspapers rather than the working journalists. It is the working journalists who require more protection than the management. When the question of the freedom of the Press is talked so much we always visualise that it is a question of the working journalists more than the management and if in the Council the working journalists are weighted against by the inclusion of more representatives of the management plus, next to them, the chief editors and some such people, I think that it will not be conducive to the interests of the working journalists or to attain the objective

of the Bill. Hence I have suggested that the number must be increased if it is necessary but even then, if the number is limited, we can have at least three of the editors and the other three must be left for the working journalists to be nominated. This council must be more representative rather than selective. Instead of giving powers to select from any of these categories it is necessary that the organisation must be given recognition in the Bill itself so that the representatives may not be selected at the whims and fancies of somebody outside the profession. These professional bodies will have their say whenever the selections are made. This is the point that I wanted to make in respect of this amendment.

Then there is another amendment which I wanted to make. That is, the period of membership should not go for more than a year. There is a provision that a member can stand again, but that should not be there. New members must be coming to the Council so that the Council will have a new thinking on all the problems that come before to Council. Hence, I have to make the amendment that the membership should not be for more than one year.

Then, I have sought to substitute "16" instead of "13" at page 2, line 21, in clause 4. That also denotes the very same purpose. Instead of 13 from among the working journalists of whom not less than six shall be editors, it must be at least 16 so that at least 13 will be working journalists and only three will be editors.

Shri Dandekar has objected to the provision of constituting a committee of nominated members. It has much relevance in this respect. It can be avoided. As I suggested, the members should be selected from the organisations. The members should not be selected from a panel or from certain rules which are made by the Government. They must not be fenced or

fettered like that. It can be safely put that they can be selected from the organisations of the working journalists and of the management also. Both of them have got organisations and it is not so many, as the Minister has pointed out. I think there are only a few recognised organisations of working journalists; not very many. From those organisations, they can be asked to select or elect their own representatives to be put on the Council.

**Shri Mohammed Koya:** The question comes in only when there are more organisations.

**Shri Warrior:** That depends also on the recognition of the Government. That can be eliminated. These are the main points which I wanted to point out. In my amendment No. 10, I have said:

"After aforesaid, insert,—

"Half the number of members under sub-section (3) (a) of section 4 shall be elected by the representative organisations of the working journalists in the case of the former and two members under sub-section (3) (b) of section 4 shall be elected by the newspaper management organisations and."

So, if this is also accepted, I think that the difficulties which Shri Danfeker has pointed out can be eliminated. I hope my amendments will be considered and accepted.

**Shri Shree Narayan Das (Darbhanga):** I would like to speak a few words on these amendments. I have not sent in any amendments.

**Mr. Deputy-Speaker:** You have not sent in amendments.

**Shri Shree Narayan Das:** I have not. But I would like to speak. I did not send them yesterday and I did not know that they would be circulated today. I would only like to make a few observations if you permit me.

Now, in clause 4, sub-clause (3), there is a provision that the represen-

tatives of Indian language newspapers will be assured three seats out of 13. Now, the newspapers in the regional languages are going to play a very important part in our country. There are 14 languages, and there are a number of newspaper published in the Indian languages, and they exceed the number of newspapers published in English. Therefore, representation on the Press Council for the Indian language newspapers should be sufficient and adequate. Here, out of 13 members, from among the working journalists, only three seats have been assured for Indian language newspapers. I know others may be nominated, but only three seats have been assured for Indian languages. Out of 13, only three seats will be compulsorily given to the Indian language newspapers. The others may come through the recommendation of the various organisations. But I would like to submit that this is inadequate for Indian languages. At least five seats should be reserved for Indian language newspapers and adequate representation should be given for all the Indian languages. The Indian language newspapers may also come in that category. Therefore, I suggest that instead of three, the number should be five.

There are 14 languages mentioned in the Eighth Schedule of the Constitution. Here, in the Bill, only three seats will be given. So, in a year, there will be three representatives of the Indian language newspapers. I would suggest that there should be a provision to the effect that "provided that every Indian language mentioned in the Eighth Schedule to the Constitution shall be given representation by rotation." By this, no other Indian language newspapers will be neglected. By rotation, all the languages mentioned in the Eighth Schedule to the Constitution could be covered. Whichever representation is given to the Indian language newspaper shall be given to every Indian language mentioned in the Constitu-

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tion, by rotation. Otherwise what may happen is, only some Indian language newspapers may be represented always and the others will be neglected in the course of years. Therefore, there should be some mention of such a proviso to the effect that every language mentioned in the Eighth Schedule to the Constitution shall be given representation by rotation. This is my suggestion. I did not give notice of the amendment, but I submit that such an amendment is necessary, because there are 14 languages, and not more than three or four may be given representation, according to the Bill, as it is, I submit that every Indian language should be given representation on the Press Council by rotation, so that no Indian language will be neglected. This is the only suggestion that I wish to make.

Then, it has been provided that— I do not know, and it is not very clear to me— out of 13 members, not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers. This means that out of 13, six seats will go to such editors who do not own or carry on the business of management of newspapers. The other seven seats may go to those who may be people who own newspapers or carry on the business of management of newspapers. I am not clear about it. I suggest that out of 13, not less than six seats should go to those members who are working journalists, who do not own or carry on business of management of newspapers; not less than six seats should be assured to them. The other seven seats may go to those persons who own newspapers or who carry on the business of management of newspapers. As it is, representation to those who own newspapers or who carry on the business of management of newspapers is very much indeed. What I suggest is that not less than six members shall be those from among the working journalists who do not

own or carry on the business of management of newspapers; the rest of the seats is assured for the others. I, therefore, submit that this suggestion of mine should be looked into.

**The Minister of Information and Broadcasting (Shrimati Indira Gandhi):** "13 members from among the working journalists" have been provided.

**Shri Shree Narayan Das:** You have mentioned that not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers. That is, these six persons will be from those editors who do not own or carry on the business of management of newspapers. The other editors may own the business or carry on the business of management of newspapers. Therefore, the representation given to those persons who own newspapers and carry on the business of management of newspapers is very great. I think this question should be looked into and suitable amendment made.

**Shri Warior:** Can he not move an amendment now? This is the first day and so the usual rule that notice must be given on the day before may be waived.

**Mr. Deputy-Speaker:** There was sufficient time.

**Shri C. E. Pattabhi Raman:** On the first amendment of Shri Dandekar.

**Mr. Deputy-Speaker:** We are not taking it up now. We are now on clause 4.

**Shri C. E. Pattabhi Raman:** I regret I am unable to accept the amendments. The position is this. Only the other day, I said, in the absence of the distinguished Minister who was away, that there are about 8,000 to 9,000 small newspapers in this country, and their number is increasing; out of this, the number of

language papers is about 6,000 or 7,000. I would not swear by it but the number is somewhere there. Anyway, it is a huge number. The point raised by Shri Warrior about the provision for a Vice-Chairman is a delicate one; it is very delicate to strike a balance in this respect. The history of the Bill is there; I do not want to repeat it. I have already told the House that first the report of the Press Commission was there; then there was the Press Consultative Committee; then the Bill was introduced. Again and again they all came to a working arrangement with the Council consisting of a Chairman, and 25 members of whom 13 shall be working journalists. So, if the Vice-Chairman comes in, he will be outside this category. That means he will really disturb the balance. I am not able to agree to this.

With regard to what fell from Shri Shree Narayan Das about the management, etc., we have accepted the definition of 'newspaper' which is given in the Press and Registration of Books Act, 1867, namely,

"'newspaper' means any printed periodica containing any public news or comments on public news."

With regard to working journalists, we have accepted the definition contained in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. The definitions are quite clear.

15 hrs.

With regard to categorisation, my esteemed leader under whom I had worked for sometime, Sir Tej Bahadur Sapru, once questioned the Allahabad High Court's constitution. It had to be constituted as follows: one-third ICS officers and one-third advocates and one-third barristers. On a particular day, one barrister was less and therefore, he said it was no High Court at all. Categorisation will lead to this difficulty.

**Shri N. Dandekar:** Groups (a), (b) (c) and (d) are presumed to be categories. Suppose I were to ask from where a member is to be selected when a vacancy arises, clause 5(6) says it should be filled from the same category. So, the word 'category' has been used later in clause 5.

**Shri C. R. Pattabhi Raman:** I have understood him to say, in *sert* "from four categories". So far as selection is concerned, we have taken care to see that the editors have nothing to do with the management. The Press Commission gave a very amusing instance of one editor being an 82 year old woman, who did not know any language and who was put as editor for the purpose of salary. They have given so many examples. So, these 13 will include 6 editors, who must come under working journalists. My esteemed friend was saying that these may include people in the management also. Management is covered by sub-clause 4(2) (b):

With regard to the amendment dealing with Chairman of the UPSC, I have already answered the point and I do not want to repeat. The working journalists would like to have no person other than the Chief Justice to nominate the Chairman.

Sir, I think I have dealt with all the amendments.

**Mr. Deputy-Speaker:** I shall now put Mr. Dandekar's amendment, Nos. 3, 5, 6, 8, 11 and 12.

Amendments Nos. 3, 5, 6, 8, 11 and 12 were put and negatived.

**Mr. Deputy-Speaker:** I shall now put Mr. Warrior's amendments Nos. 2, 4, 7, 9 and 10.

Amendments Nos. 2, 4, 7, 9 and 10 were put and negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Term of office and retirement of members).

**Shri N. Dandekar:** I beg to move:

(i) Page 3, line 26,—

after "Chairman", insert—

"shall hold office for five years".  
(13).

(ii) Page 3, line 36,—

for "the Central Government", substitute—

"the Chief Justice of India."  
(14).

(iii) Page 3, line 1,—

for "the Central Government", substitute—

"the Chief Justice of India".  
(15).

(iv). Page 4, line 9,—

after "appointment", insert—

"other than that of the Chairman." (16).

(v) Page 4, line 16,—

for "no member shall", substitute—

"no member other than the Chairman may". (18).

(vi) Page 4, line 18,—

add at the end—

"but shall thereafter be eligible for re-appointment after the expiry of a period of eighteen months".  
(19).

**Shri Warior:** I beg to move:

Page 4,—

omit line 15 (17).

**Shri N. Dandekar:** My amendment No. 13 is in connection with the period for which members shall hold office. Sub-clause (1) says:

"Save as otherwise provided in this section, the Chairman and

other members shall hold office for a period of three years."

I cannot imagine a provision more carefully worded to bring about turmoil in the continuity of the working of the Council. There would be no continuity unless at least the Chairman, who is going to be a whole-time paid officer, a person of considerable experience, nominated by the Chief Justice, was allowed to remain for a longer period. For the Chairman there ought to be a longer term than for the other members, so that whatever the change in the detailed composition of the Council, there is one person who overlaps from one period to another. So, my amendment is to this effect:

"Save as otherwise provided in this section, the Chairman shall hold office for five years and other members shall hold office for a period of three years."

No particular difficulty about nomination or otherwise can arise. He does not represent any particular interest. He is a person chosen presumably for his experience, qualifications, standing, respect and regard with which people consider him, a person nominated by the Chief Justice, whereas the other members are representatives of various interests. I do think this amendment is necessary in terms of continuity of the working of this important body, which after all is going to be invested with judicial powers and which would be gradually—I presume that is really the intention—evolving a code of conduct of ethics, of journalism a body of case law, growing from precedent to precedent. For this, I cannot imagine a more necessary provision than that the Chairman ought to provide continuity between one Council and another. I do not suggest he should be a permanent Chairman, but if the other members are there only for a period of three years, he should hold office for a longer

period and therefore I have suggested five years.

Coming to amendment 14, I notice this time they have jettisoned the Chief Justice. Sub-clause (14) says:

"The Chairman may resign his office by giving notice in writing to the Central Government."

The Chairman is a person who, we are at great pains to insist, should be appointed by the Chief Justice. But this clause says he may resign his office by giving notice in writing to the Central Government. I object to it. I do not like the Chief Justice being brought in and thrown out at the convenience of the Government. Therefore, I have suggested that for the words "Central Government" the words "Chief Justice" ought to be substituted, so that the person who nominates is the person to whom the resignation also comes. The normal theory is that the power to accept resignations or to dismiss a person should vest in the person with whom there is the power of appointment. If the Chairman wants to resign,—I am sure the reason will frequently be that the Government is fiddling around too much with the Council and interfering with its working;—in any event, the Chief Justice ought to know that the particular person whom he has nominated throws up his hand and wants to resign. Therefore, I am quite clear that if the Chief Justice has to be brought into this at all, he ought to be the person to whom the Chairman ought to send in his resignation.

Similarly, I want the words "Central Government" on page 4 also to be substituted by "Chief Justice". That is my amendment No. 15. If that is accepted, the sub-clause would read:

"That Chairman may resign his office by giving notice in writing to the Chief Justice and any other member may resign his office by giving notice in writing to the Chairman, and upon such

resignation being accepted by the Chief Justice or, as the case may be, the Chairman, he shall be deemed to have vacated his office."

I am sure the Deputy Minister would see the rationale of this and will be pleased to accept this amendment.

Next I come to amendment No. 16. This is to sub-clause 6 of clause 5. The sub-clause as it stands reads:

"Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member...."

The word "member" has been defined in the definitions, in clause 2, like this:

"member" means a member of the Council and includes its Chairman;"

So, whenever the Chairman is not specifically referred to, the word "member" includes the Chairman. With that remark I would like to read the sub-clause as it stands:

"Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same authority by which and in the same manner in which, that member was appointed."

Surely, Sir, the Chairman nominated by the Chief Justice would not belong to any particular category and, if that is so, as I am quite clear it is because the Deputy Minister was at pains to show that he would not like even to say that the choice of the Chief Justice should be limited to a High Court Judge with a particular period of experience and that the whole world or at least the whole of India was open for the selection of the Chairman, then un-

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less the amendment which I have given is accepted, the amendment which seeks to insert the words "other than that of the Chairman", it will not serve the purpose. With the insertion of the words that I have suggested the sub-clause would read like this:

"Every fresh appointment other than that of the Chairman to fill a casual vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same authority by which and in the same manner in which, that member was appointed."

Unless this is done, and if on the first occasion the Chief Justice chooses, shall we say, to appoint a doctor as the most eminent and suitable person to be the Chairman of the council, thereafter every fresh appointee to fill a vacancy or a casual vacancy of the Chairman will have to be a doctor because he will have to be of the same category, since the word "member" here, in my opinion, includes "Chairman".

Finally, I come to my two other amendments, amendments Nos. 18 and 19. They are both concerned with sub-clause 7 of clause 5. It is a very important clause. First I shall read the sub-clause as it stands:

"A retiring member shall be eligible for re-appointment:...."

Please remember here that the word "member" here includes the Chairman. The sub-clause says:

"A retiring member shall be eligible for re-appointment:

Provided that no member shall hold office for a period exceeding six years in the aggregate and on the expiry

of such period he shall cease to be a member."

It is an extra-ordinary provision. I can understand that the main purpose of the provision is that people should not become fixtures on this Council, there ought to be a period of time after which they ought to really allow fresh blood to come in. But, while I concede the need for a provision which would put some of these gentlemen into cold storage for a while after having been on the Council for a number of years, there is no reason why really eminent persons, persons who have done good work on the Press Council should for all time be tabooed after an aggregate of six years of service. Equally, I see no reason at all for a similar limitation to the Chairman's period of office. Therefore, the two amendments that I have suggested are necessary and will have this effect. In the first place, this proviso will not apply, this permanent bar against further re-appointment,—I am not touching the main provision that a retiring member shall be eligible for one re-appointment and I am concerned only with the proviso which bars further re-appointment—shall not apply to the Chairman at all. As regards the bar against other members; it will not apply after expiry of a period of 18 months following an aggregate period of six years during which these persons may have been members of the Council. Therefore, the sub-clause with my amendment will read like this:

"A retiring member shall be eligible for re-appointment:

Provided that no member other than the Chairman may hold office for a period exceeding six years in the aggregate and on the expiry of such period he shall cease to be a member but shall thereafter be eligible for re-appointment after the expiry of a period of eighteen months."

I do suggest an experiment of this kind. You will have on the Press Council some men who will render invaluable service. They are the people who will give content to the things that have been so glibly talked about, as if they were too easy, like the setting up of codes of conduct, setting up standards of journalism etc. All these 13 or 25 people on the Council are not going to be people of such calibre as to set up these high standards, but there will be, in course of time, on this Council one or two people, may be three or four, who will render such invaluable service, that a permanent bar to their re-appointment after they have been on the Council for six years would be tragic. I, therefore, suggest that such a bar should be lifted after a period of 18 months after they have ceased, under the main clause proviso, to be members.

**Shri Warior:** Sir, I wish to support the first amendment which my hon. friend, Shri Dandekar has moved. When the appointment is made by the Chief Justice of India, why should the resignation be accepted by the Central Government? There is some confusion or contradiction in it. The Government will be advised to think it over once more. I think when the appointment is made by the Chief Justice the power of acceptance of the resignation should also be vested with the Chief Justice. That is only reasonable and logic.

When I move my amendment No. 17 and oppose the other amendments moved by Shri Dandekar, there are two reasons for it. One reason is that there will always be a chance of monopolisation of such a position of membership of the Council. That should not be there. We should not be diffident or we should not anticipate that there will be a dearth of new blood who will also be able to render invaluable service to the cause of journalism. We have developed journalism in the country and I am sure new elements will be coming in. Shri Dandekar has pleaded for the

retention of those people who have rendered invaluable service, who have got experience, who can give their experience for the development of journalism. But their retention should not be a bar for the new elements to come in. So it is always better that we give room for some resignations so that there will not be a monopolisation of seats and there will always be a chance for new elements to come in. That is why I have moved my amendment No. 17 which seeks to omit the word "A retiring member shall be eligible for re-appointment". There need not be any fear that other eligible, capable and qualified members will not come in as members of the Council. If this clause is allowed to remain there, there will always be a tendency, as we see in so many other fields, to lobby for the retention of the old member, he will get votes by all sorts of mischief and it become a hot-bed of all sorts of intrigues. That should be eliminated and that can be eliminated only if this sub-clause 7 is omitted. I, therefore, move that my amendment may be accepted by the Government.

**Shri Shree Narayan Das:** Sir, for the consideration of the House I have to make one point. In sub-clause (2) of clause 5 it is mentioned:

"Where a person chosen as a member under clause (a) or clause (b) of sub-section (3) of section 4 is censured under the provisions of sub-section (1) of section 13, he shall cease to be a member of the Council."

I would like to suggest that this is not a sufficient punishment, that if a complaint is received against some journalist and he is censured by the Press Council then he will only cease to be a member. I would like to suggest that he should be disqualified at least for 5 years from being a member of the Council. Otherwise, only ceasing to be a member of the Press Council is not sufficient and deterrent punishment. I think there

[Shri Shree Narayan Das]

should be some disqualification so that once he is censured he cannot be a member of that Council for at least five years or so. This is my suggestion and I would like the hon. Minister to consider that.

**Shri C. R. Pattabhi Raman:** With regard to the first amendment of Shri Dandeker, the Press Commission is silent on the term of office of the Chairman and members of the Press Council. There was some discussion on this point in the Rajya Sabha and also in the Joint Committee and it was approved after some discussion. The amendment suggests that the term of office of the Chairman should be five years and that of members three years. There is no point in giving different terms for Chairman and members. I think three years is a sufficiently long period for working this experiment. If at the end of that period it is felt that the term should be increased, we can consider bringing in an amendment at that stage. Clause 5(7) provides for re-appointment after retirement. Shri Dandeker wants fresh blood.

**Shri Warrior:** The difficulty is that once the Council is dissolved there will be no element for continuity. That is the point raised by Shri Dandeker.

**Shri C. R. Pattabhi Raman:** Once you build up a body, the pattern of its work is very simple. It is the same in the Bar Council and the Council of Chartered Accountants. The position is that we do not want any person to be there for more than two terms. There may be some vacancies in the middle of the term also and there is provision for filling up the vacancies. I am afraid I am unable to accept it on the ground of continuity being lost. There will be a code of conduct and members are *au fait* with ethics. So, I do not think any vacuum will be created.

**Shri N. Dandeker:** The way of functioning of the Bar Council is different.

How do you draw comparison between the Bar Council and this Council?

**Shri C. R. Pattabhi Raman:** In the case of the Bar Council you must be a lawyer. In the case of the Medical Council you must be a doctor. In the case of the fourth estate nobody can be prevented from starting a newspaper on the ground that he is only a matriculate. Any citizen is free to start a newspaper and there is no qualification prescribed for that.

Then, regarding nomination being made by the Chief Justice and the resignation going to Government alone actually all the notifications are made by the Central Government. The appointing authority of the Chairman of the Council would be, therefore, the Central Government. His salary is provided from the Consolidated Fund of India. The acceptance of the resignation is merely a procedural matter and there is no need to bother the Chief Justice with the acceptance of resignation. Further, before its acceptance we have to go into the fact of the resignation. The Chief Justice should not be unnecessarily bothered on this question. Therefore, we are unable to accept it.

With regard to the third amendment about the proposed addition of "other than that of the Chairman", the proposed addition of the words will make the clause vague in regard to fresh appointment to fill a vacancy caused by retirement or resignation of the Chairman of the Council. In clause 5 sub-clause (6) has to be read in conjunction with sub-clause (5). Our intention obviously is that appointment to fill such vacancies in respect of the office of the Chairman also should be made by the same authority by which and in the same manner in which the retiring/resigning Chairman was appointed. From this point of view, the amendment is not only unnecessary but also defeats the original scheme of the Bill. The wording of clause 4(2) is very clear.

that the Chairman shall be nominated by the Chief Justice of India.

Coming to the omission of line 15, Shri Warior wants that a retiring member should be ineligible for re-appointment. I am not able to accept it. Even if line 15 is removed, the proviso still continues under subsection (6) of section 5 and continues to give the same meaning as it gives even without the deletion of line 15, if the intention of the member is that no person shall be eligible for re-appointment after a full term of 3 years this is not acceptable to us because the continuity in the functioning of the Council will be completely lost if every member of the Council is made ineligible for re-appointment after the first term itself. Taking all the factors into consideration, the Joint Committee suggested and we accepted that no member should hold office for more than a total period of six years. Frankly, I would not like to disturb it.

Shri Dandekar's point is that the Chairman should be eligible for appointment any number of times. I take it that is what he precisely means. The question whether there should be a maximum limit on the period for which a person could be considered eligible to serve as a member or Chairman of the Council was discussed at great length in the Joint Committee. Varied opinions were expressed on this point. The general consensus was that varied talent is available in the vast country and a specific provision should be there for the entry of fresh blood into the membership of the Council from time to time. It was felt that taking all factors into consideration no person should be eligible for appointment as a member or Chairman for more than six years. We accepted this decision. In this office there should be rotation and no member should develop—I would not say vested interest—the habit of remaining there for ever. We do not want that provision to be disturbed.

Coming to amendment No. 19 of Shri Dandekar about the re-appointment after the expiry of a period of eighteen months, the idea is that a person who has already served for a total period of six years should be eligible for re-appointment after a lapse of eighteen months.

**Shri D. C. Sharma:** What is the sanctity for eighteen months?

**Shri C. R. Pattabhi Raman:** I read into it his anxiety to reward a person who has done very good work. In such cases, according to him, if after 18 months it is found that they would like to have him, better have him. This was discussed in the Joint Committee and it was not accepted. If, later on, the Press Council wants such a provision we can always amend the law. So, I am unable to accept this amendment.

**Mr. Deputy-Speaker:** I shall now put amendments Nos. 13, 14, 15, 16, 17, 18 and 19 to the vote of the House.

*Amendments Nos. 13 to 19 were put and negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 5 stand part of the Bill".

*The motion was adopted.*

*Clause 5 was added to the Bill.*

**Clause 6—(Conditions of Service of members)**

**Shri Warior:** I beg to move:

Page 4, line 27,—

add at the end—"or of any State Legislature". (21).

**Shri N. Dandekar:** I beg to move:

Page 4, line 20,—

for "the Central Government", substitute—

"the Chief Justice of India after consultation with the Central Government". (20).

[Shri N. Dandekar]

I am really surprised that for some extra-ordinary reasons they bring in the Chief Justice only for nomination purposes and then they throw him out of the window. The Chief Justice is not the person to whom the Chairman, nominated by him, is to tender his resignation. The Chief Justice will not be the person who has the power to accept the resignation. Now, I recognise the technical distinction between nomination and appointment; but I hope the Deputy Minister is not trying to make anything out of it or saying that the Government has got the right not to accept the person that the Chief Justice nominates. Virtually, therefore, the Chief Justice is both nominating and appointing him. I do not care who issues the notification and so on. It is the Chief Justice who will be nominating and appointing the Chairman. Now, having done that, he should be the person to whom the resignation should be sent; but it is said here that it is the Government that is going to accept this gentleman's resignation. Now, we have this extraordinary proposition that the Chairman shall be a whole-time officer and shall receive such salary as the Central Government may think fit. The Chief Justice is to nominate some one for the position of the Chairman of the Council without knowing anything at all about the terms of this particular office, what salary it will carry and so on. Frankly, I would not like to say how I would react if I were the Chief Justice; but I personally would certainly say to the Government to keep to itself this appointment, saying that I do not want to have anything to do with it at all. Alternatively, if I am to be the appointing authority, the resignation should come to me and I should know the terms of his office, what salary is offered to him and so on. So, the amendment which I have tabled, namely, amendment No. 20, is to this effect that the Chairman shall be a whole-time officer and shall be paid such salary as the Chief Justice of India after consultation with the Central Government may think fit.

The rest of the clause is all right. But I do think that my amendment is necessary; otherwise, it is something like a farce that the Government is trying to put across. Everything connected with this Chairman is going to be Centrally controlled and yet they want to put it out to the public and to the world as a great Institution; I think the Deputy Minister said that the world is eagerly awaiting to see us pass this Press Council Bill to see how it works so that they can say, "How wonderful! Let us have a Press Council" and it is possibly also to throw dust all round, in the eyes of everybody. The Press Council Chairman is going to be appointed by the Chief Justice but, except for that, he is going to be pushed around. His salary is to be determined by Government. His terms and conditions of service and everything is to be done by the Central Government. I know, the Deputy Minister would not accept this amendment but nevertheless I move it with very great hope.

**Mr. Deputy-Speaker:** The House has already rejected it.

**Shri Warlor:** There is no necessity to move it, but this process is there. My amendment is only to add "State Legislatures" after "Houses of Parliament". I think, the meaning and the intention is quite clear and Government will not have any objection to that because, possibly, members may come from State Legislatures also and they must not be debarred. So, this provision must be widened to include them also.

**Mr. Deputy-Speaker:** Shri Dandekar's amendment has already been rejected by the House, I think.

**Shri N. Dandekar:** I am talking about amendment No. 20.

**Shri C. R. Pattabhi Raman:** But I take it that I am bound to answer it. Here again, it has got a history about it. The Press Consultative Com-

mittee considered this matter and they felt that Government should be free to settle with the incumbent any salary according to circumstances. Actually, honorarium was also there but it was deleted. Accordingly the provision in clause 6(1) has been made. After some discussions the Joint Committee also adopted the same provision. As the salary of the Chairman is to be paid from the funds of the Government, it may not be appropriate to make a specific provision in the Bill that the salary would be decided by Chief Justice. If such a specific provision is made the salary decided by the Chief Justice may be taken to reflect the financial assessment of the worth of the individual concerned by the Chief Justice. The implication is that. It may also be embarrassing to the Chief Justice and to the person selected.

15.33 hrs.

[DR. SARAJINI MAHISHI in the Chair].

No doubt, having regard to the qualifications and experience of the individual, if the Chief Justice, after nominating the person as Chairman of the Council, recommends a suitable salary, Government will give due weight to his recommendation. But Government should be free to negotiate with the incumbent concerned and it should be clear that the amount has been decided by the Government in consultation with the incumbent concerned so that there need be no embarrassment to the Chief Justice in the matter. So, I am afraid, I am unable to accept the amendment.

With regard to Shri Warrior's amendment, I think he was also a member of the Offices of Profit Committee, when I was its Chairman. Actually, it appears that Parliament had power to disqualify a person from being a member of the Legislative Assembly or Legislative Council of a State but it has no power to grant exemption to any person except to the extent provided from disqualification resulting from the person holding any office of

profit under the Government of India. You are aware of those rulings also. If any person has been chosen as a member of the Press Council and he happens to be a member of any State Legislature, necessary exemption from disqualification should be granted by the State Legislature concerned. So, it is really for the State Legislature to deal with it. Therefore I am unable to accept that amendment also.

**Mr. Chairman:** I shall put amendments Nos. 20 and 21 to the vote of the House together.

*Amendments Nos. 20 and 21 were put and negatived.*

**Mr. Chairman:** The question is:

"That clause 6 stand part of the Bill."

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clauses 7 to 9 were added to the Bill.*

**Clause 10— (Staff of the Council)**

**Shri N. Dandekar:** Sir, I beg to move:

(i) Page 5, lines 4 and 5,—

omit "Subject to such rules as may be made by the Central Government in this behalf," (22)

(ii) Page 5, lines 9 and 10,—

for "made with the prior approval of the Central Government", substitute—

"made by the Council" (23)

These amendments that I have moved are in line with my general argument, namely, that I want to make this Council what the Government pretends it is but which it does not allow it to be, that is to say, autonomous.

In clause 10, sub-clause (1), as it is reads as follows:—

"Subject to such rules as may be made by the Central Government in this behalf, the Council may

[Shri N. Dandekar]

appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act."

I suggest that the words "Subject to such rules as may be made by the Central Government in this behalf" should be deleted. The Council ought to be presumed to have sufficient sense to be able to frame its own rules and regulations or whatever it likes to decide whether it wants a Secretary. Therefore, if those words are deleted, the sub-clause will read thus:—

"The Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act."

That I conceive to be true autonomy.

Similarly, sub-clause (2), as it is, reads as follows:—

"The terms and conditions of service of the employees shall be such as may be determined by regulations made with the prior approval of the Central Government."

I suggest again that this is plainly a detraction of the autonomy of this organisation and the words that I suggest should be deleted are:—

"made with the prior approval of the Central Government."

Then, this autonomous body will have this power. If this amendment is accepted, the sub-clause will read:—

"The terms and conditions of service of the employees shall be such as may be determined by regulations."

Regulations or rules are, so to speak, by-laws which the Council itself makes.

There are a series of such amendments that I have put down. The purpose of every one of them is to re-

move those detractions from the autonomy of this Press Council which, in my judgement, makes it not so autonomous as the Government pretends all over the place that it is supposed to be. When these amendments are put through, there will be some semblance of autonomy to this Council. I, therefore, commend these two amendments.

**Shri C. R. Pattabhi Raman:** The amendment, as I understand it, seeks to remove the authority of the Central Government over the Press Council in regard to the appointment of the Secretary and other staff. Since the funds of the Press Council are provided by the Government and the expenditure is incurred out of the Consolidated Fund of India, it has been provided that the appointment of Secretary and other staff shall be subject to the rules framed by the Central Government. For the same reason it has been provided that the service conditions of the employees shall be determined by the Council itself by making regulations with the prior approval of the Government. It will be noticed that the Central Government only has supervisory authority over the Press Council in these matters. Under clause 22(3) of the Bill even the rules to be framed by the Central Government are to be laid before each House of Parliament and are subject to Parliament's approval. Thus, Parliament itself will have the supervisory authority in these matters. If the proposed amendment is accepted, the Council will be entirely free in regard to the appointment of the Secretary and other staff and the supervisory authority of both the Government and the Parliament will be completely taken away. As I said, the reports and all these have to be placed on the Table of the House every year. So, I am afraid, I am unable to accept this amendment.

With regard to the second matter referred to, namely, deletion of the words "made with the prior approval of the Central Government", the argument mentioned in reply to the previous amendment really holds good

here. The Press Consultative Committee made the recommendation that the terms and conditions of service of the employees made by the Press Council should be subject to the approval of the Government. It has been approved by the Joint Committee. If the amendment is accepted, the overall responsibility of Government with regard to the service conditions of the employees of the Council will be removed. I am afraid, I am unable to accept this amendment also.

**Mr. Chairman:** I shall put both the amendments to the vote of the House together.

*Amendments Nos. 22 and 23 were put and negatived.*

**Mr. Chairman:** The question is:

"That clause 10 stand part of the Bill."

*The motion was adopted.*

*Clause 10 was added to the Bill.*

*Clause 11 was added to the Bill.*

**Shri Warrior (Trichur):** I beg to move:

(i) Page 5, line 24,—  
after "newspapers", insert—  
"and the editorial staff including reporters". (24)

(ii) Page 6, line 10,—  
add at the end—  
"but only after consulting the Press Council". (29)

(iii) Page 6,—  
(1) line 19,—  
for "study", substitute—  
"watch";  
(2) line 21,—  
for "study of", substitute—  
"close watch on"; and  
(3) line 22,—

for "to suggest remedies therefor", substitute—

"to take appropriate action thereon". (31)

**Shri N. Dandeker:** I beg to move:

(i) Page 5, line 24,—  
add at the end—

"and their freedom in regard to presentation of news and expression of views and opinions". (25)

(ii) Page 5, line 28,—  
for "foster", substitute—  
"the fostering of". (26)

(iii) Page 6, lines 2 and 3,—  
omit "of public interest and importance". (27)

(iv) Page 6, lines 5 and 6,—  
omit "as are referred to it by the Central Government". (28)

(v) Page 6,—  
omit lines 14 to 18. (30)

(vi) Page 6, line 22,—  
for "therefor", substitute—

"for any undesirable practices resulting therefrom". (32)

**Shri U. M. Trivedi:** Without going into the amendments, what I feel on reading Clause 12 read with clause 13 is that the whole Bill seems to be a much ado about nothing. I do not know why this Bill has been brought before this House and why the time of the House is being wasted on this. I see no possibility of making any use of the provisions contained in this Bill. After all, we have got certain Bills with reference to certain provisions; for instance, we have got the Indian Medical Council Act or the Advocates Act where powers are given to the Bar Council or to the Medical Council to take action against those who are on their rolls; some action is contemplated, but such powers are absent in Clause 12; there are no powers even to provide for the qualifications of an editor. What type of editors have we got? We have got some learned men;

[Shri U. M. Trivedi]

we have got some cultured men and at the same time we have also got persons who do not know which is north and which is south. Why is there not any provision for the qualifications of an editor of a newspaper to whom the great, grandiose position is to be given? Why are there no qualifications provided in this Bill that only such and such a person can become an editor? We have got a saying in Sanskrit:

कवयो कालिदासाद्य

कवयोः वयमप्यदि ।

Everybody becomes a 'kavi'; everybody becomes an editor, be it Kasturi Rangan or anybody who calls himself a trash writer or an yellow press proprietor. It was very essential for a provision to be made in this regard in this Bill, but there are absolutely no powers that are given under Clause 12. The object of the Council is to preserve the freedom of the Press and to maintain and improve the standards of newspapers in India. What action is Government going to take in this connection? What are the rules under this provision by which they can maintain and improve the standards of newspapers in India? What rule-making power is there in this Bill by virtue of which the standards of newspapers can be maintained and improved? I fail to see any standards prescribed for this purpose.

Sub-clause (h) of Clause 12 says:

"to provide facilities for the proper education and training of persons in the profession of journalism."

Does it provide that unless and until a person obtains a degree in journalism, he cannot become an editor? Clause 13 says: "...censures the newspaper, the editor or journalist..." What is this? Is the editor to be removed from the list of editors or from the list of newspapers or any such punishment is to be meted out to him? Therefore, I feel that this a sheer waste of time of the House, waste of energy, waste of money and much ado

about nothing. I fail to see with what object this Bill has been brought before the House. If there is any desire to serve the newspaper community, to serve the journalists, to serve the real journalists, to serve those editors who have risen high and who want to rise high and make a contribution to the growth of this country, it is most essential that they should not be treated on par with the other fakes in the community; there must be some criteria provided for the purpose of discriminating between these two types. Therefore, I suggest that the Government should think well to make its own amendment if it so likes. The rule-making power provided in Clause 12 is the just and proper place where further provision should be made that unless and until a person has put in so many years of service or he has such and such educational qualifications or this or that, he shall not be registered as an editor, and a register of editors all over India must be prepared. Unless and until there is a particular provision that he shall be removed from the list of editors or from the register of editors as a punishment, this Bill is not going to serve the purpose for which it has been introduced. It is unfortunate that I did not read this Bill to begin with, but when I read it later, I was surprised at the various provisions. I, therefore, say with all the respect that I have for the House that this is a "much ado about nothing".

Shri Warior: My Amendment No. 24 is intended to include the editorial staff, including reporters. Sub-clause (a) says:

"to help newspapers to maintain their independence". I think that it must be more clearly pointed out here that the newspapers do not mean all and everything, but especially the editorial staff, including reporters, because it is their freedom that must be looked into more; they are the people who are suffering most from the attacks not only from the government side but also from the public side and

the management side and they have no remedy. It is, therefore, their freedom and their independence that the Government should safeguard. It is very necessary that the Act should explicitly provide for that.

My amendment No. 29 is to the following proviso, namely,

"Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources, in any other manner it thinks fit;"

I agree that the Government should have such powers, but at the same time the Government should not also ignore the existence of the Council there. Hence, I want to provide: "but only after consulting the Press Council." Government recognises the existence of the Council, takes the advice of the Council. Therefore, I feel that, only after taking the advice of the Council, should the Government come to a decision to take any action on a particular newspaper.

Regarding Amendment No. 31, it is said in sub-clause (j):

"to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and, if necessary, to suggest remedies therefor;"

Here I want to impress upon the Government and the House that the time is past for making a study of the developments. Actually we have come to a stage where it is necessary to watch the developments because already the monopolistic tendencies have come to stay here. The Monopoly Commission have submitted their report and they have stated that monopolistic tendencies have already come in. Of course, I cannot agree with Mr. Dandekar here and he also cannot agree with me. What I want to suggest here is that it is now time

to watch the developments which may tend towards monopoly. At least it must be provided that the Council must take immediate action to restrict or restrain the monopolies. So, I have suggested the substitution of the word 'watch' in place of the word 'study', so that the clause would then read:

"including a watch on the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor;"

That is the suggestion made in this clause, namely that the council should suggest remedies. But I want to extend that and say that they should have power also to take appropriate action thereon. Once the press council has come to a conclusion in a particular case that there is necessity for suggesting remedies to restrict the ownership or financial structure of newspapers, I want that the council should have powers to take appropriate action where necessary. That power must be given to the press council so that the press council also will have a better status and a better recognition among the newspaper owners and generally in the newspaper world.

These are the suggestions that I would like to make through these amendments of mine, which I am afraid Government may not be in a position to accept, but I hope they would tell us what their position is in regard to these suggestions.

**Shri N. C. Chatterjee (Burdwan):** As a Member of the Joint Committee it is my duty to dispel some of the doubts created by the speech of my hon. friend Shri U. M. Trivedi. It will be entirely wrong to put down in clause 12 and prescribe—I have thought over the matter very carefully—that every editor shall be a graduate or a first class M.A. of some recognised university. If such were to be the case, there would have been no *Amrit Bazar Patrika*, and there would have been no *Ananda Bazar Patrika*, and no great editor of the

[Shri N. C. Chatterjee]

Mahratta papers or the Punjabi papers which fought for India's independence and which did so much to build up democratic India. You know, Sir, the part they played in India's freedom movement. How could you possibly put down in this clause that you must have a second class M.A. in political science or a first class degree-holder in history as an editor? That would be entirely inappropriate, and that will be really checking the autonomy of the council.

**Shri N. Dandekar:** There is no autonomy in this.

**Shri N. C. Chatterjee:** We are building up a professional body. I ought to tell you that we examined journalists of experience, and we had journalists on the Joint Committee also and they gave us the benefit of their experience and we thought that we should here formulate the main objectives only. The first is to help the newspapers to maintain their independence. Would it help newspapers to maintain their independence, if we say that the editor must have this particular degree or that particular degree, otherwise he will not be eligible for being appointed as the editor of a newspaper?

The second thing is:

"to build up a code of conduct for newspapers and journalists in accordance with high professional standards".

What more does my hon. friend want? We have given them ample power. They can make any regulations. They can take proper action to effectuate these objects. There are also other things which have been provided for. My hon. friend Shri U. M. Trivedi is not here just now. I wish he had been here. In sub-clause (h) it has been provided:

"to provide facilities for the proper education and training of persons in the profession of journalism."

We have left it to them. If they think that it is essential that something definite should be there and some definite steps should be taken, then they will do it, and we shall welcome it. We are leaving it to the council. We are giving them complete power to build up a proper professional apparatus which will serve India and serve it well, having regard to the highest standards which we have all along maintained and which we want to improve and not to diminish.

Another function of the council is:

"to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;"

You will remember that in article 10 of our Constitution we have consciously guaranteed to all citizens freedom of speech and freedom of expression. In the great *Crosswords* case which my hon. friend the Deputy Minister argued, and in the great *Organiser* case, that great judge of the Supreme Court, Mr. Justice Patanjali Sastri said that freedom of the press means complete freedom from any interference, and, therefore, pre-censorship was struck down as unconstitutional; deliberately the provisions of the Indian Constitution imposed this fetter on both Parliament and the executive by saying that they cannot say that there shall be precensorship, and, therefore, they cannot say that this or that particular paper shall not go to Madras or to Kerala; such a thing was struck down as illegal. What we are saying is that we want to keep unimpaired the independence of the press. Will it be consistent with that standard to say that you shall have this degree or that degree or you shall draw so much salary or you must be a Shastri to be the editor of a Hindi paper, and if you have something less than a Shastri degree you cannot run a Hindi paper? I think that that

would mean extending it to an absurdity.

I submit that what we have done is perfectly consistent with the object of the statute. The object of the statute is to build up a professional body which will be self-educative, which will be self-reformative and which will take proper steps for the purpose of building up the standards and maintaining and improving the standards and provide facilities for education and provide facilities for improvement. We know that there are lapses and we know that there are some newspapers which need to be pulled up, but we hope that that will not be done by executive fiat but we want that to be done by an organisation of the press consisting of the elected representatives of the organisation of the press. They are the best men to put their own house in order. I am sure Parliament will take it in that spirit and not be a party to censuring the authors of this measure by saying that we are doing something absolutely absurd. Take, for instance, the case of censure. Will censure mean something else? That will be left to the council. Under this Bill we are giving them the power to censure. If any further action is needed, they can always take it. But can we here say that on censure a man shall be removed for ten years from the editorship of a paper? That would depend upon the particular offence that he has committed; that would depend upon the particular act of which he is guilty and also the enormity of the offence. Therefore, I submit that it will be thoroughly inappropriate and improper to say that we have done something which will not effectuate the object of the Bill and will do something which will not really improve the press. We are giving complete power to the press council, and we are only laying down the general principles as to the lines on which they should function. Parliament should not go into further details, but should give them unimpaired authority within that particular objectives, to put their own house in order

and to reform themselves and to maintain and improve standards.

Shri N. Dandeker: I would like to take my amendment No. 25 first and in that connection also my hon. friend Shri Warrior's amendment, namely amendment No. 24 because I support it. These two taken together will have this effect. Sub-clause (2) says that the council may in furtherance of its object perform the following functions, namely:—

"to help newspapers to maintain their independence;"

If the amendment of my hon. friend Shri Warrior, namely amendment No. 24 and my amendment, namely amendment No. 25, were accepted, the sub-clause would read as follows:

"to help newspapers and editorial staff including reporters to maintain their independence and their freedom in regard to presentation of news and expression of views and opinions."

In order to explain that I would like for a moment to digress a bit. The preamble of the Bill speaks of its object as being:

"to establish a Press Council for the purpose of preserving the freedom of the press...."

Sub-clause (1) of clause 12 gives it a statutory position in the Bill itself by saying:

"The object of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers in India."

Sub-clause (2) lays down what the council shall actually do in furtherance of that object. I have gone through all this, and I am astonished to find no reference whatever to what the council should do in so far as the furtherance of the objective of preserving the freedom of the press is concerned. There is everything else except that the council will do anything at all in the matter of preserva-

[Shri N. Dandeker]

tion of the freedom of the press. It seems to me rather odd, and I think perhaps that somebody had forgotten that the main purpose was to preserve the freedom and that means a lot more than merely helping the newspapers to preserve their independence; it means a lot more than merely the independence of newspapers; Shri Warrior spoke of the question of ownership it may mean the question of control of management; it may mean the question of chain newspapers indirectly controlled by some interest and therefore not being independent.

16 hrs.

If the Government is really keen on this, that the whole purpose of this Bill is the preservation of the freedom of the press, I suggest that it should be specifically stated that the Council may in furtherance of its objects, perform the following functions, namely, "(a) to help newspapers and the editorial staff including reporters' to maintain their independence and their freedom in regard to the presentation of news and expression of views and opinion." That I conceive to be the minimum content of the expression 'freedom of the press', not just independence of the newspapers.

My next amendment is No. 26. This, I think, is purely a matter of correcting wrong syntax. The sub-clause says "to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship". I think there is something wrong with the syntax. I am therefore suggesting that it should "the fostering of a due sense of both the rights and responsibilities of citizenship".

Amendment No. 27 is not quite so formal; it is rather more important. It is to sub-clause (e), as to what the council may do in regard to certain other matters, namely, 'to keep under

review any development likely to restrict the supply and dissemination of news'—and then extraordinarily, it goes on,—'of public interest and importance. I think it is one of the fundamental parts of the freedom of the press that it includes the right to decide what news shall be disseminated. If you want urgent developments likely to restrict the supply and dissemination of news, it should not be merely concerned with the supply and dissemination of news of one particular kind or another, or what somebody may, in his opinion, think is of public interest and importance. For instance, it may be regarded by the Information Ministry as a matter of considerable public interest and importance that the Deputy Minister's speech on this occasion should be reported but not mine! I suggest that opportunity for that kind of judgment as to public importance and public interest ought not to be here. What ought to be here is that the Council, in furtherance of its objects, may do this, namely, keep under review any development likely to restrict the supply and dissemination of news. In other words, all kinds of news, without having somebody to decide what is of public interest and what is of public importance. I therefore suggest the deletion of the words 'of public interest and importance'.

I come next to my amendment No. 28. It is a very important sub-clause which I seek to amend, sub-clause (f). In the discharge of its functions to preserve the freedom of the press and to maintain standards etc. it is one of the functions of the Council, as laid down here, to keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, "as are referred to it by the Central Government." I have been wondering for a long time, and I am still unable to grasp, why there should be jurisdiction to the Press Council to go into the question of foreign subsidising—

let us use a blunt word,—directly or indirectly, by way of all kinds of phoney advertisements of one kind or another at exorbitant prices, of a newspaper or news agency in India, only when the matter is referred to it by the Central Government. I think it ought to be well within the ambit of the Council to take up any such matter of this kind as comes to its notice, notwithstanding that the Government deliberately chooses not to refer it to the Council. I am prepared to put it that way, because I think we ought to be quite clear about this. We have not a unitary totalitarian government here. We are a country in which we are practising democracy. There would be very wide differences of opinion on public policy; there would be newspapers expressing and supporting various, wide and divergent opinions on public policy. If this matter of subsidising of newspapers or news agencies by foreign sources is to be investigated only when the Government says 'investigate', then I think this could be pretty dangerous. I cannot agree to this kind of thing under any circumstances. I think it ought to be left entirely to what my honourable friend Shri Chatterjee claimed was going to be an autonomous Council. I have been saying this over and over again, that this pretended autonomous Council will not be really autonomous. Here, and there, and all over the place, the Central Government is intruding, to control, to regulate, to direct; and here, in this particular case, to direct what it shall investigate in the matter of subsidising of Indian newspapers and news agencies by foreign sources and what it shall not. I suggest this is really fundamental to the question whether our democracy is to remain free without being eroded in an indirect fashion through the moulding of public opinion by newspapers financed from foreign sources. If it is left to the choice of the Government as to what shall be investigated and what shall not, it is quite possible that certain types of subsidising will not be investigated and certain types of subsidis-

ing will be investigated. I suggest it should be entirely a matter for the Press Council to decide whether and when to investigate or not to investigate, and if to investigate, how to investigate.

On the other hand, in so far as the provision to this sub-clause is concerned, I think Government is quite entitled to have it, namely, "provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources, in any other manner it thinks fit." I think that is right and proper. There can be wider questions of public policy and various other aspects I can think of where Government ought, necessarily, to have the liberty to deal with matters of this kind. But we are concerned here with the functions of the Press Council. The object of the Council is to maintain and improve standards of newspapers and preserve freedom of the press. One of the ways by which freedom of the press can be eroded in a concealed manner is by subsidising it, I suggest therefore that the right of the Council to investigate foreign subsidies ought to be unlimited.

Then I have an amendment to cut out a certain number of frills from this very pretentious sub-clause, namely, omit (h) and (i). The Council will be over-full already with the kind of objects we have here, without having yet another, such as 'to provide facilities for the proper education and training of persons in the profession of journalism'. I am surprised at this. Shri Chatterjee was at pains to emphasise the fundamental proposition that the profession of journalism is open at both ends. Anybody can get in without anybody asking 'who?' or 'why?' and you can get out of it when you want. Nobody will say 'You will not get out or you will get out under certain circumstances'. But now, it is thought necessary to provide facilities for the pro-

[Shri N. Dandekar]

per education,—not merely education, but proper education—and training of persons in the profession of journalism. I think this kind of twaddle ought to be knocked right out of the Bill

Then there is another, sub-clause (i). This is really comic, if you can understand it. You are more competent, Madam, in understanding English than I am.

"To promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers".

A "proper functional relationship" when the whole thing is always in a flux. A man today is a working journalist. He may be an editor, he may be a manager, he may be a proprietor, he may be a reporter, a professional journalist doing the business of running newspapers, the business of managing newspapers, owning newspapers. There can be no such thing as a "proper functional relationship" among all these changing classes of persons engaged in the production or publication of newspapers. This is really another bit of twaddle in the way we very often find in companies' Memorandum of association and so on: to slap in everything that one can think of and then say, "That is all right. We have got everything in and these chaps will be busy". We do not want here the kind of thing, that is usually written in a memorandum and articles of association of a company. Here, we want something pithy, something clearcut. We want to emphasise freedom of the press, independence of newspapers, availability of news—nothing to restrict availability of news—and so on, setting up standards of journalism and so on. I suggest that sub-clauses (h) and (i) ought to be deleted. In fact I had also suggested another deletion, but it somehow got omitted in the typed list I had sent to the office. I had also suggested the deletion of sub-clause

(k), which is even more peculiar "to promote technical and other research". The object of the Council under Clause 12(1) is to preserve the freedom of the press and to maintain and improve the standards of newspapers in India, and in furtherance of that object, they may promote technical and other research. This is another fancy phrase that we have got hold of—technology, research, this and that. It just goes on backwards and forwards. However, I have not tabled an amendment somehow. So, I will leave it at that.

My last amendment, No. 32, is to sub-clause (j). The clause itself is pretty comprehensive:

"to study developments which may tend towards monopoly or concentration of ownership of newspapers, . . .

I do not know whether this has really got anything to do with the Press Council. But there it is. I know the allergy of my friend Mr. Warrior to the word "monopoly", but I have been looking for those monopolies and I could not find them. And now, from such newspaper accounts as we get it appears that the Monopolies Commission has also not been able to find any monopoly either. However, I have no objection to the word "monopoly" remaining here.

" . . . including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor;"

I suggest that instead of the word "therefor" it should be "to suggest remedies for any undesirable practices resulting therefrom". I do not think we are worried about the size of newspapers. The size of newspapers in this country, compared to the size abroad, is childish. They are not anything like the size of newspapers in terms of resources and certainly all

that goes with it. What would be wrong is that if you have got a chain of newspapers or a monopoly development, you may have certain undesirable practices resulting from such a situation, and if this is to be within the scope of the Press Council, then I suggest that there is no point in suggesting remedies for concentration of ownership. What is needed is remedies for any undesirable practices resulting from concentration of ownership, and I therefore propose my amendment No. 32 for acceptance.

**Shri C. R. Pattabhi Raman:** At the outset I must say that I am much obliged to Shri Chatterjee, who with his usual clarity and depth explained the contents of Clause 12.

Independence is always interpreted as freedom of expression and also freedom from pressure, from whatever source, which may stand in the way of the freedom of the press in the matter of presentation of views and expression of views. Shri Chatterjee has correctly pointed out that the guaranteed freedom is freedom of speech and expression. It is also a right. It is under that umbrella that we are working. If I may repeat, though it is rather embarrassing for me, 13 or 14 years ago, it fell to me to appear for the petitioner in *Ramesh Thapar vs. Madras Government*, in which the Madras Maintenance of Public Order Act was struck down for the simple reason that not only freedom of expression is guaranteed, but also the right to circulate that expression. Later on, it also fell to me to appear for Rao in *V. G. Rao vs. State of Madras* where also I was successful. So, the fact remains that we are functioning under the umbrella of these fundamental rights.

16.14 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The recommendation of the Press Commission in para 951 is precisely

what is contained here; only it has been licked into shape by one or two verbal amendments by the Joint Committee. It is more or less the same as the recommendation. They say:

"We recommend that an all-India Press Council be established by statute."

I shall refer to Shri Dandekar's amendments seriatim. First was his amendment dealing with editorial staff. I think I have answered it already with regard to independence. Editorial independence is one of the important factors in the maintenance and improvement of standards of the press and the newspapers in India. I am not saying this just for a fact. It may not be realised that our Press is supposed to be one of the best in the world, for not only objective writing. We are quoted elsewhere; our articles and editorials are quoted elsewhere. We have got a very high standard in India. Not only that. Of course some one or two papers may be falling away, straying away from the high standards. But even our cartoons are reproduced elsewhere. Therefore, we do not have to be worrying with regard to the requisites so far as the Press Council is concerned. I have already given the definition of working journalists. Shri Dandekar's amendment wants the addition of the words "and their freedom in regard to presentation of news and expression of views and opinions." That is accepted as being one of their functions under clause 12(2)(e), as has already been pointed out by Shri Chatterjee. I do not want to repeat myself. Sub-clause (e) as amended is clear enough.

I think the architecture of the section if I may say so, or the grammar of it will be better and so I accept amendment No. 29 Sub-clause (c) reads "... maintenance of high standards of public taste and foster a due sense of ..." 'Fostering' will be better and with great respect to him I accept his amendment.

[Shri C. R. Pattabhi Raman]

Now, in sub-clause (e) he wants the words 'of public interest and importance' to be omitted. I understand him to say why should the government come in? The fact of the matter is that the Press Council will have to take notice and restrict the supply and dissemination of news from enemy sources, news relating to private parties and citizens, news about secret information, news which would endanger friendly relations with other countries . . . (Interruptions.) I am giving instances. Secondly, if the words are deleted it will mean that the Council is expected to go into any development likely to restrict the supply and dissemination of news, irrespective of the fact whether it is in public interest or it is important. How can we expect the Press Council to go into the flimsy cases. The Council would be able, one can expect, to decide which news is either important or of public interest. So, from this point of view, I am unable to accept this amendment.

The next amendment wants the omission of the words 'as are referred to by the Central Government'. I pointed out that it will be impossible to clothe this tribunal with inquisitorial powers, investigatory powers. There is the sister ministry, the Home Ministry, which will have all this information. For instance, how will the Council know about foreign sources? As I told the House, it may be a friendly country and it may want to advertise for a post here.

**Shri N. Dandekar:** This clause means what it says and it is only this. The Central government may think fit that this newspaper will not be investigated and they may think fit that this newspaper will be investigated. That is exactly the point. I am sorry to interrupt him but this is fundamental. I think in a democratic country where political parties form the government, it is of the utmost importance that the governments should not say that their own newspapers should not be investigated.

**Shri C. R. Pattabhi Raman:** The amendment as it reads is clear enough. I shall reply to this in detail, to the best of my ability. The existing provision provides that the Council shall keep under review such cases as are referred to it by the Central Government. It should be emphasised that any assistance given by foreign sources to Indian newspapers for *malafide* purposes will be through unauthorised and secret channels. They are not going to announce it, that they are giving aid to such and such a newspaper. What is the provision they have to investigate and know what the resources are and how they have been giving? Then, it is very difficult for a professional body like the Press Council without any intelligence staff and machinery even to find out the source from which such assistance is conferred. It may not be only money; it may be so many other things. And then, this is a matter which should be really be left to Government for an inquiry. That is what I explained in the Joint Committee when the Bill was taken up for consideration there. If, out of the information obtained by Government, we feel that a *prima facie* case exists, involving the deterioration of the standards and the performance of the newspapers concerned, Government would certainly refer this case to the Press Council for a review. In certain cases, relations with foreign Governments and agencies may be involved. For these reasons, it would not be desirable to empower the Council to enquire into such cases *ab initio*. It should be properly left to Government to deal with such cases as it thinks fit. So, the Government will refer the proper cases to the Press Council for their opinion, and therefore, I am unable to accept the amendment.

Then, Shri Warrior moved his amendment to the effect that the words "but only after consulting the Press Council" should be added at line 10,

page 6, in clause 29. I take it that the intention of the sponsor is that before taking any action in respect of cases relating to assistance received by a newspaper or news agency from a foreign source, Government should consult the Press Council. This has been covered by my observations on amendment No. 28 which I just now dealt with. The more important point is, it has not been envisaged in the Bill that the Press Council should be an advisory body for Government on the action to be taken by Government against newspapers. In fact, the press advisory system did not find favour with the Press Commission who said that there is no need for press advising in a democratic set-up. Further, preliminary enquiries are to be made by the Government and only if Government is satisfied that a particular case is fit to be examined by the Press Council, that case will be referred to the Council for a review. Otherwise, the Council should not come into the picture. This amendment cannot, therefore, be accepted. There may be cases where the Government may, for certain reasons, make policy decision. That would not mean any aid of linking up of the agency.

Regarding amendment No. 30, I think it was Shri Dandekar who desired that the following should be removed from the functions of the Press Council:

"to provide facilities for the proper education and training of persons in the profession of journalism; to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers;"

These functions were broadly recommended by the Press Commission itself. The above functions will be among those which are necessary for improving the standards and perfor-

mance of the press in India. The Press Council may be expected to evolve its own system. Only one thing was added by the Rajya Sabha; otherwise they felt that the function, namely, "technical and other research" should be left so broad as that. Actually, the Press Commission also wanted to set up an institute; they thought that if necessary an institute may be set up later on when experience is gained, and they confined themselves to sub-clause (K) —"to promote technical or other research".

Then, I turn to amendment No. 31 of Shri Warior. I think he referred to the three parts in this amendment. The first two parts are really drafting changes. For the word "study", he wants to substitute the word "watch", and for the words "study of", he wants to substitute "close watch on". But I personally think that "study" is a wider term. It bites more and it embraces more. I think it will bite more if the word "study" is there, rather than the word "watch." "Study" is more precise. How can the Council merely watch the developments towards monopoly or concentration? Obviously, a close study is required if they are to suggest remedies.

The third part of his amendment is to substitute "to take appropriate action thereon" for the words "to suggest remedies therefor". This amendment really hands over the power for remedial action to the Council instead of to the Government. I think that this is not only impractical but that the Council, which is a domestic tribunal, has no powers to take any action in his matter. Can they do this sort of thing? It is for the Council to report and it is for the Government to examine their suggestions and see what action is called for. It will be an ineffective amendment. The Monopolies Commission and the Press Commission have referred to the question of monopolies.

[Shri C. R. Pattabhi Raman]

Study itself is all-embracing and nothing will preclude their stating what they want to say not only with regard to a paper having a monopolistic tendency so far as language is concerned, but also a paper operating from various centres. I know what is in his mind. But nothing precludes the Press Council from stating what they want to say and actually the papers will be referred to by name.

**Shri Warior:** I am not a master of the English language. But I think 'study' means always investigating and investigating only, whereas the other thing means vigilantly watching whether a monopolistic tendency is there. I do not know if I have conveyed what is in my mind.

**Shri C. R. Pattabhi Raman:** The stand. But study does not mean like a *mantram* reading one, two, three, etc. They may come to a conclusion in five minutes and make some recommendation.

Regarding amendment 26, I am much obliged to the hon. mover. But I am bound to point out what happened in the Rajya Sabha. I believe I did not point that out. I was quite willing to accept the words "the fostering of" instead of "foster". But it really means the Bill being taken back to the Rajya Sabha. That is what I had already indicated. Therefore, I do not accept it.

**Mr. Deputy-Speaker:** I shall now put all the amendments Nos 24, 25, 26, 27, 28, 29, 30, 31 and 32 to the House.

*Amendments Nos. 24 to 32 were put and negatived.*

**Mr. Deputy-Speaker:** The question is:

That clause 12 stand part of the Bill."

*The motion was adopted.*

*Clause 12 was added to the Bill.*

*Clause 13 was added to the Bill.*

**Clause 14-** (*General powers of the Council*).

**Shri N. Dandeker:** I beg to move:

Page 7,—

for lines 10 to 22, substitute—

"(2) For facilitating an inquiry held under sub-section (1) of section 13, the Central Government may, on a request made in that behalf by the Council, invest the Council or a Committee thereof constituted under section 8, with the powers of a Commission of Enquiry under the Commission of Enquiries Act, 1952". (33)

**Shri Warior:** I beg to move:

Page 7,—

after line 22, insert—

"Provided that in enforcing the provisions contained in this section, the conventional obligations, rights and proprieties of a journalist are not in any way infringed." (34)

**Shri N. Dandeker:** Amendment 33 is to delete the whole of sub-clauses (2) and (3) of this clause and to substitute therefor a short sub-clause (2). Firstly, I shall explain why I suggest the deletion of these two sub-clauses. They seek to confer upon the Council extraordinary, wide, sweeping powers of courts. It says:

"While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents."

It goes on to nail that down definitely by saying:

"Every enquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code."

May submission is that the Press Council composed as it is intended to be, and on the whole quite properly composed for the function which it is supposed or which it has got to discharge under section 12, namely, three Members of Parliament, of the two Houses taken together; three gentlemen representing or having experience and knowledge in the field of science, education, law or culture—we may imagine one gentleman in law sneaking in under that particular sub-clause—thirteen members from among the working journalists and six members from among persons engaged in the business of management of newspapers, with a Chairman not necessarily having any judicial knowledge, knowledge of procedure, knowledge of evidence, knowledge of assessment of evidence or any such thing, is largely designed so that professional men may be judged by their own brothers in the profession. That is the concept. I will not here labour the point how autonomous it is or it is not. But the main concept is that professional lapses shall be judged by their brothers in the profession. It is a fine principle. It is a sound principle. If you want as your main objective, not technical qualifications, examinations, this, that and the other, but setting up of standards of conduct, ensuring freedom of the Press and all those things that we have been discussing, it is a perfectly competent body for that kind of purpose and its enquiries are to end when it may censure the person into whose affairs it may enter. But is it right, proper, expedient, or ne-

cessary, to invest a body like that with this tremendous lot of powers and with this status of a court? I know, for instance revenue authorities are invested with powers of courts. Adjudicating authorities where substantive offences are adjudicated, not codes of conduct or standards or ethics of journalism and things like that, where judgments are pronounced, where evidence is heard and so on, and judgments are reached which under certain circumstances are either wholly appealable or appealable on points of law and so on, these judicial powers, judicial proceedings, judicial procedures, judicial status is understandable. But I think with horror of this Press Council composed as it is going to be composed, concerned with the kind of things with which it is going to be concerned having the power of censure, that is to say largely of expressing disapproval, having also judicial powers of this kind. I, Sir, look upon this with horror. I do not think we ought to treat judicial procedures and things of this kind in this kind of light fashion. In this contemptuous fashion, as if we do not think that they are of any importance and we go round investing a miscellaneous collection of persons with powers of this kind. Therefore, I have suggested that that ought to be deleted altogether and substituted by this:

"For facilitating an inquiry held under sub-section (1) of section 13, the Central Government may, on a request made in that behalf by the Council, invest the Council or a Committee thereof constituted under section 8, with the power of a Commission of Enquiry under the Commission of Enquiries Act, 1952."

I strongly submit that thus far only we may go if necessary. It is only necessary to go even that far when in any particular case these powers are necessary as an ordinary rule of procedure. This Council ought to evolve modes of discussion and all that sort

[Shri N. Dandeker]

of things. Where people of a certain profession are to be judged by the people of their own profession, for standards and not for offences, for maintenance of standards, I am quite clear that sub-clauses (2) and (3) of clause 14 ought to be substituted by the sub-clause that I have put down in my amendment.

**Shri Warior:** This clause relating to the production of documents is a very important one. I had spoken at length on this point during the general discussion. This is the Damocle's sword hanging over the head of the journalists of India. We have several instances of courts ordering the production of documents and sources of information under the provisions enshrined in the several penal laws of our country. If the Press Council is also empowered with the same right I do not know how any journalist could function with freedom and independence. In fact the Press Council should come to the help of the journalist and protect the fundamental right of the journalist not to disclose the source of his information. Otherwise, there is no sense in saying that the whole Bill is intended to protect the freedom and independence of the working journalists. Once a journalist worth his salt is prepared to disclose the source of information on compulsion by the court nobody will disclose anything to him and he cannot just function.

Further, in a country like ours it is not democracy that is strengthened day by day but bureaucracy. Though for all appearances there is democratic tradition, if we go into the day to day political or administrative life in the country we will find that it is bureaucrats who are controlling everything. I will give you only one instance. It was dished out in Trivandrum by the accredited correspondent of a newspaper of standing that the Chief Secretary did some mischief and it came out in the papers. Because of that the ac-

credited correspondent had to lose his transport pass in Trivandrum for a few weeks. I say that this action is not in keeping with the decency and decorum of the office held by that officer. I do not know how it happened but it is a fact that correspondents are victimised in that way. They cannot go against the wishes of the bureaucrats. And if the bureaucrat occupies a high position and the journalist unfortunately goes against the wishes of that high official, at once victimisation will start in one way or the other and it will be rather impossible for that journalist to function.

When the late Shri Feroze Gandhi held up documents in this House received from the Finance Ministry containing evidence against Shri Mundhra who is now in jail, the whole House applauded him. Suppose Shri Feroze Gandhi is hauled up and asked to mention the source of his information and he discloses it will he enjoy the same respect from the House? He will be treated as a coward. Since he was a brave man he could hold his own. That protection must be given to the journalists. If the Press Council does not protect them, who will protect them. Shri Pattabhi Raman, the Deputy Minister, knows that there are provisions in the penal laws of this country to haul up journalists and ask them to disclose the source of their information. But if the Press Council also is an attendant to the court and to the penal laws, where shall we go then? I think that this is very objectionable and this clause must be amended suitably.

**Shri C. R. Pattabhi Raman:** With regard to the first amendment of Shri Dandeker the position is that clause 14 confers certain powers for purposes of inquiry on the Press Council and he really wants the deletion of it and, in its place, the Commission of Inquiry Act put in. The existing provision is merely an enabling one.

It does not say that the Press Council will be a civil court for all purposes nor does it say that the entire Civil Procedure Code is applicable to the Press Council or for all purposes of the Council. It will be noticed that only the minimum necessary powers are conferred on the Press Council in order to make the Council work efficiently. Without the powers the efficient working of the Council would be seriously hampered. I gave the instance of the *Daily Sketch* case and of Mr. Gunn's refusal to give evidence. The Press Commission itself drew attention to that aspect of the matter. The Council would consist predominantly of eminent and experienced working journalists, editors and proprietors of newspapers and they may well be expected to use their discretion in utilising these powers. After all, the Council is a domestic tribunal and it cannot be expected that there will be cases of harassment of members of the profession at the hands of such a body. The Council would be able to utilise its powers whenever it considers necessary in any particular case without coming to the Central Government for such powers in each and every case.

Section 4 of the Commission of Enquiry Act, 1952 also includes all the powers that are mentioned in clause 14(2) of this Bill. The proposed amendment would mean that in each and every case where the Press Council or the Committee are satisfied that it requires the powers specified in clause 14(2) it will have to approach the Central Government for conferring such powers every time on the Council or the Committee in respect of each and every individual case. This seriously hampers the independent, smooth and self-regulatory functioning of the proposed Press Council. Further, this would cause delay as the Central Government may also have to examine each and every case before conferring the powers. I have pointed out in the earlier stages that you just cannot condemn a person without hearing him and

these powers are only with regard to summoning of witnesses, deposition and filing of documents. These are all inevitable. You cannot function without it; otherwise, you will get all the inequality clauses come into play. You cannot condemn a man without hearing him because that will offend the principles of natural justice. Therefore, only such powers are envisaged in the clause as will enable the Council to function properly with regard to taking evidence, deposition and all that.

With regard to Shri Warior's amendment, namely,—

"Provided that in enforcing the provisions contained in this section, the conventional obligations, rights and proprieties of a journalist are not in any way infringed."

— It must be repeated again and again that so far as journalists are concerned, they are peers trying their own equals. They will have to use their discretion. As I pointed out in the very beginning, the law of the land is very clear. The Evidence Act is very clear. Journalists are not some people who are outside the citizenship clause. They are, after all, citizens. It is well understood that you cannot compel journalists to disclose the information. All this is well known. Therefore, the statutory provision of this type will deprive the Council of powers under clause 14(2). That is all I have to say with regard to clause 14.

**Mr. Deputy-Speaker:** I shall put amendments (Nos. 33 and 34) to the vote of the House together.

*Amendments Nos. 33 and 34 were put and negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 14 stand part of the Bill."

*The motion was adopted.*

*Clause 14 was added to the Bill.*

*Clause 15 was added to the Bill.*

**Clause 16.—** (*Fund of the Council*)

**Shri Warior:** I do not move my amendment.

**Shri N. Dandekar:** Sir, I beg to move:

(i) Page 7, line 27,—

after "Fund", insert—

"and may accept grants and donations from any persons or authority". (35)

(ii) Page 7, lines 33 and 34,—

omit "subject to the approval of the Central Government".

Amendment No. 35 is merely to fill up what seems to be a lacuna in sub-clause (1) of clause 16. (37). This is how it reads:

"The Council shall have its own Fund; and all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person, shall be credited to the Fund...."

I think it is necessary to provide that the Council shall have the powers to accept grants and donations from other persons or authorities; otherwise, I do not see how it can have any grants or donations from other persons, referred to in the latter part of 16(1). The Council must have powers to accept grants and donations from any person or authority and that is the only intention of my Amendment No. 35. If the Minister thinks that this is unnecessary and that the Council can nevertheless receive grants and donations from other persons or authorities without any specific powers to do so and that it will be lawful, I do not press it.

Amendment No. 37 is again one of my attempts to try and make this poor little Council more autonomous

by suggesting the deletion of words "subject to the approval of the Central Government". The sub-clause as it is now says:

"All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council."

I do not think that these gentlemen are going to be so illiterates that they would not know which bank to put their money in or how to invest their surplus funds. I suggest that the approval of the Central Government should not be necessary. I know the Deputy Minister keeps on saying that these people are going to play round with the moneys of Government. Nobody is suggesting that this has got to be a statutory council. If the Government thinks that this has got to be a statutory council and if they wish to give grants, they must naturally come to the House here and have the grants voted. But I do not see why questions such as which bank these people should keep their money in or in what manner they should invest, should be subject to the approval of the Central Government, particularly as there is a provision and rightly, for audit later on. I realise that my amendment is a pathetic attempt to try and make this Council autonomous, that is to say to take it away from the grip of the Central Government. Nevertheless, I shall press the amendment.

**Shri C. R. Pattabhi Raman:** It is already implied in Clause 16 it is already provided that "grants and advances made to it by any other authority or person, shall be credited to the Fund and all payments by the Council shall be made therefrom." So I do not think any amendment is necessary here.

With regard to the second one, i.e., the funds proposed to be given by the Central Government and expenditure from the Consolidated Fund of India,

I have already explained the position. It is natural, therefore, that the manner in which the money is invested should be subject to the approval of the Central Government.

**Mr. Deputy-Speaker:** I shall now put Amendment No. 37 to vote.

*Amendment No. 37 was put and negatived.*

**Shri N. Dandekar:** I wish to withdraw my Amendment No. 35.

*Amendment No. 35 was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 16 stand part of the Bill."

*The motion was adopted.*

*Clause 16 was added to the Bill.*

*Clauses 17 to 21 were added to the Bill.*

**Clause 22.— (Power to make rules)**

**Shri N. Dandekar:** I beg to move:

(i) Page 8, line 27,—

for "The Central Government", substitute—

"Subject as hereinafter provided, the Council". (38)

(ii) Page 8,—

for lines 29 and 30, substitute—

"Provided that until the Council is established such rules may be made and notified by the Central Government." (39)

(iii) Page 8,—

omit lines 34 and 35. (40)

(iv) Page 9,—

after line 6, insert—

"Provided that no such rules shall be made under clauses (d) and (e) of this sub-section without consulting the Central Government." (41).

I will be very brief in my observations. Here again is an attempt on my part to make this Council as autonomous as I can possibly make it and as far from the control of Government as I can possibly make it. In the series of provisions in Clause 22 where everything is either to be done by the Central Government or requires the permission of the Central Government or requires the prior approval of the Central Government, I am suggesting deletion or substitution of those with a view of giving powers to the Council itself. But I would like to say one word specifically about amendment No. 41 where I have accepted that the rules which the council may make as regards the form in which they keep their accounts and present their budget and annual report and the manner in which the accounts shall be maintained and audited shall not be framed without consulting the Central Government. That, I think, is the real answer to this business of saying all the time that this council is going to be dependent financially upon Government, and hence this, that and the other control is necessary. I agree that when Government give money to any organisation, whether it is statutory, voluntary, ordinary or autonomous, company, individual, Bharat Sewak Samaj or anybody, there ought to be an audit and there ought to be an accounting. I agree that so far as sub-clauses (d) and (e) are concerned, under which, if my other amendments were accepted, it would be for the council to make rules about the form in which and the time within which the budget and annual report are to be prepared by the council and the manner in which the accounts of the council are to be maintained and audited, no such rules shall be made under those sub-clauses (d) and (e) without consulting the Central Government; that is why I have in amendment No. 41 sought to provide that—

"Provided that no such rules shall be made under clauses (d)

[Shri N. Dandekar]

and (e) of this sub-section without consulting the Central Government."

**Shri C. R. Pattabhi Raman:** May I very briefly refer to this question of rules and regulations? There are certain matters under the scheme of the existing Bill in respect of which power is being conferred on the Central Government to prescribe the rules for carrying out the general purposes of the Act. Quite apart from these matters, there are other matters which are to be determined by the Press Council itself by making suitable regulations. I have already referred to the provision relating to regulation-making powers and so on.

So, there are two distinct matters which should not be confused with one another. It is not possible to delegate the rule-making power to the press council as distinct from the regulation-making powers which is being delegated to the press council.

**Mr. Deputy-Speaker:** I shall put amendments No. 38, 39, 40 and 41 to vote.

*Amendments Nos. 38 to 41 were put and negatived.*

**Mr. Deputy-Speaker:** I shall now put clause 22 to vote. The question is:

"That clause 22 stand part of the Bill."

*The motion was adopted.*

*Clause 22 was added to the Bill.*

**Clause 23.—(Power to make regulations)**

**Shri N. Dandekar:** I beg to move:

(i) Page 9, after line 25, insert—

"(d) the manner in which panels of names may be invited under sub-section (5) of section 4". (42)

(ii) Page 9, omit lines 26 and 27. (43)

I am now making my last and final desperate effort to make this press council autonomous. This clause tries to give some powers to the council to make regulations and so on but takes it away by saying that these regulations should have the prior approval of the Central Government. The amendments that I have suggested would make the council more autonomous at least in the matter of the regulations which it is supposed to have the power to make.

**Mr. Deputy-Speaker:** These amendments are now before the House.

**Shri C. R. Pattabhi Raman:** The press consultative committee also had dealt with this matter and they recommended that the regulations made by the press council in regard to the service conditions of the employees should also be subject to the approval of the Central Government. This would provide the Central Government with an opportunity to see that the employees of the press council also get comparable pay scales and conditions of service having regard to their qualifications and experience.

**Mr. Deputy-Speaker:** I shall now put amendments Nos. 42 and 43 to vote.

*Amendments Nos. 42 and 43 were put and negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 23 stand part of the Bill".

*The motion was adopted.*

*Clause 23 was added to the Bill.*

**Clause 1.—(Short title and extent)**

**Shri N. Dandekar:** I beg to move:

Page 1, lines 6 and 7, omit 'except the State of Jammu and Kashmir'. (1)

This amendment is self-explanatory. I see no reason why the measure should not apply also to the State of Jammu and Kashmir. Therefore, I have suggested the elimination of the words 'except the state of Jammu and Kashmir'.

**Mr. Deputy-Speaker:** This amendment is now before the House.

**Shri C. R. Pattabhi Raman:** As I have already pointed out, the Press council Bill is relatable to entry 39 of the Concurrent List and entry 44 of the Union List. Though entry 39 of the Concurrent List relating to newspapers is applicable to the State of Jammu and Kashmir, entry 44 (incorporation, regulation and winding up of trading corporations, whether trading or not, with objects not confined to one State but not including universities) of the Union List extends to that State only so far as such corporations relate to the legal and medical professions. We have, therefore, no legislative competence at present to extend this Bill to that State. Of course, steps are being taken to have the legislative competence. But as it is, we have no legislative competence. The matter can be taken up when the relevant entry is made applicable to the State of Jammu and Kashmir. Steps are being taken in that direction. Till then we have no legislative competence to extend it.

**Shri N. Dandekar:** I accept the hon. Minister's explanation. I seek leave of the House to withdraw my amendment.

*Amendment No. 1 was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 1 stands part of the Bill".

*The motion was adopted.*

*Clause 1 was added to the Bill*

*The Enacting Formula and the Title were added to the Bill.*

**Shri C. R. Pattabhi Raman:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

16.56 hrs.

#### RESOLUTION RE: CONTINUANCE OF PROCLAMATION IN RESPECT OF KERALA

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathl): Sir, on behalf of Shri Nanda, I beg to move the following Resolution:

"That this House approves the continuance in force of the proclamation dated 24th March, 1965 in respect of Kerala issued under article 356 of the Constitution by the Vice-President discharging the functions of the President, for a further period of six months with effect from 11th November, 1965".

As the House is aware, the second proclamation of President's rule in Kerala was issued by the Vice-President discharging the functions of the President on March 24, 1965 and approved by the Lok Sabha on May 8, 1965, and by the Rajya Sabha on May 11, 1965. This is due to expire on 10th November, 1965. The proviso to article 356(4) provides for the continuation in force of such a proclamation for a further period of six months and for a maximum period of three years. So unless the proclamation is revoked, it would cease to operate on the expiry of the period of six months from the date of the passing of the second of the Resolutions approving the proclamation under clause 3. The proviso says:

"Provided that if and so often as a resolution approving the con-