

SHRI SANTOSH KUMAR SAHU (Orissa): Madam, I would like you to read Rule 222 (A) that says the information should come immediately to the Chairman of the Rajya Sabha. Now, the House is going on. Two Members were arrested at 11.40 A.M. yesterday and today only you are getting the telex. That means as if they were silent during that period. This is horrible. There should be some justice and respect. Here also there is another false, allegation, that they have been released on P.R. Bond.

THE DEPUTY CHAIRMAN: I would ask the Secretariat to find out and give instructions immediately if a Member of Parliament is arrested anywhere, the intimation should come immediately. It has just come when Mr. Lenka bought it to my notice about ten minutes ago.

SHRI SYED SIBTEY RAZI (Uttar Pradesh): You should also enquire about this fact. Mr. Lenka is denying that he was released on personal bond. The information given by the police must be checked.

THE DEPUTY CHAIRMAN: I would like to ask the Secretariat to get the information and we will report it to the House as soon as we get the information. Now, Mr. Minister.

THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) BILL, 1990.

THE MINISTER OF INFORMATION AND BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): At the outset I would like to thank Members from all sides, who participated in the debate on this historic Bill. (*Interruptions*)

Madam, I was a little disappointed by the speeches made by some hon. Members opposite. I would not like to refer to the accusations, innuendos and barbed comments made by some hon. Members, because I am very keen that the spirit of cooperation and understanding which was evident in the other House should also prevail in this House while we discuss and pass this historic Bill

I would also appreciate the genuine fears and apprehensions expressed by the Members. I do not suspect their motives, when they made their criticisms. We all know all charters of freedom and all progressive legislations always face some obstacles in the beginning and also such legislations particularly when we are embarking on a new venture are definitely accompanied by some genuine 2 P.M. fears and apprehensions.

Therefore, I don't quarrel with the members who made their comments. While framing this Bill and tabling the amendments and formulating the views of the Government, we had to reconcile two extreme positions. There is a very vocal—may be a minority—a very vocal section demanding complete freedom and autonomy for the media in this country, electronic media in this country. On the other side there is an equally vociferous section which says autonomy should not be a licence to do everything; autonomy should not be unbridled autonomy. We had to reconcile these two positions and arrive at a consensus. I am very happy that all the political parties in the other House applied their mind, spent hours to discuss various amendments and we came to a conclusion. There may be a communication gap between some Members here and there. But I am happy that ultimately we are coming to a happy conclusion. In the other House some hon. Members opposite called it "our Bill" meaning the Oppositions Bill. I had occasion to comment. It is neither your Bill nor my Bill; it is our Bill. I hope by the time we complete this business, it will emerge as our Bill as a result of the collective wisdom of all the sections of this House. That is why I am not referring to what Mr. Salve has said. I will take it as a part of the record. I don't want to comment on that.

Then, there are amendments suggesting reference of this Bill to a Select Committee of the Rajya Sabha. The purpose of any Select Committee is to elicit the opinion of various sections of the people so that some improvements can be made in the Bill. When the Bill was introduced on the 29th December, 1989, I myself said

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there would be a nation-wide debate on this. In fact, there was a debate and various sections of the people participated and seminars and symposia were organised in hundreds. I myself wrote personal letters to about 1200 important functionaries in the country many of whom have been kind enough to reply. We had put advertisements inviting suggestions in 118 newspapers and on the electronic media itself there were many discussions, panel discussions. Therefore, I think the widest possible debate has taken place on this Bill. I do not think there is any necessity for reference of this Bill to a Select Committee.

I also hold that this is not the final shape, again I repeat. As I said we are embarking upon a new venture and on the basis of the experience we gain while implementing this Bill, and after the functioning of the Corporation, may be this Act has to be amended many times, several times in future by this Parliament. Ultimately when we have this Corporation accountable to Parliament, Parliament will continue to show interest in the affairs of this Corporation and wherever necessary amendments can be brought either by the hon. Members or by the Government itself. Therefore I plead with the hon. Members that they may not press for the reference of this Bill to a Select Committee.

About this Parliamentary Committee also some references were made. They said that it is all a mockery. They said that it is a force. Mr. Rajmohan Gandhi from this side differed with the formation of the Parliamentary Committee itself. He felt that there is no need for a Parliamentary Committee to oversee the functioning of the Corporation. But I humbly submit, as I said it earlier, it cannot be left to fend for itself. This Corporation has to be accountable to somebody and the best forum for which it will be accountable to somebody and the best forum for which it will be accountable is the Parliament of India. Therefore, a Parliamentary Committee is essential and it is not meant for day-to-day interference. That apprehension also I would like to remove. Mr. Kapil Verma said, there are no de-

tails about the functioning of the Parliamentary Committee, how it would function and all that. These rules will be framed by the Rules Committee of Lok Sabha. This is the general procedure how the Committees function. There are set rules and the Rules Committee will apply its mind how the Parliamentary Committee will function. (Interruption).

SHRI JAGESH DESAI (Maharashtra): Committee of Rajya Sabha or Committee of Lok Sabha only?

SHRI P. UPENDRA: Rules are framed by the Lok Sabha Committee. That is the rule unless there is change. Madam, there is a reference to the Selection Committee consisting of the Vice-President of India, the Chairman of the Press Council. (Interruption).

SHRI BHASKAR ANNAJI MASODKAR: Now the Committee will consist of Members of both the Houses, 15 from Lok Sabha and 7 from Rajya Sabha. Suppose, the House is dissolved, then what happens? Suppose, the other House is dissolved, then what happens to the Committee?

SHRI P. UPENDRA: The legal luminaries are there. Rajya Sabha is permanent. Rajya Sabha functions.

SHRI BHASKAR ANNAJI MASODKAR: These 15 Members will not be there. You must give thought to this. This answer will not help you. Tell me, what is your concept? There are 22 Members out of which 15 will go away if tomorrow you dissolve Lok Sabha. Seven Members will be powerless. The Corporation will run dry. You must consider this.

SHRI P. UPENDRA: There would be elections and the Committee would be reconstituted after the election and heavens will not fall, if there is no Parliamentary Committee for six months. It is not a Board of Management or the Prasar Bharati Board that unless Board is there, it cannot function. It is only a Parliamentary Committee to oversee.

श्री अटल बिहारी वाजपेयी : महोदय, पार्लियामेन्टरी कमेटी तो रहेगी भले ही उसमें लोकसभा के सदस्य न हों, राज्यासभा के ही सदस्य हों और वह काम कर सकने हैं, यह स्पष्टीकरण दीजिये।

SHRI P. SHIV SHANKER (Gujarat): Mr. Minister, I will supply you a legal argument, the legal argument being, even if the other House is dissolved, the less number of Members being on the Committee, does not vitiate the Committee *per se*. This has been held in the case of Gujarat Assmbley itself. *(Interruption)*.

THE DEPUTY CHAIRMAN: You got the legal advise from the Leader of the Opposition.

SHRI P. UPENDRA: On the spot, Madam.

THE DEPUTY CHAIRMAN: I hope he does not chrage any fee for it.

SHRI P. UPENDRA: On the spot, Madam. Madam, Mr. Salve expressed an apprehension that one of the three Members of the Selection Committee, namely the President's nominee, who will be virtually the Government's nominee, would influence the Selection Committee. I do not think it is proper. We are putting the Vice-President of India as the Chairman of this Committee and an eminent jurist who is the Chairman of the Press Council as a Member and I do not think one Government nominee will be able to influence these two eminent Members. It is not a valid point. Moreover, I would like to make it clear we are not contemplating to have the Government officials in this. We also want its third Member of equal status and an eminent person, preferably a media expert, who will be able to contribute to the selection of this Committee. *(Interruption)* One minute please, Let us not go into that controversy. It is not proper to again bring in Speaker and say all that. Because we wanted somebody to represent the Parliament of India and the Vice-President of India as the Chairman of Rajya Sabha is elected by both the Houses of Parliament. Therefore he represents Parliament in that way and we need not then put another functionary to represent Parliament of India.

Then there is a doubt expressed about the recommendations of the Selection Committee being binding on the Government or the President. The Act says, The President shall appoint the Members of

the Prasar Bharati Board on the recommendations of this Committee" and I have legal opinion also. The scheme of clause 4 envisages that the recommendations shall be mandatory. Recommendations are conceptually different from consultation or concurrence. In the case of consultation, as for example, in article 320, even the use of the word 'shall' may be treated as not binding and as leading to a mere irregularity. In the case of consultation or concurrence, it is the Government which first formulates the proposal and then seeks the consultation or concurrence of some other body. In the present case, the recommendations originate from the Committee and the Government does not go to the Committee with any proposal. Further, there is no provision in the Bill for any other manner of appointment of the Chairman and members and it follows that they have to be appointed by the President of India on the recommendations of the Committee. Mr. Shiv Shanker has given notice for an amendment to make it amply clear.

SHRI P. SHIV SHANKER: I will speak on it.

SHRI P. UPENDRA: This is how the Government stands. Still if Mr. Shiv Shanker insists on that, he can speak and at that time I will react and give the Governments view. But our intentions are very clear. They are binding

about the composition of the Board itself, a number of suggestions have come. Apprehensions also there that it would be packed with bureaucrats. That is not the intention. Moreover, I do not want to foresee what the Selection Committee would do. It is up to the Selection Committee's eminent people to decide what type of people they will select. I hope it will not be bureaucrats. That is our idea. As far as ex-officio members are concerned, we have two Directors-General as ex-officio members. It has led to some dissatisfaction among a large number of the engineering employees whose number is much more than the others, the programme staff. That is why I gave an assurance in the other House that the engineer-in-chief would be a permanent invitee of the

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Prasar Bharati Board and in addition, one member will be elected by the engineering employees also. Of the two employees representatives, one would represent the engineering staff. Therefore, I think their voice will be heard there. There is some reference about the representation of women also. Definitely, out of the 15 members to be there, there will be ample scope, not only for one member, but maybe, for more members. Why should we specify one member? Also there were so many suggestions to have Scheduled Caste members Scheduled Tribe members, minorities members and all that. (Interruption) I do not think we should bind the Selection Committee in any manner. We should allow them to select the best possible talent in the country to man this Board (Interruptions). Let me complete. One minute.

About the clause on supersession of the Prasar Bharati Board in case of persistent refusal to abide by the directives and supply information as per clauses 23 and 24, there have been apprehensions. It is a painful provision. We are not very happy to provide it. But the Bill should be complete. It has to foresee all contingencies. Suppose, at a distant date, some recalcitrant board refuses to abide by the directives and refuse to give information to the Government to pass on to Parliament. We cannot be helpless then. Therefore, there must be some provision. But there also, we have provided ample securities and checks against any arbitrary action. It will not be an executive action. Parliament of India will apply its mind. Parliament of India in which all parties are represented will have a say in that. It will debate and discuss the report of the Government and then only some action will be recommended. Even after the recommendation, the President will give notice to the Board and then their explanation would be obtained. Only after the observance of all these formalities supersession will take place. Therefore I do not think there is any need for any apprehension on this count.

SHRI SANTOSH KUMAR SAHU:
What form of directives do you envisage?

SHRI P. UPENDRA: We have mentioned that. The directions will be issued in the interest of the unity and the security of the country and the maintenance of public order. We have specified that. That is why I did not accept the suggestions given by the hon. Members for inclusion of other things, social and economic issues, etc. We do not agree for all those suggestions. Mr. Balaram also expressed some doubts about the term 'public importance'. One safeguard here is, all the directives will be in writing and the Corporation will also be free to announce while making a broadcast that that particular broadcast is being made on the directive of the Government of India. And the copies of the directives will be placed before Parliament. If Parliament feels that any unjust directives are being given, definitely the Government can be pulled up. Therefore, that is also a check against arbitrary directions. About the Broadcasting Council Mr. Salve mentioned that the procedure was not correct. He asked: How can they sit in judgement over the complaints themselves? As I clarified yesterday, the complaints relate to the programmes, not to the functioning of the Corporation as such, the Board of Management of Prasar Bharati. Therefore the findings will go to the executive member and if the executive member does not agree, then they will go to the Board. And the Board has to record that the findings are rejected. And we also provide that these findings of the Broadcasting Council will have to be broadcast or telecast on the media that these are the findings of the Council. Therefore, that also satisfies the doubts expressed by the Member. About the assets I think I have satisfied Mr. Salve by including the provision that the book value of all assets will be transferred by the Government on such terms and conditions to be decided by the Government and they will form the capital of the Corporation. When we specify the terms and conditions we make it difficult for the Corporation to dispose of any asset and disposal of any asset will require the prior concurrence and approval of the

Government of India. Therefore, we need not be worried about that also.

Mr. Mathur mentioned about growing commercialisation of the media. We also share the opinion. In fact, there is a tendency towards commercialisation. We have to check it and that is why we have provided here that the Government reserves the right to specify the percentage of the time to be devoted for advertisements. Even today there is a rule that not more than 10 per cent time should be devoted for advertisements. In fact, only 2.5 per cent time is being taken for advertisements. But still the Government retains that power to prescribe time-limit for advertisements.

SHRI KAPIL VERMA: (Uttar Pradesh): It is not written.

SHRI P. UPENDRA: Yes, it is there. It is provided in the Bill. About the staff also I have mentioned earlier that we will protect the interests of all the staff, whosoever is there. They are doing very good work and we want to protect their interests when they want to go to the Corporation. A question was raised by Mr. Mathur: If some of them do not want to go, will they be given an option? We will give an option to all of them whether they go to the Corporation or remain here. There are specific rules. If they opt out, what will happen? They will go to the Surplus Cell and within a period if they cannot be rehabilitated or adjusted, they will have to go. Therefore, I do not think that that contingency will arise. Most of them feel that they will go to the Corporation.

These are the main points raised by the hon. Members and I will react to other suggestions and amendments whenever they are spoken about here. I once again thank the hon. Members for the cooperation for the views expressed by them and in fact it has helped the Government to formulate its views. The other points I will answer whenever they are raised. Thank you very much.

THE DEPUTY CHAIRMAN: I shall first put the amendments moved by Shri S. S. Ahluwalia, Shri Kapil Verma and Prof. Chandresh P. Thakur for reference of the Bill to a Select Committee of the Rajya Sabha to vote.

The amendments were negated.

THE DEPUTY CHAIRMAN: I shall now put the motion moved by Shri P. Upendra to vote...

SHRI S. S. AHLUWALIA (Bihar): Madam,....

THE DEPUTY CHAIRMAN: You cannot speak now.

श्री सुरे ब्रजीत सिंह अहलुवालिया : आप बोलने नहीं दे रही हैं ? ... (व्यवधान) ... मैं तो बिड़ड़ा करना चाहता हूं। आप बोलने ही नहीं देना चाहती। पता नहीं क्या बात है।

THE DEPUTY CHAIRMAN: When I said 'I shall put your amendment to vote', you should have got up.

SHRI S. S. AHLUWALIA: I thought that you were calling my name.

THE DEPUTY CHAIRMAN: I called your name.

SHRI S. S. AHLUWALIA: This is not fair. I could not participate in the debate. I was wanting to speak on this.

उपसभापति : अब तो तीर कमान से निकल गया। आप बैठ जाइये (व्यवधान)

Mr. Ahluwalia, I do not have to say 'are you withdrawing?' It is out of consideration I say so. Actually when I read 'I shall first put the motion moved by Shri S. S. Ahluwalia, Shri Kapil Verma and Prof. Chandresh P. Thakur for reference of the Bill to a Select Committee of the Rajya Sabha to vote' You should have got up and said, 'I want to withdraw it' Now that is all over.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : बात यह है कि मैंने इस बिल को मलेक्ट कमेटी को रेफर करने की बात कही थी और यह बात क्लियर होनी चाहिए थी। यह मवर्नमेंट राइट टू इनफारमेशन की बात करती है, लेकिन गलत इनफारमेशन देती है। मुझे बोलने का मौका नहीं दिया गया ... (व्यवधान)।

THE DEPUTY CHAIRMAN: That is over now. I would have allowed you to say something at that time. Now I cannot allow you. That is all over now.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : उस वक़्त मुझे बोलने नहीं दिया गया।

THE DEPUTY CHAIRMAN: I cannot allow you now. I shall now put the motion moved by Shri P. Upendra to vote.

The question is:—

“That the Bill to provide for the establishment of a Broadcasting Corporation for India, to be known as Prasar Bharati, to define its composition, functions and powers and to provide for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration”.

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3: Establishment and Composition of Corporation.

THE DEPUTY CHAIRMAN: There are 19 amendments to this Clause....

सुरेन्द्रजीत सिंह अहलुवालिया : क्लॉज 1 पर मेरी एमेंडमेंट थी। मुझे बोलना था।

THE DEPUTY CHAIRMAN: Mr. Ahluwalia, in your anxiety to speak you forget that Clause 1 comes the last. So, don't get so excited to speak. Wait for some time. I think you have been in this House for five years now and you should know how we vote a Bill. Perhaps you don't take notice of it. So, when it comes you can get up.

श्री जगदीश प्रसाद माथुर : मेरा संशोधन है। संजी महोदय से भाषण करते हुए यह कहा गया था कि इंजीनियरिंग स्टाफ का रिप्रजेंटिव बोर्ड में नहीं है। इसलिए इंजीनियर इन चीफ को कोई स्थान देना चाहिए। इतना कह कर मैं अपना संशोधन पेश नहीं करता हूँ।

श्री सुरेश पचौरी (मध्य प्रदेश) : महोदया, खण्ड 3 के पृष्ठ 3 पर जो पंक्ति 35 है उसके स्थान पर मैं यह प्रतिस्थापित करना चाहता हूँ। इसके अनुसार निगम के कर्मचारियों में दो प्रतिनिधि जिनमें एक इंजीनियरिंग कर्मचारी रोबुन्द द्वारा तथा दूसरा आकाशवाणी और दूरदर्शन के कार्यक्रम कर्मचारी रोबुन्द द्वारा निर्वाचित किये जाएंगे। इस संबंध में मेरा स्पष्टीकरण यह है... (व्यवधान)

उपसभापति : इसमें स्पष्टीकरण नहीं होता।

श्री सुरेश पचौरी : आकाशवाणी और दूरदर्शन के दो प्रमुख श्रटक हैं, एक इंजीनियरिंग और दूसरा प्रोग्राम। इंजीनियरिंग हार्ड वीयर है और प्रोग्राम सॉफ्ट वीयर है जो सबसे ज्यादा महत्वपूर्ण है। इसलिए इसके प्रोग्राम स्टाफ का सक्रिय सदस्य प्रतिनिधि हो, ऐसी निर्वाचन प्रक्रिया होनी चाहिए। अन्य लोगों में प्रशासन के लोग जैसे क्लर्क श्रेणी के सुप डी और 4 के कर्मचारी आते हैं, यदि वे और चुने गये तो इस श्रेणी के लोगों को प्रसार भारती बोर्ड का सदस्य बनाने में क्या औचित्य है और क्या लाभ हो सकता है, इसके बारे में सहज ही विचार किया जा सकता है।

उपसभापति : आप मूव कर रहे हैं या विट्टा कर रहे हैं ?

श्री सुरेश पचौरी : महानिदेशक के जो भारतीय प्रसारण कार्यक्रम सेवा के परव्य, कार्य क्षेत्र में अलग रखा गया है। कोई आवश्यक नहीं है कि हर बार प्रोग्राम कैंडर का आदमी रखा जाय और वही डी०जी० बने जबकि भारतीय प्रसारण कार्यक्रम सेवा के बाद कार्यक्रम कैंडर से कोई व्यक्ति डी०जी० बनना चाहिये। यदि ऐसा नहीं होगा तो प्रसार भारतीय बोर्ड में प्रोग्राम स्टाफ का कोई व्यक्ति नहीं होगा मेरा ऐसा कहना है कि ऐसी व्यवस्था नहीं होनी चाहिये। सहोदया, यदि मंत्री जी इस संबंध में आश्वासन दें और वे नियम बनाते समय इसका ध्यान रखें तो मैं अपना संशोधन वापस ले सकता हूँ।

उपसभापति : आपने वापस लिया या नहीं ? आप मूव कर रहे हैं या नहीं ? अभी जवाब नहीं मिलेगा

you are withdrawing it or not? You cannot make it a conditional thing like this.

श्री सुरेश पचौरी : अगर मंत्री जी यह आश्वासन दें कि नियम बनाते समय मेरे द्वारा उठाये गये मुद्दों पर विचार करेंगे तो मैं वापस लेता हूँ। मैं आशा करता हूँ कि मंत्री जी मेरे मुद्दों पर ध्यान देंगे। इसलिये इसकी प्रगति वित्त नहीं करता हूँ।

THE DEPUTY CHAIRMAN: Mr. Kapil Verma, are you moving your amendment?

SHRI KAPIL VERMA: No, I am not moving.

THE DEPUTY CHAIRMAN: Yes, Mr. Ahluwalia, are you withdrawing your amendment?

श्री सुरेशजीत सिंह अहलुवालिया : सहोदया, आज अटॉर्नामी देने की बात की जा रही है दूरदर्शन और अल इंडिया रेडियो को। मैं पहले जो प्रसार भारती

के बारे में जो बिल के ऊपर साधने लिखा है कि ब्राडकस्टिंग कारपोरेशन फार इंडिया, तो मैं जानना चाहता हूँ कि क्या दूरदर्शन और अल इंडिया रेडियो आज तक विदेश के लिए काम करते थे ? ब्राडकस्टिंग कारपोरेशन फार इंडिया, यह आफ इंडिया होना चाहिये या फार इंडिया होना चाहिये, इस पर ध्यान दें। दूसरी बात...

SHRI P. UPENDRA: It is "of"....
(Interruptions)...

THE DEPUTY CHAIRMAN: It is "of" only.

SHRI S. S. AHLUWALIA: It is "for India" in my papers. You just see...
(Interruptions)...

THE DEPUTY CHAIRMAN: It is "of India". I will read it out from here.

SHRI S. S. AHLUWALIA: It is "Broadcasting Corporation for India" in my papers. You can see it....
(Interruptions)....

श्री सुरेशजीत सिंह अहलुवालिया : लोक सभा से जो पास हुआ है उस पर लिखा हुआ है ब्राडकस्टिंग कारपोरेशन फार इंडिया। फार इंडिया, यू केन सी।

SHRI P. UPENDRA: Madam, the name of the Bill is "The Prasar Bharati" (Broadcasting Corporation of India) Bill, 1990.

SHRI S. S. AHLUWALIA: What is there in the next para? You read it...
(Interruptions)...

THE DEPUTY CHAIRMAN: You read the Title of the Bill, not the explanation. It is all there.

श्री सुरेशजीत सिंह अहलुवालिया : मैडम, मैं वही जानना चाहता हूँ एक्सप्लानेशन कि जो आप फार इंडिया लिख रहे हैं वह किस लिये लिख रहे हैं ?

SHRI P. UPENDRA: It says, "A Bill to provide for the establishment of a Broadcasting Corporation for India....". That is all right.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : महोदया, मेरा प्रश्न इसी के साथ है कि ब्राडकास्टिंग कारपोरेशन फार इंडिया ... (व्यवधान) ... मेरी बात समझने की कोशिश करिये। आप तो यों ही सर पटक कर चले जायेंगे यहाँ से। ... (व्यवधान) ... यह ब्राडकास्टिंग कारपोरेशन फार इंडिया है तो कल क्या ब्राडकस्टिंग कारपोरेशन फार एक्सटर्नल एफेयर्स भी कुछ बनाने वाले हैं, विदेश के लिये बनाने वाले हैं ? ... (व्यवधान) ...

उपसभापति : हो गई आपकी बात ?

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैडम, मैंने 15वें के लिये अपना संशोधन, अमेंडमेंट दिया है।

उपसभापति : कौन से नंबर के संशोधन की बात आप कर रहे हैं ?

श्री सुरेन्द्रजीत सिंह अहलुवालिया : क्लॉज 3 के पेज नंबर 3 में लाइन 18...

उपसभापति : नहीं, नहीं संशोधन नंबर क्या है ? बिकाज टू आर इन युवर नेम।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : 15। मैं पहले पर बोल रहा हूँ 15 पर। वहाँ लिखा हुआ है कि विद दि प्रीवियस अप्रूवल आफ दि सेंट्रल गवर्नमेंट। जब आप आटानामी दे रहे हैं तो यह बात क्यों लिखते हैं कि विद दि प्रीवियस अप्रूवल आफ सेंट्रल गवर्नमेंट। मेरा कहना है कि विद दि प्रीवियस अप्रूवल आफ सेंट्रल गवर्नमेंट को डिलिट कर दिया जाय, 18वीं लाइन पर डिलिट किया जाय।

115वां संशोधन जो मेरा है वह यह कि आपने डाइरेक्टर जनरल आकाशवाणी और डाइरेक्टर जनरल दूरदर्शन को इसमें सदस्य रूप में रखा है,

एक्स-ग्रॉफिसियो। महोदया, दूरदर्शन और आल इंडिया रेडियो के टोटल कर्मचारी 40710 हैं और उसमें उसके इंजीनियरिंग डिवीजन को देखने वाले 16090 कर्मचारी हैं। महोदया, जो टोटल परसेन्टेज आता है, वह इंजीनियरिंग का 40 परसेंट है, प्रोग्राम का 15 परसेंट है, स्टफ अटिस्ट का 10 परसेंट है, एडमिनिस्ट्रेटिव और फाइनेंस का 15 परसेंट है। महोदया मेरा कहना है कि जब आप डी० जी० दूरदर्शन और डी० जी० ए० आई० आर० को एक्स-ग्रॉफिसियो ले रहे हैं तो आप इंजीनियरिंग इन-चीफ आकाशवाणी को एक्स-ग्रॉफिसियो और इंजीनियरिंग इन-चीफ दूरदर्शन को एक्स-ग्रॉफिसियो, सदस्य के रूप में क्यों नहीं ले रहे हैं जिनके ग्रंथर काम करते वाले 40 परसेंट मजदूर, आपके जितने सारे शो दिखाये जाते हैं दूरदर्शन पर और जिनके कारण ए.आई.आर. की सुरीली आवाज आपके कानों में जाती है, तो उन इंजीनियरिंग डिवीजन के लोगों का रिप्रजेन्टेशन पूरा हो।

THE DEPUTY CHAIRMAN: You have explained. Please take your seat. Now, please tell me whether you are withdrawing or you are pressing?

SHRI S. S. AHLUWALIA: I am pressing.

SHRI P. UPENDRA: A genuine doubt is a genuine doubt. Madam, the first one is that the headquarters of the Corporation shall be in New Delhi and the Corporation may establish offices, kendras or stations at places other than in India. That is one part. And it is "with the previous approval of the Central Government." If they have to open any office, kendra or office outside India, they have to take permission of the Government of India because we have to tie up with the foreign Government. Therefore, the Government of India comes into the picture. It is perfectly right.

About the engineering staff, I have already mentioned also that the number is

very much. But right now the engineering chief is under the administrative control of the Director-General. I cannot put the head of the organization as well as his subordinate in the Board unless his status also is brought on par with the Director-General. At this moment it is not. We can consider it later. Meanwhile, we have made a provision that he will be a permanent invitee in the Board. And, therefore, so far as the engineering staff is concerned they will have one representative to be elected from amongst themselves.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : महोदया, मैं समझता हूँ कि...

THE DEPUTY CHAIRMAN: No argument. Are you withdrawing or are you pressing? We cannot have a debate.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : आप मेरी बात को खत्म होने ही नहीं देतीं। मुझे एक शब्द तो बोलने दोजिय ना।

उपसभापति : एक शब्द बोलिए।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : वही बोलने जा रहा हूँ। आप रोका रहा है। मैं कह रहा हूँ कि मंत्री महोदय ने जो आश्वासन दिया है...

उपसभापति : पांच शब्द हो गये। कहिए कि एक संदेश बोलना है, दो संदेश बोलने हैं। गलत क्यों बोलते हैं।

श्री सुरेन्द्रजीत सिंह अहलुवालिया : अगर इन्हीं चीजों पर रहे तो एक बूंद पानी की जगह पर एक गिलास पानी क्यों पीता है आदमी?

तो मंत्री महोदय ने जो आश्वासन दिया है और मैंने जो प्रगैमेंट्स दिये हैं, मैं आशा करता हूँ कि उन पर वे ध्यान देंगे। सिर्फ एक कर्मचारी लेने से काम नहीं चलेगा। उसके हेड आफ डि

डिपार्टमेंट को लेना जरूरी है। मैं समझता हूँ कि मंत्री जो इसको रूल में जरूर लेने की कोशिश करेंगे और इनके आश्वासन को मद्देनजर रखते हुए मैं अपना संशोधन प्रैस नहीं करता।

THE DEPUTY CHAIRMAN: Prof. Chandresh Thakur, Nos. 34 and 35. Are you withdrawing or pressing?

PROF. CHANDRESH P. THAKUR: Madam, I am pressing. I beg to move:

"That at page 3, line 35, after the words "elected by" the words (34, "the association representing the majority of" be inserted."

"That at page 3, line 36, after the words "elected by" the words (35) "the trade union representing the majority of" be inserted."

The question was proposed

PROF. CHANDRESH P. THAKUR: The basic question that I am raising is that this clause provides for the representation of the engineering staff and the rest of the staff. But the Government accepts trade union movement and association of employees. So far in this country the employees have a right to get organized. If the Government is trying to promote organized activity among its employees, then the representation should come from the association of engineering staff and the registered trade unions of other staff. That is the submission I am making. In a democratic society and in a pluristic society, different groups have a right to get organised. The Government has not so far taken a position that it is against the trade union activities. In the light of that, I will appreciate if the Minister accepts it.

THE DEPUTY CHAIRMAN: Are you withdrawing or pressing? We cannot have a debate on it.

SHRI CHANDRESH P. THAKUR: I want to know whether they accept trade-unionism or not, Madam, the Minister is

[Prof. Chandresh P. Thakur]

going to react. (Interruptions) Madam, he was going to reply. I leave it to the democratic judgement of Shri Upendra and in the light of that I withdraw.

Amendment Nos. 34 and 35 were, by leave withdrawn.

THE DEPUTY CHAIRMAN: Now we take up Amendment Nos. 51, 52 and 94. Dr. Ratnakar Pandey.

डा. रत्नाकर पाण्डेय : उपसभापति महोदया, मैं आपकी अनुमति से प्रस्ताव करता हूँ कि —

51. "पृष्ठ 3 पर, पंक्ति 16 में शब्द "और निगम" के पश्चात् 'राज्य सरकार से परामर्श करके' शब्द अन्तःस्थापित किये जाएँ।"

52. "पृष्ठ 3 पर, पंक्ति 27 के पश्चात् निम्नलिखित अन्तःस्थापित किया जाये, अर्थात् : '(घ घ) एक सदस्य (अनुसंधान)'"

94 "पृष्ठ 3 पर पंक्ति 33-35 के लिए निम्नलिखित प्रतिस्थापित किया जाये, अर्थात् :

"(1) निगम के कर्मचारियों के चार प्रतिनिधि जिनमें से एक-एक प्रतिनिधि निम्नलिखित में से निर्वाचित किये जायेंगे :—

इंजीनियरी कर्मचारिवृन्द,
पत्रकार कर्मचारिवृन्द,
गैर पत्रकार कर्मचारिवृन्द, और
कलाकार"

The questions were proposed.

डा० रत्नाकर पाण्डेय : महोदया, मैं कहना चाहता हूँ कि "निगम के कर्मचारियों के दो प्रतिनिधि जिनमें से एक इंजीनियरी कर्मचारिवृन्द द्वारा स्वयं में से और एक

अन्य कर्मचारियों द्वारा स्वयं में से निर्वाचित किया जायेगा" के स्थान पर 4 विभाग के लोगों को रखा जाना चाहिए। इंजीनियरिंग के माध्यम से सारा प्रकाशन और प्रचार होता है। इंजीनियरी कर्मचारिवृन्द होने चाहिए। जो सूचनाएँ एकत्र करते हैं वे पत्रकार कर्मचारिवृन्द होने चाहिए और गैर पत्रकार कर्मचारिवृन्द होने चाहिए। इसके अतिरिक्त कलाकारों का एक बहुत बड़ा समूह है जिनकी छवि हम दूरदर्शन पर देखते हैं और जिनकी वाणी आकाशवाणी में सुनते हैं। तो दो के स्थान पर चार प्रतिनिधियों को किया जाए, यह मेरा मंत्री महोदय से निवेदन होगा।

दूसरा प्रसार भारत के 3 (3) में लिखा हुआ है "निगम का मुख्यालय नई दिल्ली में होगा और निगम भारत में अन्य स्थानों पर और, केन्द्रीय सरकार के पूर्वानुमोदन में, भारत के बाहर कार्यालय, केन्द्र या स्टेशन स्थापित कर सकेगा" इसमें मैं चाहूंगा कि राज्य सरकार से परामर्श कर के ये स्थापित हो क्योंकि हर चीज पर आप राज्य सरकार की बात करते हैं कि राज्य सरकार का विषय है। इसलिए राज्य सरकार को भी आप सम्मिलित करें।

महोदया, दूरदर्शन और आकाशवाणी में अतिरिक्त महानिदेशक और उप महानिदेशक के पद हैं और इन दोनों का वेतनमान साढ़े तीन साल से समान है। सरकार इनके पद में उप महानिदेशक का अंतर कर रही है। इसलिए उप महानिदेशक को, जबकि समान वेतन और समान कार्य है, अतिरिक्त महानिदेशक का पद दिया जाए ताकि जो एक प्रकार की हीनता वरावर वेतन पाने वाले महानिदेशक में बनी हुई है वह दूर हो सके। वह ज्वाइंट सेक्रेटरी रैंक का आदमी है। इस तरह के इस भेदभाव को मिटाया जाए। इससे कामकाज का सदस्य आपने रखा है, वित्त का रखा है, आकाशवाणी का, दूरदर्शन का महानिदेशक रखा है लेकिन अनुसंधान का, रिसर्च का एक विंग है आपके यहां शायद मंत्री महोदय को मालूम हो। उसके प्रतिनिधि को भी सम्मिलित करें।

मुझे याद है प्रधान मंत्री विश्वनाथ प्रताप सिंह जी के पास आपने इस समिति के लिए कुछ नाम भेजे थे। उसे रोक दिया गया है क्योंकि भारतीय जनता पार्टी के लोग आकाशवाणी और दूरदर्शन में भरे हुए हैं और उन्होंने प्रधान मंत्री पर दबाव डाला कि उस दल के लोगों को ही मान्यता दी जाए। इस प्रकार वह रोक दिया गया। यह जो प्रधान मंत्री जी आपके कार्यों में इंटरफेयरेंस करते हैं, सीधे जो प्रस्ताव करते हैं, दलीय दबाव में आपनी अल्पमत की सरकार चलाने के लिए प्रस्तुत करते हैं, इसको रोका जाये, यही मुझे कहना है।

SHRI P. UPENDRA: I deny it. It is not correct.

उपसभापति : आप वापस ले रहे हैं कि प्रेस कर रहे हैं।

डा० रत्नाकर पाण्डेय : मैं मंत्री महोदय के विवेक पर छोड़ता हूँ... (व्यवधान)

उपसभापति : चलिए, वापस हो गया।

डा० रत्नाकर पाण्डेय : मैं अपना संशोधन प्रेस नहीं कर रहा हूँ।

SHRI CHATURANAN MISHRA (Bihar): Madam, when a Member moves his amendment formally, then you ask whether he is withdrawing or not. In this case, the Member said subsequently that he is withdrawing. Then, you have to ask the permission of the House to withdraw.

THE DEPUTY CHAIRMAN: All right. Has he the permission of the House to withdraw his Amendments?

Amendment Nos. 51, 52 and 94 were by leave, withdrawn.

SHRI VIREN J. SHAH (Maharashtra): Madam, when you ask a Member whether he is going to press his Amendment, he is making a speech and then withdrawing. That is not permissible. Either he should withdraw or press it.

SHRI M. M. JACOB (Kerala): It is a right of the Member to make a point.

THE DEPUTY CHAIRMAN: Amendment No. 65 by Shri Jagdish Prasad Mathur.

श्री जगदीश प्रसाद माथुर : उन्होंने तो मेरी बात मान ली है।

THE DEPUTY CHAIRMAN: Amendment No. 65 not moved. Now, Amendment by Shri A. G. Kulkarni.

SHRI A. G. KULKARNI (Maharashtra): Madam, I am not moving any Amendment in view of the Minister's assurance that technical staff will be given a proper and fair share.

THE DEPUTY CHAIRMAN: Mr. Salve is neither moving nor speaking on his Amendment.

Now, Amendments by Dr. Abrar Ahmed Khan.

DR. ABRAR AHMED KHAN (Rajasthan): I am not moving Amendment No. 78, but I am moving Amendment No. 77.

डा० अबरार अहमद खान : मैं प्रस्ताव करता हूँ कि —

“77. पृष्ठ 5 पर, पंक्ति 28 में “छह” शब्द से पहले “एक महिला सदस्य महिला” शब्द अंतर्ग्राहीत किये जाये।”

The question was proposed.

डा० अबरार अहमद खान : मैं संशोधन 77 पर जोरना चाहता हूँ। महिलाओं के संबंध में इधर से, इधर से भी और हर तरफ से बहुत अच्छी बातें की जाती हैं कि महिलाओं को बराबरी का दर्जा दिया जाना चाहिए, महिलाओं को सब जगह प्रतिनिधित्व दिया जाना चाहिए।

मैं इस बात को प्रेस कर रहा हूँ क्योंकि एक महिला के लिए मैं आज इस सदन में जानना चाहता हूँ कि सद

[डा. अब्दुल अहमद खान]

वास्तव में क्या विचार है, कितना उनको अधिकार देना चाहते हैं ?

महिलाओं की बात तो बहुत करते हैं, महिलाओं की बराबरी की बात तो बहुत की जाती है, लेकिन इन छह सदस्यों में एक भी सदस्य महिला रहे, इसकी कोई गारंटी नहीं देना चाहते हैं। इसके बारे में कोई नहीं कहना चाहता।

तो आज मैं इस सदन के माध्यम से चाहता हूँ कि इस निगम के अंदर एक महिला होने की गारंटी दी जाए और इसके अंदर "महिला" शब्द जोड़ा जाए। इसके लिए मैं प्रेस करता हूँ।

SHRI P. UPENDRA: I have already assured the House that not only one woman but more women may be there. (*Interruptions*)

THE DEPUTY CHAIRMAN: Order, please.

SHRI P. UPENDRA: It is not proper to give any direction to the Selection Committee headed by the Chairman of the Council of States and the Vice-President of India. We leave it to their judgement. Definitely they will keep this in view. Why one woman, maybe more than one may be in the Board. Why do you want to restrict to one?

Amendment No 77 was, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Amendment No. 82—Nobody is moving Amendment Nos. 83 and 84 by Shri Salaria.

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): Madam, I am moving my Amendments. Madam, I beg to move:

(83) "That at page 3 after line 37, the following proviso be inserted namely:—

"Provided that no person who has served as a member of the Board shall be eligible for being appointed on the Board again."

(84) "That at page 3 after line 37, the following be inserted namely:—

"(j) two members, one each to be elected by the Lok Sabha and Rajya Sabha."

The questions were proposed.

SHRI SHABBIR AHMAD SALARIA: Madam, I want to make a small submission. The Board is the highest authority of the Corporation. And it is my submission that in the Board, one Member from the Lok Sabha and one Member from the Rajya Sabha should necessarily be included. That is the thrust of my Amendment. The thrust of the amendment, the purpose of the amendment, is that the Board, being the highest forum in the Broadcasting Corporation of India, should have representatives on it from the Lok Sabha as well as the Rajya Sabha. Two Members from Parliament one from the Lok Sabha and one from the Rajya Sabha, should be there on the Board. If the hon. Minister says that part-time Members, as envisaged in clause 3, sub-clause 5(e), includes two Members from Parliament, the purpose of the amendment would be served.

THE DEPUTY CHAIRMAN: I will put them to vote.

SHRI SHABBIR AHMAD SALARIA: If the hon. Minister gives me an assurance that he will consider it, I will withdraw it.

THE DEPUTY CHAIRMAN: Are you pressing?

SHRI SHABBIR AHMAD SALARIA: What has the hon. Minister to say on this? I should know.

SHRI P. UPENDRA: I am not accepting the suggestion.

THE DEPUTY CHAIRMAN: He is not accepting.

SHRI SHABBIR AHMAD SALARIA: Then, let the House decide.

THE DEPUTY CHAIRMAN: Now, Amendment Nos. 116 and 117 by Shri Subramanian Swamy.

SHRI SUBRAMANIAN SWAMY: Madam, I beg to move:

(116) "That at page 3,—

(i) line 34 for the word "two", the word "three" be substituted.

(ii) That at page 3, line 36, after the word "themselves", the words "and one shall be elected from the Programme Production staff" be inserted.

(117) "That at page 3, after line 4, the following proviso be inserted namely:—

Provided further that in pursuance of Rule 5(1) of the Central Civil Services (Conduct Rules) 1964 read with Government Order dated 30th November, 1966, no member of the Board shall be associated with the Rashtriya Swayamsevak Sangh, and shall make a declaration to that effect."

The quivies were proposed.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam, would you like me to speak on both the amendments, or one at a time."

THE DEPUTY CHAIRMAN: As you like. It is your free will.

SHRI SUBRAMANIAN SWAMY: In the first amendment, I have proposed that the programme production staff should also have representation on the Board. In fact I have received representations from them. They are the persons who are really in charge of the programmes. But I am surprised

that no representation is given to them, whereas engineers and others have been included. (Interruptions) The programme production staff should also be given representation. If necessary, you can increase the number to 3. This is what I wanted to say in respect of my amendment number 116.

I now come to my second amendment. Dr. Ratnakar Pandey briefly mentioned about it. There is a great deal of feeling that this Corporation will come under the grip of the Rashtriya Swayamsevak Sangh. (Interruptions)

THE DEPUTY CHAIRMAN: Please, let him speak.

SHRI SUBRAMANIAN SWAMY: That is why I have proposed this amendment.

THE DEPUTY CHAIRMAN: I shall now put the amendments numbers 83 and 84 moved by Shri Shabir Ahmad Salaria, and 116 and 117 moved by Shri Subramanian Swamy, to vote.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam, these are different. They should be put separately. (Interruptions)

THE DEPUTY CHAIRMAN: Those who have moved the amendments never objected. You have not moved. Why are you objecting, Mrs. Jayanthi Natarajan? All right. I shall do it separately. I shall now put the amendments, numbers 83 and 84, moved by Shri Shabbir Ahmad Salaria, to vote.

The amendment Nos. 83 and 84, were negated.

THE DEPUTY CHAIRMAN: I shall now put the amendments, numbers 116 and 117, moved by Shri Subramanian Swamy, to vote.

The amendments, No. 116 and 117, were negated.

THE DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

[The Deputy Chairman]

The motion was adopted

Clause 3 was added to the Bill.

Clause 4—Appointment of Chairman and other Members.

THE DEPUTY CHAIRMAN: We shall now take up clause 4. There are 11 amendments. Amendment No. 3 by Shri Kapil Verma.

SHRI KAPIL VERMA: Madam, I am not moving my amendment.

THE DEPUTY CHAIRMAN: Amendment numbers 16 and 17 by Shri S. S. Ahluwalia.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : मैडम मैं मूव नहीं कर रहा हूँ ।

PROF. CHANDRESH P. THAKUR: Madam, I am not moving my Amendment No. 36.

डा रत्नाकर पाण्डेय : मैडम, मैं मूव नहीं कर रहा हूँ ... (व्यवधान) ...

THE DEPUTY CHAIRMAN: It is a serious Bill. We are going through a serious clause. Please do not make such gestures. I would not like it.

AN HON. MEMBER: The House is in good humour.

THE DEPUTY CHAIRMAN: You can be in good humour afterwards.

Amendment No. 58 by Shri Hanumanthappa.

SHRI H. HANUMANTHAPPA (Karnataka): Madam, I move:

58. "That at page 4 after line 36 the following proviso be inserted, namely:—

Provided that none of these persons shall be retired officials of Central Government or State Government or Public Sector Undertakings".

The question was proposed.

SHRI H. HANUMANTHAPPA:

(Madam, we have a number of public undertakings and wherever we have public undertakings, they have become the paradise of retired officials. Unfortunately, this Corporation is going to be the one. I just ask the Government not to find a place and make it a paradise for pensioners. Deliberately six part-time members have been included on the Board. They will just be coming and attending the meetings as is being done by other public sector Board of Directors. Their sons, sons-in-law and daughters are appointed in a number of public undertakings. He will be the chairman of one public sector undertaking, secretary in a number of other Boards of Directors. They give favours and make appointment of their relatives. This is the real fact. Let not this Corporation, Prasar Bharati Corporation, become one more addict to these things. Appointment of six part-time members gives scope to such things. They will come from the hierarchy of the bureaucracy and they will have their own pulls and push. My amendment is that none of the members of the Board should be the retired officials of the Government of India, or State Government or public undertakings.

SHRI P. UPENDRA: I have already submitted that we are providing for a very high level selection committee. Let us not tell them not to put this man, this category and so on. It is unfair. They are very eminent people in the selection committee. They will keep all these things in view. We can write to them. Members are free to tell them. They are all publicmen. So, I appeal to you not to put restrictions on the selection committee.

SHRI H. HANUMANTHAPPA: Madam, I withdraw my amendment.

The amendment (No. 58) was, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Amendment No. 68. Hon. Member not there.

Amendment Nos. 85, 86, 87 by Shri Masodkar and Prof. Chandresh P. Thakur.

PROF. CHANDRESH P. THAKUR:
Madam, I am not moving.

THE DEPUTY CHAIRMAN:
Amendment No. 120 by Shri Shiv Shanker.

SHRI P. SHIV SHANKER: Madam,
I am not moving.

THE DEPUTY CHAIRMAN: You
may now move your amendment re-
garding New Clause 4A.

SHRI P. SHIV SHANKER: Madam, I
move:

(121) That at page 4 after line 36
the following be inserted, namely:

“4A. That recommendation made
by the Committee constituted under
sub-section (1) shall be binding for
the purposes of appointments under
this section.”

The question was proposed

SHRI P. SHIV SHANKER: Madam,
I must bring to the notice of the hon.
Minister that when he was replying he
has said with reference to clause 4(1),
that the Chairman and other members
shall be appointed by the President of
India on the recommendation of a com-
mittee etc. I will not go into the
niceties of the argument that the hon.
Minister was pleased to make that
“shall” means mandatory and not direc-
tory. I will not go into it. But the
fact remains that the President of India
cannot appoint without the recommenda-
tion of the Committee. So, therefore,
when the hon. Minister was trying to
reply I would say “shall” only applies
to the appointment by the President of
India. We cannot appoint without any
recommendation. I am not disputing
that and I will not go into the niceties
of the word “shall” being directory or
mandatory, but where I am concerned
is that when the Committee makes a re-
commendation, then it is possible that
the Government of India could say:
“This panel is not acceptable to us,
you reconsider and send another panel.”
Word “shall” does not govern this part

of it. I am more particular about this
part of it because the Chairman of our
House is the Chairman of this Com-
mittee. It is possible that the hon.
Minister might say that he can give an
assurance that invariably or even other-
wise every time when such a recom-
mendation is made, they will accept
the same. But it is not possible for the
hon. Minister to give the assurance on
this basis about the successive Govern-
ments or their Ministers.

Therefore, Madam, my submission is
that he being our Chairman, if it is a
case where the panel is sent back to
the Committee for reconsideration, or
for a fresh panel being submitted, this
would embarrass our Chairman, the Vice-
President of India, and it jeopardises
the interests of the entire House and its
dignity. Therefore, no amount of as-
surance on this point would ever help us
because one does not know how succes-
sive Governments would behave.
Madam, it is in this background that
I have moved the amendment with a
slightly modified wording where I have
said under new clause—4A:

That at page 4 after line 36, insert:

“4A. “The recommendations made
by the Committee constituted under
sub-section (1) shall be binding for
the purposes of appointments under
this section.”

This means, you will not be able to
ask the Committee again to reconsider
it which brings the position of the
Chairman of this House to a compro-
mise and embarrasses us. It is on
this ground that I have moved the
amendment and I hope the entire House
will agree that we cannot place our
Chairman's position under jeopardy.

THE DEPUTY CHAIRMAN: I would
like to suggest that it should be sub-
clause (4) of clause 4.

SHRI P. SHIV SHANKER: Very
well, I accept it. Instead of new clause
4A, let it be sub-clause (4) of clause
4.

SHRI CHATURANAN MISHRA: I would like to ask one thing from the Leader of the Opposition. If from that Committee we send the recommendations to the President as *fait accompli* and the President has nothing to do in it, then why not make this Committee itself the appointing authority? Otherwise you will be restricting...

SHRI P. SHIV SHANKER: The appointment has to be under an executive order under the Constitution.

SHRI CHATURANAN MISHRA: It will go to the President.

SHRI P. SHIV SHANKER: Because it has to be under the Constitution.

SHRI CHATURANAN MISHRA: Please hear me completely. I say, if it is going to come by way of an order of the President, then here is a Committee. Either let this Committee have the full right, or do not restrict the power of the President...

THE DEPUTY CHAIRMAN: Let him finish first.

SHRI CHATURANAN MISHRA: I am in agreement with the spirit of what you have said. But I have just pointed out this lacuna.

SHRI P. SHIV SHANKER: May I just make one submission? This Committee is not a part of the apparatus of the Corporation. This Committee has been envisaged only for the purpose of recommending the names.

SHRI CHATURANAN MISHRA: You are asking those recommendations to be made mandatory. I am with you in spirit. I only go by the words. If it is to be mandatory, is it proper to give it to the President? This point should be considered.

SHRI P. SHIV SHANKER: I am sorry. Just a minute. Even conceding that the word "shall" has to be interpreted as mandatory and not directory... Let me complete it.

SHRI CHATURANAN MISHRA: I am saying about your amendment. It is about this word 'mandatory'. Should this House say something mandatory to the President of India?

SHRI P. SHIV SHANKER: I am not saying to the President of India. My language is "recommendations made by the Committee constituted under sub-section (1) shall be binding for the purposes of appointments under this Section." It is Government of India on which the recommendation is binding. Appointment is made by the President of India viz. the Government of India by an Executive Order.

SHRI CHATURANAN MISHRA: That is why I have agreed to your spirit. My point is, can we say something which is binding on the President?

SHRI P. SHIV SHANKER: Yes, even in the Constitution such things have been said. Leave aside the statutory provision, even in the Constitution... (Interruptions).

SHRI CHATURANAN MISHRA: I accept your view. That is why I am putting it to you. You are a lawyer. That is why I am only telling you. (Interruptions) In one sentence we are giving the power to the President. (Interruptions)

THE DEPUTY CHAIRMAN: Please don't interrupt when a serious matter is going on.

आप चुप रहिये आप न बोलें। आपको उससे मतलब नह है।

SHRI CHATURANAN MISHRA: There are advocates of the Supreme Court and others and they will help us in this. I have just raised this question that in one sentence we are giving all powers to the President of India to appoint. In another sentence we say he has no right except to sign it. I would like to know whether it would be in conformity with the status of the President. You explain it.

SHRI P. SHIV SHANKER: I appreciate your point, but I would like to

bring to the notice of the House that constitutionally this expression is in order. Various experts of law are here. They will appreciate so far as the constitutional language is concerned. There is nothing wrong in the amendment that I am proposing. I have carefully considered it. Otherwise it places our Chairman into jeopardy and it also affects the dignity of our House.

SHRI CHATURANAN MISHRA: It is an embarrassment for the Chairman, no doubt, but there will be more embarrassment for the...

SHRI P. SHIV SHANKER: In the Constitution itself this language is there. That is why I am saying this.

SHRI MADAN BHATIA (Nominated): I may be permitted to speak on this. The hon. Member, Mr. Mishra, is not differing with the objective behind the proposed amendment which has been proposed by the hon. Leader of the Opposition. The question which is for consideration before this hon. House is that if this amendment is carried, this will mean that the President shall appoint, but shall have no choice so far as the recommendations made by the Committee are concerned in the matter of appointment. The point which has been made by Mishra Ji is this. If that be so, then why not so provide in the Bill itself that the appointments shall be made by the Committee itself? In this regard I want to draw the attention of this hon. House to the provisions contained in the Press Council Act as to the Constitution of Press Council of India. Just as here in this Bill, it is provided that there shall be a Corporation consisting of Governors, similarly in the Press Council Act also, it is provided that there shall be a Press Council. Now, the wording is this. Section 5(1) is relevant here. It says:

"The Council shall consist of a Chairman and 28 other Members," just as this Bill provide that there shall be a Board consisting of so many Governors. Now, sub-section (2) says how this is to be constituted.

"The Chairman shall be a person nominated by a committee consisting of the Chairman of the Council of States, the Speaker of the House of the People and a person elected by the Members of the Council under sub-section (6)."

I submit that if this objective is accepted, the objective behind the proposed amendment, then, we may reword this Clause 4 in line with sub-section 2, of section 5 of the Press Council of India Act and in that way it shall read like this: The Chairman and other members of the Council shall be nominated by a Committee consisting of the Chairman of the Council of States, Chairman of the Press Council of India and one nominee of the President of India. I respectfully submit...

THE DEPUTY CHAIRMAN: Mr. Madam Bhatia, the amendment is not yours. The amendment is moved by Mr. P. Shiv Shanker and Shrimati Jayanthi Natarajan. We are not discussing it. We do not want to create more confusion.

SHRIMATI JAYANTHI NATARAJAN: Madam, I endorse the views of my leader. I just want to add with great respect to Mishraji, we all respect his view and we know what he is trying to say but the point to me is very simple. When you say the President of India in this Bill, you are really meaning the Council of Ministers; by executive action it is actually appointed. The President does not have discretion in the appointment, really it is an executive act of appointing and the President...

THE DEPUTY CHAIRMAN: It is the Government.

SHRIMATI JAYANTHI NATARAJAN: It is really the Government. We know that in the Constitution it is like that. We want to place the Chairman of the Rajya Sabha above all the executive authority. In other words, we want to make it sure that no executive power or authority has any right to send back or refer it to be reconsidered or ask

[Shrimati Jayanthi Natarajan.]

the Chairman, Council of States to reconsider because that is the respect and esteem in which we hold him and I am sure the Members on that side, the whole House will endorse this amendment.

SHRI MAKHAN LAL FOTEDAR (Uttar Pradesh): I agree with the argument advanced by my colleague. In this Bill the word "President" does not mean the President himself. It means the Government. There are two types of powers. One is that the President of India himself will sign that order. That is when you appoint a High Court Judge and when you appoint a Supreme Court judge, the President of India has to sign after the Council of Ministers. It will be an ACC case. It will go up to the Prime Minister and the Cabinet Minister in charge. So the amendment proposed by the Leader of the Opposition is consistent with the present practice that the Presidential powers are transferred under the business rules to the Cabinet Minister in charge and to the Prime Minister.

SHRI DIPEN GHOSH (West Bengal): We are very much glad.

SHRI P. SHIV SHANKER: Madam, I would just like to bring to your kind notice article 77 (1): "All executive action of the Government of India shall be expressed to be taken in the name of the President." It is in consonance with this article that the scheme of the Act provides the manner of appointment. The Government is considering a Committee as a recommending body so that the President may appoint based on that and in terms of article 77. I appreciate the argument that has been addressed by my friend. There the position is that the Chairman is a part of the Council itself. He presides and certain powers are given to him. This is an outside body, a recommendatory Committee. What I say is that this Committee's

recommendations may not be asked to be reconsidered or sent back and that compromises the position of the Chairman of our House. It is in that background—I would not like to take time—I thought I should bring this amendment in that background.

SHRI P. UPENDRA: I already made clear the intentions of the Government. There is no ambiguity in this Clause. We said that the chairman and other members except *ex-officio* members, nominated member and the elected member shall be appointed by the President of India. There is no doubt at all. . . (Interruptions)... No other procedure for the selection is contemplated. There is no other provision for that. There is no question of the Government sending the panel back and all that. There is no role for the Government except to act as a post office for sending these things. There may be a contingency, I do not know. Since you have moved these things, suppose, the Selection Committee instead of selecting only ten Members, select 12 Members keeping any contingency for refusal by any Member whom they select, suppose they say, any ten of these following twelve, then what will you say?

SHRI P. SHIV SHANKER: Mr. Minister, is there or is there not a contingency where this Committee recommends and the Government says, "we do not accept recommendations, give a fresh panel." (Interruptions). No, no. That is why, I moved it. That compromises the position of the Chairman of this House. I am worried about that part of it. I do not doubt your bona fides. (Interruptions). No, no. Madam Deputy Chairman, I do not doubt the bona fides of the Minister. He might say that whatever is recommended, he will accept. But how does he bind down the generation of the successive Governments? It is that which worries me. It is in that background I have brought this amendment. You may kindly consider,

श्री अटल बिहारी वाजपेयी : महोदया, विरोध दल के नेता की यह आशंका ठीक है श्री : शायद उन्हें इसलिए भी चिन्ता हो रही है कि भविष्य में वह सत्ता में आ गए तो क्या होगा।

SHRI P. SHIV SHANKER: Madam, it is possible that at a future date, I might become the Information and Broadcasting Minister. It is also possible that Atal Bihari Vajpayeeji might not only become the Information and Broadcasting Minister but something else also. (Interruptions). Even the Prime Minister. Even Mr. Dipen Ghosh might become. (Interruption).

SHRI DIPEN GHOSH: He wants the President to be an instrument in the hands of the executive.

SHRI P. SHIV SHANKER: Therefore, it will be so embarrassing that the Vice-President will have to resign. That is why I am worried and brought this amendment.

SHRI S. JAIPAL REDDY (Andhra Pradesh): Madam Deputy Chairman, I personally share the positive concern of the Leader of the Opposition about the dignity of the office of the Chairman of this House. But I would like to make one submission. He is mistaking the Selection Committee for one person. The Chairman of this House, who is also the Vice-President of India, is the Chairman of the three-man Committee. It is not one-Member Committee. There could be difference of opinion within the Committee too. Secondly to differ with an individual holding a high office is not to get the office of that person compromised at all. It is not a recommendation to be made by the Chairman of this House alone. (Interruptions).

THE DEPUTY CHAIRMAN: The Member has a right to express his views. Let the Minister say.

SHRI P. UPENDRA: Madam, I appreciate the spirit of Shri Shiv Shanker's amendment and as an abundant caution, if you want to add

this as clause 4(4) we have no objection. But only I request their party in Lok Sabha to pass it in the next two days. (Interruptions).

THE DEPUTY CHAIRMAN: Now, amendment moved by Shri P. Shiv Shanker and Shrimati Jayanthi Natarajan is put to vote.

The question is:

That at page 4 after line 36 the following be inserted namely.—

“(4) The recommendations made by the Committee constituted under sub-section (1) shall be binding for the purposes of appointments under this section.”

The motion was adopted.

THE DEPUTY CHAIRMAN: Now the question is:

“That Clause 4, as amended, stand part of the Bill.”

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 (Powers and Functions of Executive Members)

THE DEPUTY CHAIRMAN: Amendment No. 59. Shri H. Hanumanthappa.

SHRI H. HANUMANTHAPPA: Madam, let me explain the spirit of the amendment. You make a Chairman and you humiliate him. That is the position in the Bill. The Chief Executive has to work under the control of the Board. The Board meets once in six months. If there are day-to-day problems, the Chairman should be given power. Under another clause also I have moved an amendment to make a full-time Chairman. Here he will work under the control and supervision of the Chairman as well as the Board. This is the spirit of my amendment. If the Government do not accept, I do not move.

THE DEPUTY CHAIRMAN:
Amendment No. 69 by Shri N.K.P.
Salve. He is not moving.

I shall now put clause 5 to vote.

The question is;

"That clause 5 stand part of the Bill"

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6

(Term of office, conditions of service, etc., of Chairman and other Members)

THE DEPUTY CHAIRMAN: Clause 6. There are nine amendments. Amendment Nos. 18 and 19. Shri S.S. Ahluwalia.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : महोदय, पेज 4 की 40वीं लाइन के नीचे हमने सबके बारे में तो एज-बार रखा है 62 साल की एज बार लगाई है पर चयरमैन महोदय के बारे में कोई एज की बात नहीं कही है। हमारा डर यह कि पार्ट टायम चयरमैन तो होगा पर उसकी उम्र का अंदाजा क्या होगा, यह पता नहीं। 20 साल, 25 साल, 30 साल रिटायर होने के बाद अगर कोई बनाया जाता है तो कहीं यह कारपोरेशन रिटायर्ड व्यूरोक्रट्स का सेक्टर न बन जाये इसलिए मेरा अमेंडमेंट है कि वहां एज बार होना चाहिये।

इसी तरह से अमेंडमेंट 19 है। वहां बड़े रिटायर्ड के बाद लिखा जाना चाहिए बार्ड रोटेशन। दोनों में आपकी तालिज में लाना चाहता हूं। आप पार्ट टाइम चयरमैन रखना चाहते हैं पर उसके लिए कोई एज बार तो होना चाहिए। इतना बड़ा कारपोरेशन चलाते के लिए दूरदर्शन और रेडियो को कन्वर्ट किया प्रसार भारती में तो कम से कम उसके लिए भी एज बार रखिए मैं चाहूंगा मंत्री महोदय इस पर अपने विवेक का ख्याल रखते हुए इस बिल में संशोधन लायेंगे। यह मैं उनके विवेक पर छोड़ देता हूं और संशोधन मूव करता हूं।

THE DEPUTY CHAIRMAN:
Amendment Nos. 60, 61 and 62. Shri H. Hanumanthappa.

SHRI H. HANUMANTHAPPA:
Again I say that he should be a full-time Chairman. That is all. Otherwise there is no use creating all this Prasar Bharati Corporation. A part-time Chairman can come for five minutes and go. He may come once a month or once in six months. Part-time can be anything. He may or may not come. So creating a separate organisation to manage Doordarshan and All India Radio and making it headless will not serve the purpose. The head is not a part which can come and go. The Government should reconsider it and make it meaningful. I do not move the amendments.

THE DEPUTY CHAIRMAN: Mr. V. Narayanasamy and Mr. Ratnakar Pandey.

SHRI V. NARAYANASAMY (Pondicherry): Madam, I want the hon. Information and Broadcasting Minister to seriously consider this aspect. When they have a part-time Chairman, they have full-time members of finance, technical and other matters. My submission is that they will take the upper hand and the Chairman will be only a figurehead. Therefore, I want justification from the hon. Minister to keep the Chairman as part-time and other members of the Board as full-time members. They have part-time members also. Therefore, I want the Minister to clarify that point.

THE DEPUTY CHAIRMAN: It is not a statement that you ask for clarifications. This is an amendment; either you move it or you do not move it because we cannot make an amendment a clarification of the statement...(Interruptions)... Would you like to move your amendment?

SHRI V. NARAYANASAMY: I want the Minister to reconsider it. I am not moving it.

THE DEPUTY CHAIRMAN: And what about your amendment No. 96? Do you want to move it?

SHRI V. NARAYANASAMY: No, I do not want to move it.

THE DEPUTY CHAIRMAN: Mr. Salaria, do you want to move your amendment No. 104?

SHRI SHABBIR AHMAD SALARIA: I do not want to move my amendment.

THE DEPUTY CHAIRMAN: The question is:

"The Clause 6 stand part of the Bill."

The motion was adopted.

"Clause 6 was added to the Bill."

Clause 7: Removal and suspension of Chairman and Governors

THE DEPUTY CHAIRMAN: There are ten amendments. Mr. Ahluwalia, do you want to move your amendments?

श्री सुरेन्द्रजीत सिंह अहलुवालिया : महोदया, वहां के चेयरमैन के वहां के मੈम्बरों के और अन्य लोगों के खिलाफ जितने एक्शन लेने की बात है वह सब ज़रूर है, लेकिन जिस सदन में यह बिल पास हो रहा है उस सदन को यह क्षमता नहीं है कि अगर चेयरमैन प्रसार भारती का बर्गान कर जाता है या गलत काम करता है तो उसको इम्पीच करने का पार्लियामेंट तक को अधिकार नहीं है। कम से कम इतना तो कहें कि 85 करोड़ का रिप्रेजेंटेशन करने के लिए लोअर और अपर हाउस में मੈम्बर बैठे हैं तो उनके गलत कामों को इम्पीच करने या उनके ऊपर अंकुश लगाने का अधिकार पार्लियामेंट को हो, उसको इम्पीच करने की पावर दी जाए... (व्यवधान)। डिसमिश तो कहीं से भी कर सकते हैं। मेरा कहना यह है कि कम से कम श्री पी उपेन्द्र इसमें अपने विवेक का सदुपयोग करें और इस तरफ ध्यान दें। इन ज़बदों के साथ मैं अपनी एमेन्डमेंट पेश नहीं कर रहा हूँ।

THE DEPUTY CHAIRMAN. Are you moving your amendment Nos. 70 and 71, Mr. Salve?

SHRI N. K. P. SALVE: I am not moving amendments.

THE DEPUTY CHAIRMAN: There are three amendments, 89, 91 and 92, moved by Shri Masodkar and Prof. Chandresh P. Thakur. Are you moving your amendments, Mr. Masodkar?

SHRI BHASKAR ANNAJI MASODKAR: I am not moving other amendments but I want to move amendment No. 91.

Madam, I move:

(91) "That at page 5 after line 41 the following be inserted, namely:-

"(aa) ceases to be a citizen of India; or"

The question was proposed.

SHRI P. UPENDRDA: I accept it.

THE DEPUTY CHAIRMAN: The question is:

(91) "That at page 5 after line 41 the following be inserted, namely:-

"(aa) ceases to be a citizen of India; or"

The motion was adopted.

THE DEPUTY CHAIRMAN. Mr. Salaria, there are some amendments in your name. Do you want to move them?

SHRI SHABBIR AHMAD SALARIA: Madam, I want to read my amendments and explain my purpose. My amendment is to sub-clause (3) of clause 7:

"Notwithstanding anything contained in sub-section (1), the President may, by order, remove the Chairman or any other Whole-time Member from his office if such Chairman or such Whole-time Member—

(c) is convicted of any offence involving moral turpitude—”

I said further:

“and the conviction has not been challenged nor upset in appeal or revision.”

In case where the conviction has been challenged in appeal or revision or it has been upset, it won't be binding. Secondly,...

THE DEPUTY CHAIRMAN: I am sure the Members must have read the amendments. We have other business in the House. Are you pressing to move your amendments?

SHRI SHABBIR AHMAD SALARIA: Let me have the satisfaction of telling the honourable Members as to what I have said in my amendments. About the ex-officio members I have given an amendment...

THE DEPUTY CHAIRMAN: They have all read the amendments.

SHRI SHABBIR AHMAD SALARIA: I have said it should also include 'ex-officio member'. Merely because a particular officer is an ex-officio member it does not mean that he is never going directly or indirectly to get interested in a contract of the Corporation...

THE DEPUTY CHAIRMAN. Mr. Salaria, please tell me whether you want to insist on moving your amendments?

SHRI SHABBIR AHMAD SALARIA: I only wanted to explain my amendments...

THE DEPUTY CHAIRMAN: That means you are not moving.

Now I put Clause 7 as amended to vote.

The question is—

“That Clause 7, as amended, stand part of the Bill.”

The motion was adopted.

Clause 7, as amended, was added to the Bill.

THE DEPUTY CHAIRMAN: Then there is an amendment, No. 54, for insertion of a new clause 7A in the name of Dr. Ratnakar Pandey. Do you want to move it?

डा० रत्नाकर पाण्डेय : महोदया, मैं मंत्री के विवेक पर छोड़ रहा हूँ कि जो कुछ अमेंडमेंट मैंने दिया है उस पर वे विचार कर के उसको सम्मिलित करें।

श्री पी. उपेन्द्र : मेरा अनुरोध है कि आप अपनी सब अमेंडमेंट्स देरे विवेक पर छोड़ दें।

डा० रत्नाकर पाण्डेय : मैं अमेंडमेंट मूव नहीं कर रहा हूँ।

Clause 8: Meetings of Board

THE DEPUTY CHAIRMAN: There are some amendments to Clause 8.

श्री सुरेन्द्रजीत सिंह अहलुवालिया : इस क्लॉज में यह कहा गया है —

“A Member shall be deemed to have vacated his office if he absents himself for three consecutive meetings of the Board without the leave of the Chairman.”

मेरा यह कहना है कि कल को मैम्बर और चेयरमैन में कोई खटपट हो जाए जो आपका पाटें टाइम चेयरमैन होगा वह अगर परमिशन न दें तो उसकी छुट्टी करने के लिए बड़ा आसान सा तरीका है। इसलिए मेरा कहना यह है कि चेयरमैन की जगह बोर्ड की परमिशन लेना हो, बोर्ड उसकी लीव एप्लीकेशन डिसाइड करे। मैं उम्मीद करता हूँ कि मंत्री जी इस पर गौर करेंगे और एग्जामिन कर के देखेंगे कि यह सही है या गलत है। मैं अपना अमेंडमेंट मूव नहीं कर रहा हूँ।

श्री ऐच्. हनुमन्तप्पा : उपेन्द्र जी तो दफ्तर का सील बना कर बैठ गये हैं जितने भी सुझाव हैं उनको वे स्पंदन नहीं कर रहे हैं इसलिए मैं विदड़ कर रहा हूँ ।

उपसभापति : इनका नाम ही पी. उपेन्द्र है। इनके लिए ठीक है।

SHRI SHABBIR AHMAD SALARIA: Madam, I want to move my amendment and I want the honourable Members to know...

THE DEPUTY CHAIRMAN: Then I will have to put it to vote.

SHRI SHABBIR AHMAD SALARIA: They don't know what my amendment is. So I want to explain...

THE DEPUTY CHAIRMAN: Every amendment has been circulated. So you don't assume that nobody knows it.

SHRI SHABBIR AHMAD SALARIA: How can you say that? Let me explain and let me have the satisfaction of making my point. I have said in the case of a member absents the words "without reasonable excuse" should be added. If a member absents himself for three meetings 'without reasonable excuse', then he may be deemed to have vacated his seat. That is what Mr. Ahluwalia also said, that the power can be abused. Therefore, the words "without reasonable excuse" should be added and then it should read, "A member shall be deemed to have vacated his office if he absents himself without reasonable excuse for three consecutive meetings of the Board." This is a reasonable amendment and the House may accept it.

THE DEPUTY CHAIRMAN: You want to move it and press it? shall I put it to vote?

SHRI SHABBIR AHMAD SALARIA: No.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Clause 10—Establishment of Recruitment Boards.

THE DEPUTY CHAIRMAN: We shall take up clause 10 now. There is one amendment by Mr. Ahluwalia... (Interruptions)... Let there be order in the House, please.. (Interruptions)...

श्री सुरेन्द्रजीत सिंह अहलुवालिया : उपसभापति महोदया, यह इस कारपोरेशन में भाई-भतीजावाद को रोकने के लिए जो रिक्रूटमेंट बोर्ड की बात करते हैं उसमें भाई-भतीजावाद को रोकने के लिए और अपने लोगों को चेंबरमैन और उसके मेम्बर कहीं न बहाली कर दें इसलिए मेरी यह गुजारिश है कि

All the officers and other employees of the Nigam shall be appointed on the recommendation of the UPSC, and, secondly, the qualifications and other conditions of service of the officers and employees shall be prescribed by the President of India in consultation with the UPSC.

मेरा निवेदन इतना ही है कि भाई भतीजावाद को रोकने के लिए और गलत लोगों की इंट्री गलत रास्ते से न हो, यूनियन पब्लिक सर्विस कमीशन जो रिकोगनाइज्ड आर्गेनाइजेशन हमारे भारत में है उसके माध्यम से रिक्रूटमेंट की व्यवस्था करें। मैं उम्माद करता हूँ कि मंत्री महोदया इसको एग्जामिन करेंगे और एग्जामिन ही नहीं करेंगे बल्कि मैंने जो सुझाव दिया है उसके अनुसार चलेंगे इसलिए मैं अपनी अमेंडमेंट मूव नहीं करता हूँ ।

THE DEPUTY 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—Transfer of service of existing employees to Corporation.

THE DEPUTY CHAIRMAN: We shall now take up Clause 11. There is one amendment by Mr. Salaria.

SHRI SHABBIR AHMAD SALARIA: Madam, I beg to move;

(109) "That at page 9, line 3, the word "not" be deleted.

The question was proposed.

SHRI SHABBIR AHMAD SALARIA: Madam, this is a very reasonable amendment. It only says that if there is a finding against a servant of the Corporation and if it is decided to punish him, an opportunity to be heard should be given to him.

THE DEPUTY CHAIRMAN: Now you are punishing the House... *(Interruptions)*...

SHRI SHABBIR AHMAD SALARIA: On the contrary, I am being punished. I am saying that in case there is a finding against a servant of the Corporation and if it is decided to punish him, an opportunity to be heard should be given to him. That is all.

THE DEPUTY CHAIRMAN: I hope you are not pressing it.

Amendment No. 109 was, by leave, withdrawn. Clause 11 was added to the Bill.

SHRI P. UPENDRA: I do not agree! ... *(Interruptions)*...

SHRI P. SHIV SHANKER: Even when it is his Clause, he is not agreeing!... *(Interruptions)*...

THE DEPUTY CHAIRMAN: I am very happy that there is a little humour in spite of all the Clauses... *(Interruptions)*...

SHRI P. UPENDRA: I said that because nobody is voting against us... *(Interruptions)*...

THE DEPUTY CHAIRMAN: You are a Member of this House and you have every right to say "Yes" or "No".

SHRI S. JAIPAL REDDY: We are all very happy because the Congress(I) has reversed its stand of yesterday... *(Interruptions)*...

SHRI N.K.P. SALVE: What is this, Madam? I protest against it... *(Interruptions)*...

THE DEPUTY CHAIRMAN: What is there in it to protest against? It is all in good humour. Don't get angry. We are all conscious that it is only in good humour.

SHRI S. JAIPAL REDDY: If he feels that way, I will withdraw what I said... *(Interruptions)*...

SHRI N.K.P. SALVE: What is the good humour about it?... *(Interruptions)*... We are happy as long as it goes to the other House... *(Interruptions)*...

SHRI S. JAIPAL REDDY: All right. I will withdraw my humour!... *(Interruptions)*...

THE DEPUTY CHAIRMAN: All right. Mr. Salve, he has withdrawn his humour... *(Interruptions)*...

SHRI N.K.P. SALVE: As long as the Bill is going back to that House, we have nothing further to say. That's all.

THE DEPUTY CHAIRMAN: Don't get agitated, please... *(Interruptions)*... You withdraw your humour.

SHRI S. JAIPAL REDDY: I withdraw... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Okay. Good. He has withdrawn it.

Clause 12. There are 21 amendments. Nos. 4 and 5 by Shri Kapil Verma and Shrimati Veena Verma. Are you pressing it?

SHRI KAPIL VERMA: No. But I am very much surprised that the word 'secularism' does not occur anywhere in the objectives of this Bill. You know, in the country today the media is very important. I hope the Minister will accept it.

SHRI P. UPENDRA: Madam, there is a background to this. When we discussed this Bill in the other House, they made a number of suggestions to add to the objects: secularism, democracy, social—and all things were mentioned. That is why it was said that this formulation will cover all those things, the values enshrined in the Constitution. Therefore, that will satisfy...(Interruptions)...

SHRI KAPIL VERMA: They say that it is part of the values enshrined in Constitution. You know what it is. The media is a very important thing. Certain things are happening in the media. The Minister should put down in this....

THE DEPUTY CHAIRMAN: Would you like me to put it to vote?

SHRI KAPIL VERMA: No, not to vote. If he does not accept...

THE DEPUTY CHAIRMAN: I hope he will consider the sentiments...(Interruptions) Everybody's sentiments.

Now, Amendments 23, 24 and 25 by Shri Ahluwalia. (Interruptions) The Member has taken pains to read the Bill and give amendments. I think it is right. He wants to say a few words. I will allow him...(Interruptions)

SHRI S. S. AHLUWALIA: I will not press. I will like to say a few words.

श्री पी० शिव शंकर : पार्लियामेन्टी अफेयर्स मिनिस्टर साहब ने लंच का इंतजाम नहीं किया है ?

उपसभापति : लंच तो हमको लेना ही नहीं था, डिनर का कर देंगे और टुमररो ब्रेकफास्ट (Interruptions)

The Parliamentary Affairs Minister did not react to the suggestion.

SHRI P. SHIV SHANKER: Nor the Information and Broadcasting Minister.

SHRI S. S. AHLUWALIA: पेज 9 की लाइन 15 के बाद जो वहां पर 1885 के टेलीग्राफ एक्ट के बारे में कहा गया है, एक्सप्लेनेशन में, तो 1885 का टेलीग्राफ एक्ट भी अभी तक हमारे साथ चलेगा, इस ब्राडकास्टिंग मिनिस्ट्री के साथ ? मेरी गुजारिश सिर्फ इतनी है कि उसके बाद भी बहुत सारे कानून पेश हुए हैं उसको

or any other law for the time being in force"—

यह जोड़ने की जरूरत है ... (व्यवधान) और पता नहीं क्यों मिस कर रहे हैं। मुझे पता नहीं लगा। यह बड़ा ही बैडली ड्राफ्टेड बिल है। इस पर ध्यान देने की जरूरत है।

(व्यवधान)

महोदया, अभी दो दिन पहले यहां गृह मंत्री जी तकरीर कर रहे थे, जम्मू काश्मीर पर बोल रहे थे और उन्होंने बताया कि तीन सैनिक अप्सरों की जो हत्याएं वहां पर हो गयी, जिनको टेलीविजन और रेडियो पर बताया गया, अखबारों में छपा गया तो वे गलत खबरें थीं, सिर्फ एक आदमी मरा है और दो जिन्दा हैं और जिंदा का ही कंडोलेंस हम भेज रहे हैं। बड़े दुख की बात है। यहां भी हम कह रहे हैं, 12, क्लॉज 2 के बी में—

"(b) safeguarding the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and presenting a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own;"

महोदया मैं कहूंगा कि यह सिर्फ फेयर ही नहीं हुआ चाहिए, यह सच भी होना चाहिए। सिर्फ साफ सुथरे कहने से फेयर कहने से काम नहीं चलेगा, वहां पर सच्चाई भी होनी जरूरी है।

महोदय उसी तरह मेरा 25वां अमेंडमेंट जो है वह पेज नं० 10 में 15वीं लाइन के बाद—मैं वहां पर चार क्लोजेज और इन-सर्ट करने की बात करता हूं।

“(q) providing appropriate programmes depicting the scarcity of potable water in villages and urban areas and highlighting the point regarding use of stagnated water by villagers for drinking and other purposes;

(r) providing comprehensive broadcasting and appropriate programmes on prevailing systems of social disabilities, orthodoxism, exploitation of simple villagers by landlords, Mahajans, priests etc.,

(s) providing comprehensive programmes to depict the child marriages, exploitation of girls and women, in the villages and educating the villagers about their disastrous consequences;

(t) providing appropriate programmes on the difficulties faced by State and local Government.”

महोदय, मैं चाहता हूं कि यह अपनी गाइडलाइन में कम से कम इन सारे प्रोग्राम को इन्क्लूड करें, सारे क्लोजेज लगायें और इशू करें कि इन चीजों को मद्देनजर रखते हुए यह कार्पोरेशन चलनी चाहिए और मैं उम्मीद करता हूं कि पूरे विवेक से काम करते हुए मंत्री महोदय इस पर भी गौर फरमायेंगे।

THE DEPUTY CHAIRMAN: Mr. Thakur, you have given Amendment Nos. 37, 38, 39 and 41. Are you moving them?

PROF. CHANDRESH P. THAKUR:

I am not moving them. But I would like to make few submission on my Amendment No. 38.

The only evil which has been identified is untouchability. If untouchability is still there, it should be treated as an evil and the media must take note of that. I would submit that in the present context the worst evils are casteism and communalism. Vermaji was mentioning about secularism. It seems that at the moment there is a competition between communalism and casteism in exerting pressure on national cohesiveness is concerned. I do hope that the Government although it is taking politically expedient measures, at least—in this context, for the purposes of the media operation, it will consider that in no way any activity of the media will promote any viciousness through fomenting casteism and communalism. Madam, I am speaking this with all seriousness. It is not a debating point. It is not a political point. It is everybody's knowledge that from all walks of life we have criticised that India is characterised by casteism. It is a stigma on our social life. We have been trying to fight it out through education and through other kinds of programmes. Suddenly, this problem has emerged in a vicious way and it is creating lot of tension not only in the minds of young people but all over. So, something must be done. There should be a guarantee that nothing will be done to foment it through the programme activity of the media. We are paying the price of resurgence of communalism, whether promoted by one fundamentalist group or another. Everybody is paying the price. Something must be done to ensure that the media will not be a party in fomenting that. I would like the hon. Minister to react. It is a sensitive matter. I am sure, as a responsible citizen, he is fully exercised about that. If he does not react, it will be misconstrued.

THE DEPUTY CHAIRMAN: You have not moved your amendments.

Now we take up Amendment No. 40 by Shri B. L. Panwar.

SHRI B. L. PANWAR (Rajasthan): Madam, I have given Amendment No. 40. I am not moving it. But I would like to say a few words on it.

I have given this Amendment to Clause 12 with the purpose of adding one more clause. Clause 12 is a very important clause in this Bill about the functions and powers of the Government and the primary duty of the Corporation. Madam, I say that (i) should be added in clause (1) for the purpose of providing adequate coverage for informing the general public by national political parties of their policies, programmes and election manifestos at the time of elections. Madam, if this is not included in this Bill during these democratic times, then what is the use of this Corporation? Every message is to be given by every person to general public. I presume that the hon. Minister will react to it. It is not for a single person. Every Member's conscience will prick and they will support my Amendment. And I leave it to the conscience of the hon. Minister to react, and thereafter I may make my further submission. In case the hon. Minister reacts to it that this is a very important Amendment for the purpose of this Bill itself, then, Madam, when the Bill goes back to the other House, he can add this Amendment in Clause 12. In case he finds any difficulty, I request him to add in the rules which are to be framed under this Act so as to give a chance to every person by means of this media.

With these words, I submit to the conscience of the hon. Minister.

THE DEPUTY CHAIRMAN: Amendment No. 55 by Shri N. E. Balaram—not moving.

Amendment Nos. 56, 99, 100, 111 and 112 by Dr. Ratnakar Pandey.

डा० रत्नाकर पाण्डेय (उत्तर प्रदेश) : मैं प्रस्ताव करता हूँ :

56. "कि पृष्ठ 9 पर, पंक्ति 22 के पश्चात् निम्नलिखित अंतःस्थापित किया जाए, अर्थात् :—

"(घ) राष्ट्रीय समाचार एजेंसियों

के संवर्धन और विकास पर ध्यान देना और गुट निरपेक्ष राष्ट्रों को समाचार एजेंसियों का आवंटन करना ।"

99. "कि पृष्ठ 8 पर पंक्ति 37 में "युवकों" शब्द के पश्चात् "और बच्चों" शब्द अंतःस्थापित किये जायें ।"

100. "कि पृष्ठ 9 पर पंक्ति 4 में "उनके" शब्द के पश्चात् "उत्पादकता कुशलता और" शब्द अंतःस्थापित किये जायें तथा "उनके" शब्द के स्थान पर "उनकी" शब्द प्रतिस्थापित किया जाये ।"

111. "कि पृष्ठ 9 पर, पंक्ति 22 के पश्चात् निम्नलिखित अंतःस्थापित किया जाये, अर्थात् :—

"(घ) संघ की राजभाषा महित, भारत की राष्ट्रीय भाषाओं का संवर्धन करना ।"

112. "कि पृष्ठ 9 पर, पंक्ति 41 के पश्चात् निम्नलिखित अंतःस्थापित किया जाये, अर्थात् :—

"(छ) क्षेत्रीय प्रसारणों के लिए क्षेत्रीय भाषाओं के समाचारों को एकत्र करने और उनका संवितरण करने के लिए भाषा समाचार एजेंसी को प्रोत्साहित करना ।"

The questions were proposed.

डा० रत्नाकर पाण्डेय : माननीया उपसभापति महोदया, संघ की राजभाषा हिन्दी है और भारत की जो राष्ट्रीय भाषाएँ हैं उनके संवर्धन करने का इसमें कोई प्रावधान नहीं किया गया है और साथ ही जो प्रसारण के माध्यम हैं उन प्रसारण के माध्यमों में क्षेत्रीय भाषाओं और हिन्दी के निमित्त कोई ऐसा प्रावधान नहीं किया गया है जिसकी अनिवार्य रूप से इस देश के जन-जन को आवश्यकता है । मैं मंत्री महोदय के विवेक पर छोड़ता हूँ, क्योंकि वह भारतीय भाषाओं के भी प्रेमी हैं और भारतीय भाषाओं के माध्यम से समाचारों का प्रेषण हो

[डा० रत्नाकर पाण्डेय]

और सारी जानकारीयां प्राप्त हों और देश की भाषा अंग्रेजों की दासता की भाषा, गुलामी की भाषा जो अंग्रेजी है उससे परे हट करके समस्त भारतीय भाषाओं में जो राष्ट्रभाषा के रूप स्वीकार है और हिन्दी जो हमारी संपर्क भाषा है, जो हमारी आफिशल लैंग्वेज है, उसके माध्यम से सारा काम हो, यह मैं मंत्री जी के विवेक पर छोड़ रहा हूँ, यद्यपि वह बात किसी और से कर रहे हैं।

उपसभापति : वह आपके हित में बात कर रहे हैं।

डा० रत्नाकर पाण्डेय : मैं चाहूंगा कि मंत्री महोदय थोड़ा सा ध्यान दें ?

उपसभापति : जैकब साहब, मंत्री महोदय को ध्यान देने दीजिए।

डा० रत्नाकर पाण्डेय : भारतीय भाषाओं और राजभाषा और संपर्क भाषा हिन्दी के लिए कोई प्रावधान आपने नहीं किया है। माध्यम अवश्य होना चाहिए और वह माध्यम भारतीय भाषाओं का और राजभाषा का अथवा क्षेत्रीय भाषाओं का होना चाहिए, क्योंकि 84 करोड़ जनता का आत्माभिव्यक्ति का माध्यम आप सुधार करने के लिए कमर कसे हुए हैं। विवेक आपका बंटा हुआ है और उस बंटे हुए विवेक में पता नहीं आप अभी भी ध्यान दे रहे हैं कि नहीं ? (व्यवधान) मंत्री महोदय, विवेक आपका जागृत है और विवेक शब्द का भी प्रचलन आपके लिए हुआ है और हम समझते हैं कि जो संशोधन हम लोगों ने रखे हैं वे आपके विवेक पर छोड़ देते हैं।... (व्यवधान)

श्री चतुरानन मिश्र : पाण्डेय जी, ध्यान बंटा हुआ हो सकता है, विवेक बंटा हुआ कैसे हो ?

डा० रत्नाकर पाण्डेय : पण्डित जी,

“बिन सत्संग विवेक न होई,
राम कृपा बिन सुलभ न सोई।”

बिना भगवान की कृपा के वह प्राप्त नहीं होगा और बिना अच्छे लोगों का साथ लिए प्राप्त नहीं होगा इसलिए आपका विवेक सद्काय में और राष्ट्रभाषा हिन्दी और अन्य भारतीय भाषाओं के लिए तथा भारतीय भाषाओं की समाचार एजेंसियां जो हैं उनको मजबूत करने में भी लगेँ और उसका भी प्रावधान इसमें करें और आपके विवेक पर मैं विश्वास करता हूँ, इसलिए मैं अपने अमेंडमेंट वापस लेता हूँ।

उपसभापति : आप अपने संशोधनों पर यहां पर वोटिंग कराना चाहते हैं ?

डा० रत्नाकर पाण्डेय : मैंने वापस ले लिए हैं।

उपसभापति : वोटिंग नहीं कराना चाहते... (व्यवधान) मैंने हिन्दी में बोला है।... (व्यवधान)

डा० रत्नाकर पाण्डेय : नहीं, मैंने वापस ले लिए।

उपसभापति : अगर आप इस पर मत कराना चाहें तो मैं मत करा सकती हूँ।... (व्यवधान)

डा० रत्नाकर पाण्डेय : लेकिन अगर यह मंत्री जी आश्वासन दें कि वह अपने विवेक का प्रयोग करके भारतीय भाषाओं का और भारतीय भाषाओं की एजेंसियों को मजबूत बनाने का काम करेंगे, तो खड़े हो करके, उठ करके सदन को आश्वासन दे दीजिए।... (व्यवधान)

उपसभापति : इन्होंने विदड़ा करा दिया, इन्होंने यह खुद बोला है।

श्री चतुरानन मिश्र : अभी तक उन्होंने कहा-हिन्दी-हिन्दी। अंत में कहा मैं “विदड़ा” करता हूँ।

उपसभापति : आप कहिए, मैं वापिस लेता हूँ ।

डा० रत्नकर पाण्डेय : मैं उसे वापिस लेता हूँ । महोदया, अंग्रेजी के शब्द जो प्रचलित हो गए हैं, उनका प्रयोग करना चाहिए ।

The amendments, No. 56, 99, 100, 111 and 112 were, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Now, Mr. Vithalbhai M. Patel. Are you moving your amendments, numbers 72 and 73?

SHRI VITHALBHAI M. PATEL: Madam, I beg to move:

(72) "That at page 9, lines 13 to 15 be deleted.

(73) "That at page 9, line 22, for the words "fair and balanced" the words "free and fair" be substituted.

The questions were proposed.

SHRI VITHALBHAI M. PATEL: I want to say something on my amendment, No. 73. It is very simple. I just want that the words "free and fair" to be substituted for the words "fair and balanced". I want that there should be free and fair flow of information. If you say 'balanced', you can interpret it in any way you like. I think, the hon. Minister should not have any objection to free and fair flow of information. If not, let him say. Let the people know that he is not in favour of free and fair flow of information.

SHRI V. NARAYANASAMY: He is not in favour of autonomy also.

श्री पी० उपेन्द्र : मेरे विवेक पर छोड़ दीजिए, बहुत छोड़ चुके हैं मेरे विवेक पर, बहुत भारी हो रहा है विवेक ।

THE DEPUTY CHAIRMAN: Mr. Patel, are you pressing your amendment?

SHRI VITHALBHAI M. PATEL: I am not pressing.

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Amendments, Nos. 72 and 73 were, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Now, amendments, Nos. 97 and 98, by Shri Narayanasamy.

SHRI V. NARAYANASAMY: Madam, I am not moving my amendments. But I just want to say something in respect of my amendment, No. 98.

I want to express my views on this amendment.

THE DEPUTY CHAIRMAN: If you have no views, you would not have given notice of it.

SHRI AJIT P. K. JOGI (Madhya Pradesh): He wants to express his views.

SHRI V. NARAYANASAMY: Madam, in clause 12, not a single word has been said about educating the people in regard to industrial development. Probably, they have not done so because they are afraid of Mr. Devi Lal, the Deputy Prime Minister.

THE DEPUTY CHAIRMAN: You cannot take the name of a person who is not a Member of this House. He is a Member of the other House. He is no more the Deputy Prime Minister. Now, you cannot take his name. Earlier, you could.

SHRI V. NARAYANASAMY: All right, Former Deputy Prime Minister. My submission is that the people of the country should know how the country has developed in the industrial field. This is a very important provision. Clause 12 deals with the functions and powers of the Corporation. This provision is not there. The Board may say that they will not telecast programmes dealing with industrial development. The absence of this provision is very conspicuous. For the purpose of convenience, I would like to read it out.

THE DEPUTY CHAIRMAN: Don't read it out.

SHRI V. NARAYANASAMY: Sub-clause 2(c) of clause 12 says: "paying special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health and family welfare and science and technology". The word 'industry' is conspicuously absent. I would like to know from the hon. Minister whether he wants the word 'industry' to be added or not? If he thinks that the National Front Government does not want industrial development and that the people of the country should not know about it, let him say so.

THE DEPUTY CHAIRMAN: Now, amendment No. 110 by Shri Shabbir Ahmad Salaria.

SHRI SHABBIR AHMAD SALARIA: Madam, I beg to move:

(110) "That at page 9, line 11, after the words "to ensure a", the words "secular and" be inserted."

The question was proposed.

श्री शब्बीर अहमद सलारिया : आई मूव द एमेंडमेंट। हिंदुस्तान की बुनियाद सेकुलरिज्म है और इस एक्ट की कैजुअलटी सेकुलरिज्म हो गयी है। क्लॉज-12 में जहां पर लिखा गया है "बैलेंस डेवलपमेंट" में, मोहतरमा, मिनिस्टर साहब से अर्ज करूंगा कि वहां पर यह लिखा जाना चाहिए --

"to ensure secular and balanced development"

लफ्जे "सेकुलर" वहां पर लिखा जाए तो कौनसा आन्सान जमीन पर गिरेगा? उससे यह कानून भी हिंदुस्तान के आदर्शों के मुताबिक होगा और हमारे माशरे और समाज के लिए बेहतर होगा। लिहाजा लफ्जे "सेकुलर" को यहां पर एड किया जाए। अगर चाहते हैं तो वोट करा लें।

THE DEPUTY CHAIRMAN: I shall now put the amendment, No. 110, to vote.

The amendment, No. 110, was negatived.

Clause 12 was added to the Bill.

Clause 13 (Parliamentary Committee)

THE DEPUTY CHAIRMAN: Now we go to clause 13. There are four amendments. Amendment Nos. 42 and 43 by Prof. Chandresh Thakur.

PROF. CHANDRESH P. THAKUR: Madam, This is an appeal. I leave it to your wisdom.

THE DEPUTY CHAIRMAN: I am not the Minister.

PROF. CHANDRESH P. THAKUR: Madam, we always address to you.

My first point is, I do not want to be misconstrued. I have suggested that the representation by Members of the two Houses should be reversed, that is, 15 from this House and 7 from Lok Sabha. I do not want to be misconstrued that I am creating a kind of competition or confrontation between the two Houses. I have a definite reason for that. Firstly, the Lower House has the constitutional supremacy over the financial bills and for good reasons and we respect that. By the same logic that House may not be in a position to apply its dispassionate judgement on the problems of media. This House has constitutionally been conceived of a different order qualitatively where people are elected not from individual constituency but represent States and several of them are nominated on the basis of their eminence in their respective field. So, we have a kind of more over-view of things. Also, considering this House to be the House of elders, all of us here are 'elders'. May be, relatively younger people are there, but we are elders in wisdom. So, taking into consideration the constitution and character of this House it is in the fitness of things that this House is relatively more represented so that it will be in a position to help committee to apply its mind with intellectual vision, dispassion, with a certain degree of detachment.

The third argument is that the Minister himself as said in the morning that he was born politically and he has risen to this level through this House. So, he has the moral duty to see that the kind of wisdom that he has in himself will be disseminated

further to that body and as a result the deliberations would be richer. I hope you will personally commend that.

THE DEPUTY CHAIRMAN: I hope the Minister will take note of that.

PROF. CHANDRESH P. THAKUR: With this I need not move that.

THE DEPUTY CHAIRMAN: Amendment No. 74.

SHRI N. K. P. SALVE: Madam, I am not moving.

THE DEPUTY CHAIRMAN: Amendment No. 75 by Shri Patel.

SHRI VITHALBHAI M. PATEL: Madam, what Mr. Vajpayee wanted it is in my amendment. In case the Lok Sabha is dissolved, the committee shall continue to function with the Members of the Council of States until the new Members of the House of the People are elected. This is a very innocent amendment. All the 7 Members will continue to be members of the committee and they should be allowed to continue till the new Lok Sabha Members are elected.

THE DEPUTY CHAIRMAN: That is what Mr. Shiv Shanker had clarified that those 7 members will continue to function and he gave the example of Gujarat Assembly. So, that legal problem is clear.

SHRI P. SHIV SHANKER: Vacancy does not make the committee as void.

SHRI JAGESH DESAI: But you have to take care of quorum also because the quorum is 7 and if the Lok Sabha is dissolved only 7 members of Rajya Sabha will be there.

THE DEPUTY CHAIRMAN: Then the quorum will accordingly change. I hope the Minister will take note of (1) quorum in the absence of Lok Sabha, and (2) about the composition of the committee. He pleaded that the Rajya Sabha should have more members because it is a continuous House. If you solve that problem, then in case the other House is dissolved the number of members will be more. So,

I hope you will have a passionate and dispassionate view because you belong to this House.

SHRI VITHALBHAI M. PATEL: What does the Minister say?

THE DEPUTY CHAIRMAN: He is going to think passionately and dispassionately both because he is going to the other House and he will think about all this.

THE DEPUTY CHAIRMAN: I shall now put clause 13 to vote. The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

4 P.M.

Clause 14—(Establishment of Broadcasting Council, term of office and removal, etc. of members thereof)

THE DEPUTY CHAIRMAN: Now we take up clause 14. There are four amendments. Amendments Nos. 6 and 7 by Shri Kapil Verma and Smt. Veena Verma. Not moving?

SHRI KAPIL VERMA: Not moving.

THE DEPUTY CHAIRMAN: Then Amendments Nos. 79 and 80 by Dr. Abrar Ahmed Khan.

डा० अब्रार अहमद खान : मैडम, ये दोनों अमेंडमेंट परिषद से संबंधित मैंने दिये थे और 79 के अन्दर मैडम मैंने यह बात करने के लिए कही थी कि जो भी परिषद के अधीन परिवाद आए, जो भी मामले आए उनको निपटाने के लिए 30 दिन की अवधि तय होनी चाहिए। ऐसा न हो कि कोई मामला बरसों तक चलता रहे जिससे उसकी सिग्निफिकेंस और इम्पोर्टेंस ही खत्म हो जाए। तो मैं यह मानकर चलता हूँ कि माननीय मंत्री जी इस तरफ ध्यान देंगे और इसकी महत्ता को ध्यान में रखते हुए एक निश्चित अवधि तय करेंगे।

और 80, मैडम, जैसे पहले भावना व्यक्त की थी, आप समझ गई होंगी कि

[डा० अब्दुल रहमान खान]

80 में परिषद के संबंध में मैंने कहा है कि कम से कम एक महिला इसके अन्दर अवश्य ली जाए। तो आपकी भावना से मैं अवगत हो गया हूँ और उम्मीद करता हूँ कि परिषद में भी उस भावना को बनाए रखेंगे और कम से कम एक महिला परिषद के अन्दर भी अवश्य लेंगे। इसलिए मैं अपने अमेंडमेंट सूच नहीं कर रहा।

THE DEPUTY CHAIRMAN: I shall now put clause 14 to vote. The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

THE DEPUTY CHAIRMAN: There is one amendment for insertion of a new clause 14A (Amendment No. 44) by Prof. Chandresh P. Thakur.

PROF. CHANDRESH P. THAKUR: I am not pressing it.

Clause 15—(Jurisdiction of and the procedure to be followed by Broadcasting Council)

THE DEPUTY CHAIRMAN: Now we take up clause 15. There are four amendments. Amendment No. 8 by Shri Kapil Verma and Smt. Veena Verma.

SHRI KAPIL VERMA: I want to say one sentence on this. In the Lok Sabha the Minister agreed to the amendment which, as our Deputy Leader has pointed out, has technical defects in it. I hope the Minister will react to it and correct those defects so that the transfer of assets is possible on the basis of lease or licence to the Corporation. Because he has already accepted it in principle, I do not move it.

THE DEPUTY CHAIRMAN: Amendments Nos. 101 and 118 and 119 by Shri V. Narayanasamy.

SHRI V. NARAYANASAMY: Madam, all the three amendments are

comprehensive. In clause 15 I wanted sub-clauses (5) to (7) to be deleted and I wanted instead of "shall advise", the words "shall direct the Executive Member to take appropriate action". Madam, having vested the power to the Broadcasting Council, once again scrutinising the functioning of the Broadcasting Council which has eminent personalities and four M.Ps. may not look advisable. Therefore, I hope the hon. Minister will reconsider the decision that it should go to the Executive Member to decide upon merits and if he disagrees it should go to the Board and the recommendation shall be broadcast on the TV—all this cumbersome procedure can be avoided. I request the Minister to agree to considering it at the time when any amendment to this Bill is thought of. However, I am not moving the amendments.

THE DEPUTY CHAIRMAN: Thank you. I shall now put clause 15 to vote. The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—(Transfer of certain assets, liabilities etc. of Central Government to Corporation)

THE DEPUTY CHAIRMAN: We shall now take up clause 16. There are five amendments. Amendments Nos. 9, 10 and 11 by Shri Kapil Verma and Smt. Veena Verma.

SHRI KAPIL VERMA: I am not moving them.

SHRI B. L. PANWAR: I had sent one amendment. It was not circulated.

THE DEPUTY CHAIRMAN: Your amendment is not listed here. Was it listed? No. When it is not listed and it is not circulated, it cannot be spoken on. Technical difficulty is there.

SHRI B. L. PANWAR: Madam, it is only a misprint.

THE DEPUTY CHAIRMAN: Is it a misprint? The Secretariat did not receive a notice.

SHRI B. L. PANWAR: I have only said that work "back" is printed there which should have been "book".

THE DEPUTY CHAIRMAN: It is a printing mistake. The correction has already been made. So if your amendment was there, it has been taken care of. Then Amendment No. 76 by Shri N. K. P. Salve. He is not present. There is one amendment, No. 102, by Dr. Ratnakar Pandey. He is not moving it. I shall now put clause 16 to vote.

The question is:

"That clause 16 stands part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17—Grants, etc., by Central Government.

THE DEPUTY CHAIRMAN: We shall now take up clause 17 of the Bill. There are four amendments. One amendment, No. 12, is by Shri Kapil Verma.

SHRI KAPIL VERMA: Madam, I am not moving the amendment, but I want that the revenues from commercial advertisements should go to the Government because there may be a big attempt by the multinationals, private organizations and big business to capture this vital area through advertisements because it is the main source of income. I want these revenues to go to the Government so that the Government will find out from where these are coming so that the danger of multinationals and foreigners interfering in our affairs is not there. I hope the Minister will kindly look into it from the security angle also.

THE DEPUTY CHAIRMAN: Take care of it. Now, amendment Nos. 26 and 27 are by Shri S. S. Ahluwalia.

श्री सुरेन्द्रजीत सिंह अहलूवालिया : महोदया मैं अपना अमेंडमेंट तो मुव नहीं करूंगा पर यह कहना चाहता हूं कि अभी कुछ दिन पहले पी० उपेन्द्र साहब सपत्नीक लंदन गए थे और बी०बी०सी० की फंक्शनिंग को देखने के लिए वे कहां के स्टूडियो में भी गए और वहां उन्होंने एक इंटरव्यू दिया था और वह इंटरव्यू मैंने सुबह-सुबह रेडियो पर सुना था जहां उन्होंने बड़ा साफ सा प्रश्न किया था कि आप एटोनोमी देने की बात करते हैं ग्रॉल इंडिया रेडियो और दूरदर्शन को और फाइनेंस अपने हाथ में रखते हैं तो यह कैसी एटोनोमी होगी ? जब आपका मन करेगा जैसा प्रोग्राम डालने के लिए आप डाल देंगे। उसमें यह सीधी सी बात है महोदया कि ये तो गिव एंड टेक की पालिसी पर चल रहे हैं और कल को जो भी सरकार आएगी वह इस कारपोरेशन के साथ ट्रेडिंग किया करेगी वार्टर सिस्टम पर कि तुम हमारा प्रचार करो हम तुम्हें पैसा देंगे। महोदया, इस प्रचार को बंद करने के लिए अगर एटोनोमी देनी है तो वह पूरी देने की जरूरत है और वह कंडीशनल नहीं होनी चाहिए और उसके बारे में मैंने अपने अमेंडमेंट में कहा है। महोदया, यह बहुत इम्पोर्टेंट सवाल है। सारी चीज यहीं पर आकर रुक जाती है क्योंकि मुद्रा के बिना कुछ काम नहीं चलता।

महोदया, यहां पर जहां कहा है कि—

"For the purpose of enabling the Corporation to discharge its functions efficiently under this Act...."

यहां ग्रांट्स की बात है—

"The Central Government may

महोदया, मेरा यही कहना है कि "May" को जगह "Shall" लिखा जाए और आगे क्लॉज 2 में लिखा है—

"such other sums of money as that Government considers necessary."

[श्री सुरेन्द्रजीत सिंह अहलुवालिया]

क्योंकि गवर्नमेंट क्या आन्सर करती है
The Corporation will decide how much money they require and, if they require some money,

उस टाइम में सरकार को यह जानना चाहिए । जैसा कि कपिल वर्मा जी कह रहे थे कि जितना एडवर्टाइजमेंट का पैसा है वह सरकार को आना चाहिए । वह सरकार को चला आए और उनको पैसा नहीं मिले तो वह चलाएंगे कैसे । ?

श्री कपिल वर्मा : मल्टी-नेशनल्स कैप्चर कर लेंगी . . . (व्यवधान)

विदेश मंत्रालय में राज्य मंत्री (श्री हरि किशोर सिंह) : आप उनको समझा लीजिए ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
हरि किशोर सिंह जी, मैं पहले आपको तो समझा लूं . . . (व्यवधान)

THE DEPUTY CHAIRMAN: Mr. Ahluwalia, please stick to your point. Please, you don't speak to all.

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
महोदया, पहले विजया चक्रवर्ती समझा लें पी० उपेन्द्र को . . . (व्यवधान) मंत्री सुनें तो

उपसभापति : मंत्री जी सुन रहे हैं ।

श्री सुरेन्द्रजीत सिंह अहलुवालिया :
महोदया, मेरा सिर्फ यह कहना है कि जो बी बी सी० को उन्होंने इंटरव्यू दिया था उस पर चलते हुए क्या वह उसी पर बरकरार रहेंगे और निगम के पैसे को रोकने के लिए उसकी गर्दन को दबाने की कौशिश नहीं करेंगे ? कम से कम मैंने जो अमेंडमेंट्स इस मुद्दे पर दिए हैं उनका ख्याल रखकर बिल में आवश्यक अमेंडमेंट लाने की कोशिश करेंगे ?

THE DEPUTY CHAIRMAN: There is an amendment. No. 45, by Prof. Chandresh P. Thakur. He is not moving it. I shall now put clause 17 to vote.

The question is:

"That clause 17 stands part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 17—Funds of Corporation.

THE DEPUTY CHAIRMAN: We shall now take up clause 18. There is one amendment by Dr. Abrar Ahmed Khan.

डा० अब्रार अहमद खान : महोदया, मेरा अमेंडमेंट कलाज 18 पर है जिसमें मैंने कहा है कि भारत की 80 प्रतिशत जनता गांवों में रहती है । जब दूरदर्शन का विकास हुआ था तो स्वर्गीया प्रधान मंत्री श्रीमती इंदिरा गांधी जी ने इस बात का प्रयास किया था कि इसका लाभ गांवों में रहने वाले खेतिहर मजदूरों को, किसानों को मिले और गांवों में जहां अधिकतर लोग रहते हैं, दूरदर्शन पहुंचे । लेकिन इस बिल में गांवों के अंदर किसी भी राशि के खर्च करने के संबंध में कोई बात नहीं कही गई है अतः मैंने इसके अंदर यह अमेंडमेंट चाहा है कि—

"(4) निगम ग्रामीण क्षेत्रों में, ग्राम पंचायतों को मुफ्त टेलिविजन सैट दिए जाने सहित, दूरदर्शन नेटवर्क के विकास और सुधार के लिए अपनी आय में से प्रति वर्ष एक निश्चित रकम खर्च करेगा ।"

अगर इस धारणा के साथ माननीय मंत्री जी इस पर विचार करें कि जो दूरदर्शन हमारे देश के अंदर स्थापित करें, वहां के विकास में स्वर्गीय इंदिरा गांधी जी की जो धारणा रही है, जिसके लिए उन्होंने अथक प्रयास किया है, उसको बढ़ाने के लिए उनके प्रयासों से हर जिले में दूरदर्शन केन्द्र बने तो उन गांवों की आज हम उपेक्षा नहीं कर सकते । इसके लिए एक निश्चित राशि गांवों में खर्च हो, गांवों में मुफ्त टेलिविजन लोगों को मिले, इसकी व्यवस्था होनी चाहिए । मैं उम्मीद करता हूं कि माननीय मंत्री जी इस पर विचार करेंगे और गांवों में इसको विकसित करने के लिए प्रयास करेंगे । इस उम्मीद के साथ मैं अपना अमेंडमेंट वापस लेता हूं ।

THE DEPUTY CHAIRMAN: I shall now put clause 18 to vote. The question is:

"That clause 18 stands part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 to 22 were added to the ment to give directions

Clause 23—Power of Central Government to give directions

THE DEPUTY CHAIRMAN: We shall now take up clause 23. There are four amendments.

Amendment No. 28 is by Shri S. S. Ahluwalia.

SHRIMATI JAYANTHI NATARAJAN: Madam, I am happy to inform you that I have persuaded him to leave the House.

THE DEPUTY CHAIRMAN: Okay. Than you very much. Kindly persuade other people also.

Amendment No. 46 is by Shri B. L. Panwar.

SHRI B. L. PANWAR: Madam, I am moving the amendment.

I move;

(No. 46)

"That at page 15, line 6, after the word "Parliament" the words "while it is in Session or immediately in the next Session commencing just after issuing directions" be inserted."

The question was proposed.

THE DEPUTY CHAIRMAN: I will put it to vote.

SHRI B. L. PANWAR: Let me explain my view point.

The power of the Central Government to give directions is there. But there is no provision in clause 34 to

place them before Parliament. Clause 34 is only regarding rules and regulations. In that the word "direction" is not there. The hon. Minister will see that the directions given should be placed before Parliament. They should be placed in the on-going session or immediately in the next session commencing just after issuing the direction. This has to be inserted. This is my amendment, and this is most important because this has been left over in clause 34. These directions should be placed before Parliament and Parliament has to give approval. If this amendment is not there, it will leave the Government to place them at any time it wants after the directions have been given to the Board. Therefore, I put it to the sense of the hon. Minister to see that this provision is also included in the rules. Therefore, I don't press the amendment.

Amendment No. 46 was, by leave, withdrawn.

SHRI P. UPENDRA: Okay. (Interruptions)

THE DEPUTY CHAIRMAN: Okay. Dr. Ratnakar Pandey. Amendment No 57.

DR. RATNAKAR PANDEY: I am not moving.

THE DEPUTY CHAIRMAN: Amendment No. 113 is by Shri Shabbir Ahmad Salaria. (Interruptions)

SHRI SHABBIR AHMAD SALARIA: Madam, it is a very serious matter.

THE DEPUTY CHAIRMAN: I am happy that today even Mr. Ratnakar Pandey is fed up.

SHRI SHABBIR AHMAD SALARIA: Mr. Minister may kindly note.

THE DEPUTY CHAIRMAN: Mr. Ahluwalia is also fed up.

SHRI DIPEN GHOSH: Mr. Ahluwalia has gone out.

SHRI SHABBIR AHMAD SALARIA: Will the Minister give me a ear for a minute?

SHRI P. SHIV SHANKER: He has persuaded himself to leave the House though he has ten more amendments.

SHRI SHABBIR AHMAD SALARIA: Clause 23 gives power to the Government to give direction. What the Corporation has to do has already been mentioned in clause 12. Therefore, clause 23, in regard to direction, is a useless clause. It is only a method to make the Corporation subservient to the Government and take away its independence. Therefore, I say that Clause 12 may be replaced by another clause saying that the Corporation shall act in accordance with Clause 12; and if it does not, then the Government may take it over. Not if your directions are not obeyed, then you take it over.

So, I move:

113. That at page 14-15 clause 23 be deleted.

The question was put and the motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

श्री अंबर लाल पंवार : उपसभापति महोदया, क्लॉज 23 में जो कमी थी वही क्लॉज 25 में है। नोटिफिकेशन के संबंध में पार्लियामेंट के सामने किस किससे पेश किया जाए इसका उल्लेख नहीं है। इस लिए इस पर ध्यान देकर शीघ्रातिशिघ्र प्रावधान करें। ऐसा मेरा कहना है।

THE DEPUTY CHAIRMAN: The question is:

"That Clause 25 stands part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

Clauses 26 and 27 were added to the Bill.

Clause 28 was added to the Bill.

Clause 29 was added to the Bill.

Clause 30 was added to the Bill.

Clause 31 was added to the Bill.

Clauses 32 to 34 were added to the Bill.

Clause 35—(Power to remove difficulties)

SHRI B. L. PANWAR: I propose that at page 18, line 43, for the word "three" the word "five" be substituted. The intention is that after the period of five years when the new Government comes after the elections it will consider the difficulties. If we keep three years' period, the same Government will not be able to think over those difficulties. So, it would be proper if we substitute five years instead of three years. But, Madam, I do not press my amendment.

THE DEPUTY CHAIRMAN: The question is:

that clause 35 stand part of the Bill"

The motion was adopted.

Clause 35 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. UPENDRA: Madam, I would like to thank all the hon. Members for the excellent cooperation.

THE DEPUTY CHAIRMAN: After passing the Bill. You cannot include it in the Bill.

SHRI P. UPENDRA: Madam, I also thank you for....

THE DEPUTY CHAIRMAN: After wards, let me pass it. It is still with me.

SHRI P. UPENDRA: After that I need not say. And also paving the way for lessening my burden ultimately. As I said earlier we are fulfilling one of the important promises made by the National Front in its manifesto(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Upendra, please get the Bill passed.

SHRI P. SHIV SHANKER: Madam, his thanks we take it for granted. Let the Bill be passed.

SHRI P. UPENDRA: I will move after introduction. I accept the amendment of Shri Rajmohan Gandhi when he said that this is a gift of the Parliament of India, to the nation and it will herald a new dawn, a new era in the broadcasting history of this country. It will strengthen the democratic fabric of our country and we will take immediate follow-up action on this Bill after the Lok Sabha adopts it with these small amendments and the President gives his assent. As I said in the other House, these procedural aspects will take six months, giving options and the selection of the Board, etc. Our outer limit is March 31 of next year. I will keep all the suggestions made by the hon. Members through their amendments while framing the rules and regulations. We will definitely keep all these suggestions in view. Our intention is to make it a perfect Bill, perfect Act. Of course, still I can say that it is not the final word. We may have to amend it many times.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: Then, send it to the Select Committee.

SHRI P. UPENDRA: I thank you and other Members.

Madam, I move:

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

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: I thank all the hon. Members for their patience in reading the Bill and giving so many amendments and get it through and speaking and giving all the cooperation. I congratulate the Minister and thank the Members and congratulate them also. It is a very auspicious day for us because it is the birthday of Dr. Radhakrishnan. So we hope in the spirit of his memory, this Bill will prove good for the country and the information.

श्रीमती प्रतिभा सिंह (बिहार): मैडम, आपने कहा था कि बिल के पास होने के बाद आप मुझे मामला रज करने की इजाजत देंगी ।

उपसभापति : आप बोलिये, बोलिये ।

POLICE FIRING ON STUDENTS IN PATNA

श्रीमती प्रतिभा सिंह (बिहार) : उपसभापति महोदया, आपके द्वारा मैं कल जो पटना में घटना हुई, उस घटना को इस सदन में पेश करना चाहती हूँ ।
... (व्यवधान) ...

उपसभापति : अभी नहीं सलाखिया साहब, आज आप बहुत बोल चुके हैं ।

श्रीमती प्रतिभा सिंह : कल पटना में विद्यार्थी लोग प्रोसेशन ले जा रहे थे ।
... (व्यवधान) ... महोदया, मैं आपका ध्यान आकर्षित करना चाहती हूँ । मैंने बहुत देर इंतजार किया है कि मैं इस घटना को आपके द्वारा इस सदन में पेश करूँ । कल काफी बड़ी संख्या में विद्यार्थी लोग जा रहे थे और उन पर गोलियाँ चलाई गईं । वे विद्यार्थी निहत्थे थे