

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): So many restrictions?

MR. CHAIRMAN: I will allow everyone. What is there? I will give every leader a chance.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): It is a curtailment of our freedom.

MR. CHAIRMAN: I will give every leader a chance.

AN. HON. MEMBER: Sir, is it a Special Mention or a discussion?

MR. CHAIRMAN: It is called a Special Mention in which everybody will be permitted to speak.

SHRI PARVATHANENI UPENDRA: Sir, while allowing us to speak on the freedom of the Press, you have curtailed our freedom of speech.

MR. CHAIRMAN: The Chair, unfortunately, has to curtail the liberty of an extended speech.

PROF. C. LAKSHMANNA (Andhra Pradesh): Chairman should facilitate Members to express their views.

REFERENCE TO THE THREAT TO THE FREEDOM OF THE PRESS

SHRI JASWANT SINGH (Rajasthan): Mr. Chairman, Sir, I am well aware of the restrictions you have placed on me while permitting me to make my submissions which I wish to put across to you and to the House. Notwithstanding these restrictions, I am grateful to you for giving me this truncated permission.

I would like to take this opportunity to mention that more than anywhere else in Parliament is one struck by the thought that quite often there is little point in being right if one is powerless to assert that very right. I am well aware of the restrictions you have placed on me and I shall abide by them. But I must say that the discussion which you have permitted and

the concern which you have allowed us to mention in the House is in a specific political and Constitutional context. That specific political and Constitutional context will not evaporate merely because we will not mention names. Of course, we will not mention names. There is nevertheless a constitutional, political and legal context to the aspect of freedom of the Press as we discussed it today. I shall take a minute to refer to a sentence from a debate in the Constituent Assembly when the draft Constitution was being discussed and this sentence was by Kazi Karimuddin, in relation to the first aspect, namely, the freedom of speech. He said: "Mr. Vice-President, Sir, there is no denying the fact that this article, the draft article, is the very life of the draft Constitution. Without this article, the Constitution will be a dead letter". Which, Sir, was the draft article of the Constitution which was being discussed? In the draft, it was article 13; in the finalised Constitution, it has become article 19, which guarantees to the citizens of India seven fundamental freedoms which are exercisable by them throughout and in all parts of the territory of India. They are: Freedom of speech and expression; freedom of assembly; freedom of association; freedom of movement; freedom of residence and settlement; freedom of property and freedom of profession, occupation, trade or business. Sir, I would seek your permission to elaborate a little bit on the question of the freedom of speech and expression. Freedom of speech and expression means right to express one's convictions and opinions freely by word of mouth, writing, printing, pictures or any other mode. A democratic Government attaches great importance to this freedom because without freedom of speech, appeal to reason, which is the basis of democracy, cannot be made. Sir, in a case which is now a torch-bearer in *Romesh Thapar vs. the State of Madras*... Patanjali Sastri, C.J., observed as follows and I commend this observation to the House, with your permission:

"Freedom of speech and of the press lay at the foundation of all democratic organisations, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible. A freedom of such amplitude might involve risks of abuse. But the framers of the Constitution may well have reflected with Madison, who was the leading spirit in the preparation of the First Amendment of the Federal Constitution, that it is better to leave a few of its noxious branches to their luxuriant growth than by pruning them away to injure the vigour of those yielding the proper fruits."

I commend this observation and while commending it I will be very brief because a number of other speakers would also wish to associate themselves with this important matter. I do wish to assert that the freedom of press is not confined to newspapers and periodicals but includes pamphlets, leaflets, circulars and other sort of publication which affords a vehicle of information and opinion. It needs no emphasis that a free press, which is neither directed by the executive nor subject to censorship, is a vital element in a free State. The right to freedom of speech is infringed not only when there is a direct ban on the circulation of a publication, but also when some action on the part of the Government would adversely affect the circulation of the paper. This, Sir, is the substance to which you have very kindly given permission to refer.

MR. CHAIRMAN: Mr. Jaswant Singh, I want to clarify one thing. When I gave the ruling that I will not permit any names, it is because all of them are *sub judice* and people may not misunderstand my ruling. I said, no reference to any paper and all that is allowed because all these matters are *sub judice*. Nevertheless I have allowed a discussion on the right

of the freedom of speech and expression, and you may continue.

SHRI JASWANT SINGH: I am aware and I appreciate the constraint on matters which are *sub judice* not being referred to by either House of Parliament. And we are well aware of what is *sub judice* and what is not *sub judice* when the very instrumentality of taking the press to a situation, where it becomes *sub judice*, places upon us this restriction that the press might be made *sub judice* and thereby debarred from an honest, informed and a vital aspect of discussion of the working of democracy. I appreciate the constraint about matters which are *sub judice* but this is something on which the House in its totality ought to reflect that wherein it comes to the question of freedom of speech and where we are cognizant and indeed appreciative of the principle of *sub judice* matters not being discussed in the House, whenever there is encroachment of the fundamental right of freedom of speech merely because the executive has chosen to take one or another section of the press to the judiciary and has charged them with whatever their misdemeanour, we ought to reflect very deeply as to whether by that action against the Press we are not curtailing one of our very fundamental arms of the functioning of our democracy.

I could go on for a long time on this because the subject is vast, deserving of this kind of attention, but now I would like to make some recommendations.

Firstly, I would like to urge upon the Government to shun any intimidation of the press, of any kind by design or by default, intimidation of the press when the executive is untrammelled, when the executive is embarrassed and if out of reasons which are of executive inconvenience you take to the path of intimidation of press, you are in effect thwarting democracy, you are in effect intimidat-

[Shri Jaswant Singh]

ing democracy itself. My next submission and my next urging to the Government would be not to over-extend executive powers by using the muscle of the Government, the muscle of the executive to gag the press. I have referred earlier to very learned and very noteworthy pronouncements of Justices who have brought out this aspect lucidly and clearly that intimidation of press is not merely by controlling its circulation. You will intimidate, you will control freedom of speech if by implication you convey a message to the total press in the country that you have taken a certain stand, a certain step against a certain organ of the total press and by taking that action, you have conveyed a total message to the country and to the press and that message is intimidatory and it does involve the aspect of freedom of speech and freedom of press.

I would request the Government not to make the press a target of Government's own frustration. If the Government by its malfunctions, by its incapacity has acted wrong in certain fields, it should not make the press as the target of its own incapacity.

There are a number of other speakers who wish to associate with this, so I will conclude by just two thoughts. Arrests, raids and such activities must be for the preservation of law, not for a selective browbeating of the inconvenient. And finally, freedom of speech and expression and the right to know are the very life-blood of democracy. Don't by governmental fiat sever this artery of our democratic life. Thank you.

MR. CHAIRMAN: Shri Gopalsamy. In order of the people who came and asked for permission, I am calling.

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Chairman, Sir, I am extremely grateful to you for this opportunity. Freedom of the press is the bulwark of democracy which is unfortunately in great danger due to

some menacing move of the present Central Government. Freedom of the press is the life-line of democracy; but I am afraid there is a pernicious move, a dangerous move on the part of the Union Government of India to tame the press, to throttle the press which does not fall in line with the Government of India, or toe the line of the Central Government. Of course, it is very difficult to express certain views because you have put the parameters already. Anyhow, it is my bounden duty, through you, Sir, to draw the attention of the Government to the danger in taming the press. It is very unfortunate that the Government of India recently tried boxing the air instead of giving clarifications for some serious questions. Whenever a regime or government decides to run rough-shod, becomes authoritarian, totalitarian in its approach, the first step of such a regime is to tame the press. That the history witnessed during the days of Mussolini in Italy, under the spell of Adolf Hitler... (Interruptions) I am telling what happened, what history witnessed. Why do you get agitated? Are you going to deny that?... (Interruptions)... During the days of the Third Reich under Adolf Hitler, during the days of Salazar in Portugal, during the days of Franco in Spain and during the days of Idi Amin in Uganda, history witnessed an onslaught on democracy and also the consequences and the net result is there for you to see. What did they reap? What they sowed, they reaped. Of course, I now come to the point—because my colleagues from the Treasury Benches were a little bit perplexed or agitated when I referred to Hitler and Mussolini. Sir, this country, India also witnessed such an onslaught on the press during the dark days of Emergency.

MR. CHAIRMAN: You did not compare with Hitler and Mussolini the Government of India. You merely said, historically there were...

SHRI V. GOPALSAMY: Okay, Sir, I stand corrected.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): He made a suggestion, Sir.

PROF. C. LAKSHMANNA (Andhra Pradesh): The only thing is, it touches the guilty conscience of the Government.

MR. CHAIRMAN: He did not compare...

SHRI V. GOPALSAMY: I am just narrating history... (Interruptions)... It is up to them to make comparisons. Sir, this country witnessed an onslaught on the freedom of the press, which is the lifeline of democracy, during the dark days of Emergency. Sir, I am afraid, again there is a move, a dangerous move, on the part of the Government to bring back those dark days of Emergency in this country. Therefore, Sir, not only the Members of Parliament, but the people of India also are very much agitated.

THAKUR JAGATPAL SINGH (Madha Pradesh): Point of order.

MR. CHAIRMAN: What is the point of order?

THAKUR JAGATPAL SINGH: He wants to quote history or what? Does he want to raise the history of Mussolini and Hitler?... (Interruptions)...

MR. CHAIRMAN: I don't think the Government of India says there should be no freedom of press. They are also saying the same thing, you are also saying the same thing. Why are you worried?

SHRI S. S. AHLUWALIA (Bihar): Where is his Special Mention?

MR. CHAIRMAN: Why are you worried? All right, Mr. Gopalsamy, now please conclude. You are creating some problems.

SHRI V. GOPALSAMY: I am concluding, Sir. Sir, we suffered the dark cells of the prison in order to uphold the freedom of the press. Therefore, I quoted what happened in other countries and also in our own country. So, through you I would request the Government not to take any step to tame the press, to throttle the press which will be the death-knell to democracy.

MR. CHAIRMAN: Mr. Gurudas Das Gupta. Five minutes, strictly.

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, when a Government loses its credibility, it takes recourse to authoritarianism, and the first step of authoritarianism is to gag the press... (Interruptions)... Sir, it is extremely unfortunate that we have to encroach upon the valuable time of this august House to raise the issue of freedom of the press and freedom of journalists. It is because something has happened very recently in this country. Therefore, we feel greatly alarmed.

Mr. Chairman, Sir, you will kindly remember, the country was under Emergency and during the Emergency the press was gagged and the people who gagged the press had to pay the price for it. Unfortunately, the historical lesson of the Emergency is being forgotten or sought to be forgotten to the great detriment of our national interest... (Interruptions)....

SHRI KAPIL VERMA (Uttar Pradesh): What is happening in Moscow?... (Interruptions)...

SHRI GURUDAS GUPTA: Sir, let me refer to America because people nowadays are becoming very much interested about America. We are importing computers from America. There was the watergate scandal. The paper which published the news was the "Washington Post" and the gentleman who leaded the news

[Shri Gurudas Das Gupta]

was Mr. Woodward. After the Water-gate scandal, President Nixon had to resign. Even then the premises of the "Washington Post" was not searched. Neither Mr. Woodward was arrested. Very recently the American press leaked out the illegal sale of arms to Iran. The American press also printed a report about financing to Nicaraguan rebels with the money that they received out of the sale of arms to Iran. Even after that there has not been a search of any press premises in America. Nor was the journalist who did it arrested. That is how the freedom is being valued even in America for which many of you have so much of faith and so much of love.

My point is not a comparison between America and the Soviet Union. My point is, in a number of countries in the world the freedom of the press is valued. The freedom of the press is associated with the advancement of the civilisation. When the country is at the threshold of the next century, the freedom of the press is sought to be gagged. If the freedom of the press is sought to be gagged, what remains of democracy, what remains of the Constitution that Pt. Jawaharlal Nehru framed for the country? Sir, freedom of speech, freedom of press and freedom of journalists are an integral concept, and it is a part and parcel of the democratic system and the democratic Constitution which all of us boast of.

Sir, I raise this issue because I feel greatly alarmed because of some recent development. I raise this issue because I feel something is being done by the Government to silence the press because something has appeared in the press which has inconvenienced some person who is in power today.

SHRI M. S. GURUPADASWAMY (Karnataka): Mr. Chairman, Sir, you know in what context we are raising this issue. Because of the constraints

which you have imposed, we are unable to discuss the matters which are worrying us at the present moment. The whole country is exercised over it, you are aware.

Sir, let me, at the outset, say that this country is not a country of Lilliputs. This is a country of free citizens. And as free citizens we function here. Otherwise, Parliament has no place, and we have no place in Parliament. Whatever may be the technicalities, the procedural bottlenecks and legalistic cobwebs which prevent us at the present moment to raise the issue that we wanted to raise, you were kind enough to permit us to have this short debate keeping in view the context, the important context, the background in which it is being raised.

Sir, the expression 'Swaraj is my birth-right' would not have been there and we would not have got the *Swaraj* but for the freedom of expression and information that we have exercised even against great odds in the past. This is not a simple matter. You were a Member of Parliament in good old days in 1952.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): In the provincial Parliament.

SHRI M. S. GURUPADASWAMY: Not merely provincial Parliament. But later on in the first Parliament, when the freedom of the press was debated in the Lok Sabha, Pandit Nehru quoted a famous authority which he remembered. He said: "If there is a choice between a Government without newspapers and newspapers without a Government, he will choose the latter." He said the liberty of the press was paramount for him. Wherever and whenever the liberty of the press is stifled in any manner under any pretext, democracy itself will be stifled. There will be no democracy. I am aware of the misuse of the Press. And the

Constitution provides reasonable restrictions on the freedom of expression and on the freedom of information. We cannot go beyond these contours prescribed by the Constitution. But within these contours—they are democratic contours—the freedom of the Press or the right to information is basic and fundamental, sacred and inviolable. If a person, however, big threatens or intimidates the freedom of the Press, the freedom of information, thereby he tries to blackmail the press, tries to abridge its freedom. He is abridging the democracy itself. Therefore, Sir, whereas I do not want to refer to the reasonable restrictions that have to be imposed over any freedom for that matter, I reiterate that while taking actions against the Press, the journalists, who work in the Press, the Reporters and the Photographers, we are doing a great harm, a grave injustice, to ourselves as democrats. We have given democracy to ourselves, not to anybody else. So, if there is any reasonable suspicion that the exercise of freedom of the Press has led to arrest of a person or raiding of his offices or his house, it will be bad for the Government. As you are aware, Government should be above suspicion like Caesar's wife should be above suspicion. The freedom of the Press is very precious and dear to us. We do not thereby commend any irresponsible Press, but a responsible Press cannot be stifled. The exposure of the Government, its omissions and commissions, is the duty and responsibility of the responsible Press. The role of the Opposition is also to expose the Government. What are we here for? We are not here to flatter you, to say yes to everything. We are here to expose you, to criticise you and to throw you out. That is our right. You cannot compel to toe your line. (Interruptions) While right of the majority is to rule, the right of the minority is to oppose. You cannot take away that right. You cannot do that. In this country the right of the opposition is being stifled also... (Interruptions)...

MR. CHAIRMAN: Gurupadaswamy does not say physically. He says through the electorate, through you.

SHRI M. S. GURUPADASWAMY: I know, Sir. I am not a match physically to my friend, Mr. Buta Singh.

SOME HON. MEMBERS: Mr. Buta Singh is a gentleman.

SHRI M. S. GURUPADASWAMY: Sir, we are discussing very fundamental things. It is most unfortunate for the last few months, journalists have been browbeaten by the authorities. The pressmen, the editors, the reporters and the photographers in many places in Indai, have been complaining bitterly about the rude behaviour of the officials and rude behaviour of the authorities concerned. No action has been taken. No notice is being taken. It is most unfortunate. Therefore, Sir, may I end by saying that article 19 is very important, fundamental and basic. The freedom of the press springs from the freedom of expression and freedom of speech. This can never be throttled by anybody—whatever may be the motivations on the part of the Government, let me tell them, the recent acts of the Government of India, in respect of certain papers, in respect of those persons who have exposed you, is most deplorable and stands public condemnation. Nobody in India will excuse you. You may think that you have got power and authority to do anything you like, but let me remind, you have paid a price in the past and you will pay a price again in future.

MR. CHAIRMAN: Mr. N. K. P. Salve.

SHRI PARVATHANENI UPENDRA: What about me, Sir?

MR. CHAIRMAN: You are all coming. Everyone of you will get a chance. I never deny you a chance to speak.

SHRI N. K. P. SALVE (Maharashtra): Mr. Chairman, Sir, article 19 (1) (a) of our noble Constitution which takes in freedom of the press is not only totally sacrosanct but speaking for myself and for my party, I want to submit and want to go on record that it is totally non-negotiable. Over years, I am proud, my party and its leaders, they are quoted in the House towards championing the cause of the freedom of the press. No Opposition leader has been quoted for championing the cause of the freedom of the press as much as our leaders have been quoted. We have stood by it. We stand by it and we shall continue to stand by it for ever.

SHRI V. GOPALSAMY: What happened in 1975?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT): Please don't interrupt. Nobody interrupted you.

SHRI N. K. P. SALVE: But, Sir, questions do arise. One has to decide—whether what is involved is the question of the freedom of the press or what is involved is an act of espionage, an act of stealing away an invaluable secret document of the Government of India. So far as the exposure of omissions and commissions of the Government is concerned, who has ever said that they cannot do it—papers cannot do it? Day in and day out, in season and out of season, mostly out of season, they have been writing everything about the Prime Minister.

SHRI V. GOPALSAMY: He is breaking the parameters.

SHRI N. K. P. SALVE: Am I (Interruptions).

MR. CHAIRMAN: He said that day in and day out you are...

SHRI V. GOPALSAMY: We did not say anything about the Prime Minister.

MR. CHAIRMAN: He said that day in and day out you are criticising the Government.

SHRI V. GOPALSAMY: Sir, he is referring to the Prime Minister.

MR. CHAIRMAN: The Government is substituted for the Prime Minister.

SHRI GURUDAS DAS GUPTA:*

MR. CHAIRMAN: Nothing of what Mr. Gurudas Das Gupta has said will go on record.

SHRI N. K. P. SALVE: Day in and day out and in season and out of season and mostly out of season, this Government has been criticised right, left and centre. It has been criticised for its certain acts of commission... (Interruptions).

SHRI GURUDAS DAS GUPTA*

MR. CHAIRMAN: Mr. Gurudas Das Gupta, you are not observing the norms or the rules. Nothing will go on record.

SHRI N. K. P. SALVE: Sir, that I want to submit is that as hon. Shri Gurupadaswamy said, it is the prerogative, the right of the newspapers to attack and attack heavily any act of commission or omission of the Government. If it be right, Sir, we will be with them, we will be with the newspapers and we will always abide by the cardinal principles of championing the cause of the freedom of the press. Sir, it is the duty of the newspapers to carry dissent to the corridor of power and they must never compromise, but they do. I submit, a line has to be drawn when in the process, it is found, sometimes that certain acts are committed by owners of the newspapers here and

*Not recorded.

there which are offences of extremely grave and serious nature tantamounting to combination of espionage, sedition and sabotage, three of them together, a question does arise what has the Government to do? Is it to sit as a helpless sepectator and allow the invaluable document of the State to be stolen away? (*Interruption*).

MR. CHAIRMAN: We cannot have a sentence by sentence debate. See, you have had your say. He will have his say. Somebody else, on your behalf will have his say. You must think, Mr. Gurudas Das Gupta that you are, not the only custodian of freedom of speech in this House. There are others also who are equally championing the freedom of speech.

SHRI N. K. P. SALVE: Sir, they are championing cause of the freedom of the press. Would they permit me to make my submission to you within your parameters? Let them show to us that modicum of tolerance which is necessary for the very cause that they seem to be espousing. Now, if we are going to condone, if the Government is going to condone an act which is a sedition, which is an espionage, which is sabotage, consequent upon thievery of documents, of the Government, this Government does not have a business to be there even a single second. It must act and it must go the full blast to ensure that valuable and secret documents of the Government are not stolen. (*Interruptions*). Mr. Jaswant Singh ji, there are going to be border line cases and you had been silent at that juncture. What is more important is preservation of the integrity and the sovereignty of this country which is paramount and supreme because if the country exists, then the newspapers and the papers will exist. If the country is blown to smithereens and the invaluable democratic institutions are all dismantled, of what use shall be the papers and of what use shall be the freedom of press? If that is the basic issue. Sir, I want to

submit for your consideration and for consideration of this House that let there be restraint. We have our political predilections and affiliations but let us not take them to a level which will be detrimental to the cause of the integrity of the country itself. Otherwise, in the days to come history will never forgive us. I, therefore urge upon the Government to take every possible steps and act as firmly as they can and not be taken in by some extraneous considerations and allegations of freedom of the press where what is involved is preservation of the very integrity and sovereignty of the country. Thank you very much.

SHRI GURUDAS DAS GUPTA:
Devil quoting scriptures.

SHRI PARVATHANENI UPENDRA: Mr. Chairman, despite occasional aberrations, a free press is one institution of which this country has always been proud. But this Government, through its thoughtless acts during the last few months culminating in an incident last week, has been trying to intimidate the press and undermine its independence. Mr. Salve has given a wonderful explanation, but, for the success of a free press there is something like an investigating journalism and an innovative journalism. And does he expect the press to keep quite if this Government, despite its massive mandate, is taking the country down the hill and mismanaging the affairs of the State? Does he want to curb the freedom of the press in the name of Official Secrets Act which has been kept dangling over the head of the press always? The Government has not codified what is an official secret, what is a secret document, what is a confidential document? Almost every document is marked as secret, confidential and top secret and they are cyclostyled, as I have already mentioned in this House several times. If a pressman makes a scoop by getting a document in public interest, do you show him as anti-national or against national

[Shri Parvathaneni Upendra]

interests? This is very unfair and it is only undermining the freedom of the press. The constitutional provisions are being violated; this highest forum of the land is being misled by those in the Government. I do not want to go into details. Should the press keep suite over all these incidents? And you react in such a panicky and crude manner against some papers which dared to expose this Government and tried to uphold the Constitution and the interests of the people. It is very unfair. I do not know where you want to drag the country this way. You had tried these methods once during the Emergency and the people of India taught you a lesson at that time. but you do not seem to have learnt the lesson. Even today hints are sent from the Prime Minister's office, threat are held out from the Prime Minister's office, to the press...

(Interruptions) Sir, I am within my right; I am not violating your guidelines. I did not name anybody. I am not naming anybody... (Interruptions) Why are they so touchy when I mention 'Prime Minister'? (Interruptions) I have not mentioned any name. I only said hints were sent from the Prime Minister's office or are being sent from the Prime Minister's office, threats are being held from the Prime Minister's office...

MR. CHAIRMAN: It was only Mr. Gopalsamy who objected to the use of the name 'Prime Minister'.

SHRI PARVATHANENI UPENDRA: But I have not mentioned Prime Minister. I said Prime Minister's office. I did not say Prime Minister. I only said Prime Minister's office. It is on record. I have not violated your guidelines. I have not named anybody...

THE MINISTER OF COMMERCE (SHRI P. SHIV SHANKER): Any aspersion on the Prime Minister's office itself should not go on record.

SHRI PARVATHANENI UPENDRA: Why not?

MR. CHAIRMAN: You use Government instead of Prime Minister. That is an accepted statement which includes everybody from the Prime Minister, President, Vice-President...

SOME HON. MEMBERS: It should be expunged.

MR. CHAIRMAN: I will look into the record and I will expunge if it is against the rules.

SHRI M. S. GURUPADASWAMY: But why? Prime Minister is not God.

SHRI PARVATHANENI UPENDRA: Prime Minister is not sacrosanct. You cannot refer to the Prime Minister. You cannot refer to the Prime Minister's office. You cannot refer to anybody in Government. Then, what for is this Parliament? We cannot be gagged like this that Prime Minister's office also cannot be mentioned. What are we here for then? What for are we here?... (Interruptions)... This is high-handedness... (Interruptions)... What is this? Can we not refer to the Prime Minister's office? Is it any temple or what?... (Interruptions).

MR. CHAIRMAN: Order, please.

SHRI M. S. GURUPADASWAMY: The Prime Minister is not God* (Interruptions).

MR. CHAIRMAN: Please sit down. I have already said that I will look into the record and then I will decide. I know the rules of debate. Now, Mr. Salve is on a point of order. Yes, Mr. Salve. (Interruptions).

SHRI N. K. P. SALVE: Sir, my point of order relates to.....

SHRI GURUDAS DAS GUPTA: Sir, they cannot dictate to the Chairman of the House. (Interruptions).

MR. CHAIRMAN: Nothing of what Mr. Gurudas Das Gupta says will go

on record. Yes, Mr. Salve... (*Interruptions*). Mr. Upendra, please sit down. Mr. Salve is on his point of order. Yes, Mr. Salve.

SHRI N. K. P. SALVE: Sir, my point of order relates to the procedure you have prescribed for this debate.

Sir, in the course of my speech, when I referred to the Prime Minister as the Head of the Government, you did not seem to have approved of it and the Members opposed that. Whenever we refer to the Prime Minister... (*Interruptions*)... I am on procedure now... (*Interruptions*)... I am on procedure now. Whenever we refer to the Prime Minister, we are not referring to Shri Rajiv Gandhi, but we are referring to the person who is the Head of the Government. Immediately I had to sit down... (*Interruptions*)... I am on procedure. Let me finish first. Sir, I want your ruling... (*Interruptions*).

SHRI M. S. GURUPADASWAMY: Let me tell you one thing. There is no personal attack against Mr. Rajiv Gandhi. We can criticise the Prime Minister and the Prime Minister is not God! (*Interruptions*).

SHRI N. K. P. SALVE: Sir, I seek your ruling on my point of order. The question that arises is this: When we from this side referred to the Prime Minister as the Head of the Government, we had to immediately make amends and say that it is the Government itself. Are the rules going to be different, Sir? (*Interruptions*).

MR. CHAIRMAN: That is what I am telling you. I have told you that I will look into the records and decide.

SHRI P. SHIV SHANKER: Sir, I want to make a submission.

MR. CHAIRMAN: Yes, Mr. Shiv Shanker.

SHRI P. SHIV SHANKER: I am objecting to only one thing and I am adding just one sentence to what Mr. Salve has said. The Prime Minister's

office, when it is referred to, is not as though it is just an office because it is with the people and there are people, there are officers, to whom it refers.

SHRI M. S. GURUPADASWAMY: We know that. (*Interruptions*).

MR. CHAIRMAN: Please be a little more patient.

SHRI P. SHIV SHANKER: Under the rules, Sir, my submission is that they are not in a position to come here and answer before the House when a question is raised about them... (*Interruptions*).

SHRI M. S. GURUPADASWAMY: What do you mean? (*Interruptions*).

SHRI PARVATHANENI UPENDRA: What do you mean? (*Interruptions*).

SHRI P. SHIV SHANKER: Whatever you may say, kindly allow me to speak. It is not fair not to allow us to speak. If you say something and you do not allow us to reply, it becomes very difficult. What type of freedom of speech or freedom of the Press are you advocating? The point that I am trying to put forth is that you are trying to cast an aspersion... (*Interruptions*).

MR. CHAIRMAN: That is what I am going to look into. If any aspersion is cast, I am telling you, I am going to remove it. (*Interruptions*). Now, Mr. Upendra will continue. Mr. Upendra, you finish in two minutes.

SHRI PARVATHANENI UPENDRA: Sir, for your record, I will only repeat what I have said... (*Interruptions*). I am going to repeat what I have said already... (*Interruptions*). Sir, I have every right to answer Mr. Shiv Shanker... (*Interruptions*). I have every right to answer Mr. Shiv Shanker. He raised a point and I will answer that. (*Interruptions*).

SHRI JAGESH DESAI (Maharashtra): Can you expunge it, Sir? (*Interruptions*).

MR. CHAIRMAN: I have already given a ruling. I have said that I will go into the record and see if it offends the rules, namely, if there is any insinuation, I will remove it. Please trust me to follow the rules correctly and strictly. Now, Mr. Upendra, you need not deal with that point. You proceed.

SHRI PARVATHANENI UPENDRA:

Sir, I did not mention any names. The officials of the Prime Minister's office are Government servants and we have been taking to task the Government servants in various Departments. So, you cannot put a ban here and say that we cannot criticize the Government servants of a particular office. That is unfair and we are not bound by it. We are free to criticize even the Prime Minister. (*Interruptions*).

MR. CHAIRMAN: Even the Prime Minister? (*Interruptions*).

SHRI PARVATHANENI UPENDRA:

What is wrong in that, Sir? They are public servants and we have every right to criticize them if they misbehave. (*Interruptions*).

MR. CHAIRMAN: The rules are clear. You cannot make any insinuation. (*Interruptions*).

SHRI PARVATHANENI UPENDRA:

Yes, Sir. The rules are clear. We cannot make any insinuation. (*Interruptions*). The rules are clear. We cannot name some official and make insinuations because he is not in a position to defend himself. I have not named anybody. I made a general comment about a particular office, how it is functioning.

MR. CHAIRMAN: Your time is over.

SHRI PARVATHANENI UPENDRA:

I am concluding. These crude attempts at browbeating the Press will not succeed. They have not succeeded in the past. People are conscious of it. Just now they have taught a lesson to the Congress Party in Andhra Pradesh for this, and they are going to teach

a lesson to them in West Bengal and Kerala certainly. (*Interruptions*) Sir, what is wrong in this? Is it unparliamentary? Sir, the recent incidents—whatever they are; I do not want to name—are a challenge not only to the Press but to all the democratic minded people of this country. This challenge will be taken up well, and the people will reply to this Government in an adequate manner.

SHRI SUKOMAL SEN: (West Bengal):

Sir, the issue has been discussed at length. A free Press is stated to be the watch-dog of democracy. Mr. Salve said that the freedom of speech is non-negotiable. The Prime Minister himself has stated that the Press should be absolutely free. Our colleague on the other side, Mr. Vishwabandhu Gupta, has also stated that the Press should be absolutely free. About this freedom of expression and freedom of the Press nobody has any two opinions. But what actually happens in our country, Sir, and it is our experience, is that so long as the Press serves the interests of the ruling class and the Government, till then the freedom of the Press is tolerated. But whenever the Press deviates a little from that holy principle, gagging of the Press begins. Sir, everybody knows what happened during the emergency. We all know what happened to the Press in certain States. In certain States even Pressmen were killed. They were tortured whenever they dared to reveal the information, some facts, which embarrassed the political bosses of certain parties, particularly the ruling party in our country. Sir, this is happening in our country. Now, Sir, while pleading for the freedom of the Press I never plead for any yellow journalism. Yellow journalism is always condemnable. If it is resorted to by the Press, this has always to be condemned. But the Press has the right to reveal what is truth.

Sir, I would like to point out that two years back a big court case went on in England. You may be knowing about it. In the Falkland War a British

cruiser was sunk into the sea. The Prime Minister of Great Britain made a statement before the House. But that statement was not a fact; it was a suppression of fact. Somebody in the Civil Service, an officer, came out with facts and handed them over to an Opposition Member. And the fact was published in the Press also. Then, a very prolonged legal battle went on when that officer was suspended under the Official Secrets Act. But what was the argument of the accused in the court? He said that when the Parliament is misled if the Prime Minister or anybody else in the Government, misleads Parliament and the nation, then somebody has the right to inform Parliament of the correct position, and that is a duty, a great duty, to the nation. And that argument was also held valid by the court and the British civil servant was acquitted; he was not punished.

Sir, in our country, very often, Parliament is misled. Wrong statements, and sometimes false statements, are made, whether it is inside the House or outside the House...

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): Sir, on a point of Order, Sir, they have always been using one sentence "misled the House." Is it the Opposition which is going to decide or is the Chairman to decide that Parliament is misled? They always use this expression "misled the House". (*Interruptions*)

SHRI M. S. GURUPADASWAMY: You are a lawyer.

SHRI H. R. BHARDWAJ: I am a lawyer. With great respect to the speakers, they are giving a general impression that whatever they assert is only the correct assessment and...

SHRI JASWANT SINGH: The Government can come forward with a statement to clear the air. It is up to the Government to come forward with a statement, categorical

statement, on the controversies of today and settle all the controversies. (*Interruptions*).

1.00 P.M.

PROF. C. LAKSHMANNA: We will welcome if the Government come forward with a statement.

MR. CHAIRMAN: He is putting forward his case. It does not mean that it is the accepted thing.

SHRI SUKOMAL SEN: My point is that the Government is very often misleading the House and the people. (*Interruptions*) I will repeat it.

MR. CHAIRMAN: If he says that the Government is misleading, what is the objection? He has said that the Government usually misleads the House and the people. It does not amount to anything. These are all general statements.

SHRI SUKOMAL SEN: My point is that the highest dignitaries are accustomed to misleading the House as well as the nation. That is my charge and I repeat it. Somebody has the right to inform the nation of the correct position. I am not mentioning any particular names. Many important events are taking place which are creating great furore not only in the House, but outside the House also and the people are deeply concerned about it. If somebody comes out with a news item about some facts which according to him are correct, he should have that right. I do not know whether it is correct or not. But the press should have the right to ventilate that secrecy or that fact to the nation and the Parliament. By revealing that fact or secrecy, the press will do a great service to the nation and the Parliament. I hail the liberty of the press if the press goes on revealing facts and thereby giving information to the House and the nation even defying intimidation, threat and arrest. At the same time, I condemn the attitude of the Government in prosecuting the press.

SHRI ALADI ARUNA *alias* V. RUNACHALAM (Tamil Nadu): Sir, on critical issues, you are adopting the well-founded valve system which expresses the feelings of the opposition. Discussion is the best example of the valve system of expression. Sir, freedom of expression is the foundation of democracy. Without such freedom, no democracy will survive. No doubt, in India democracy is successful since independence only because the parties in power at the Centre as well as in the States respect the norms of democracy including the freedom of the press. Some of the political parties which have faith in the philosophy of single-party system are also speaking about the freedom of the press. We have allowed them to function successfully in our system. After the Second World War many countries in Europe and South-East Asia gained independence. But they are not democratic countries. India has proved to the world that it is the most democratic populous country in the world. Since 1952, we have successfully conducted all general elections fairly, freely and honestly. There might have been lapses here and there. No Government in the world is free from defects because men are incomplete. Therefore, it reflects in the functioning of the Government also. In our country, freedom is well protected by the people themselves. It has been proved in 1977 election. Therefore, the fear expressed by some of my friends is needless and baseless. No power on earth is competent enough to curb the freedom of the press in India because India is a successful democracy in the world. With these words, I conclude.

MR. CHAIRMAN: Mr. Goyal, strictly five minutes.

SHRI J. P. GOYAL (Uttar Pradesh): Sir, I want to bring to your notice not only Article 19(1)(a) which talks of the freedom of speech

and expression, but also Article 105 which talks about the freedom of speech to the Members of Parliament inside the House. The constitution-makers were anxious to enact these freedoms in the chapter on Fundamental Right in Article 19(1)(a). Of course, as citizens we are entitled to have the freedom of expression outside. It applies to all of us including the Members of Parliament. But the Constitution makers laid much emphasis upon freedom of speech and expression which, Mr. Chairman, Sir, you will find in article 105 which I want to read to the House.

MR. CHAIRMAN: Everybody knows it.

SHRI J. P. GOYAL: All right, everybody knows it. Everybody should also know that Parliament in article 79 consists of the President of India and the two Houses of Parliament.

SHRI H. R. BHARDWAJ: President of India cannot be referred....
(Interruptions)

SHRI J. P. GOYAL: It appears...

SHRI V. GOPALSAMY: They want to bury the Constitution.

SHRI J. P. GOYAL: Perhaps, the hon. Minister of Law knows article 79 of the Constitution. What is Parliament? Parliament does not mean only this House or the other House. There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the House of People. We want to assist our hon. Chairman on this aspect on which he will give a ruling on the 20th that the President is a part of our Parliament. If the conduct of a Member of Parliament or a Minister can be discussed in this House, why not the conduct of the President of India or the Prime Minister? Don't worry about article 79.

MR. CHAIRMAN: Mr. Goyal, you are going into a very dangerous area.

SHRI J. P. GOYAL: No, no, Sir, because I am not referring to any letter, I am not referring to any raid and I am not referring to anything. But, certainly, Sir, I am feeling gagged for the first time in my life. Everybody knows what is freedom of the press. They are also supporting the freedom of the press. We are also supporting the freedom of the press. Now, this wastage of the time of this House, the entire public is saying....

MR. CHAIRMAN: Mr. Goyal you asked for a debate.

SHRI J. P. GOYAL: I was an advocate for Mr. Raj Narain. You know what happened to emergency.

MR. CHAIRMAN: Please remember, you asked for the debate and don't say the time of the House is wasted.

SHRI J. P. GOYAL: We have asked for the debate.

MR. CHAIRMAN: All right, please proceed.

SHRI J. P. GOYAL: Sir, we are entitled to ask for a debate. After all, the House is for a discussion, for a debate.

MR. CHAIRMAN: Why did you say that it is a waste of time? You cannot cast a reflection on the House.

SHRI J. P. GOYAL: No, no, Sir.

MR. CHAIRMAN: Anything you speak here is of importance, value and of great relevance to the country. Nobody can say that it is a waste of time of the House. You have committed an impropriety.

SHRI J. P. GOYAL: Sir, as regards the freedom of the press, everybody knows from Romesh Thapar's case what is the relevancy today of discussing this. But certainly something has happened which

the hon. Chair is not allowing us to talk. We are going to talk, if not today, we are going to talk everyday. Everyday the public will talk about it. This matter cannot be gagged like this. With these words, I conclude.

MR. CHAIRMAN: Thank you very much for your short speech. Now, Mr. Matto.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Chairman, Sir, I am feeling very uneasy today... (Interruptions) Please bear with me... because I have not read any newspaper today. Yesterday being a Holi holiday, this morning newspapers did not appear. (Interruptions) Press has become a part of our life. There is no doubt about it. My friend, Mr. Upendra, referred to certain aberrations of the press. But in spite of these aberrations, the press has come to stay and will stay. Sir, he has said about these aberrations. We in Kashmir are the worst sufferers of these aberrations. And I would only recall to Mr. Upendra that only two days back the press gave a story that his leader has also nominated his successor which was denied by him. I do not want to say that the free press is not there. That is definitely there. Mr. Upendra also referred to the investigative journalism. It is a right of the press. And this is very correct. But I would like to talk like a businessman... (Interruptions) In a moment, you would know what I mean.

MR. CHAIRMAN: Mr. Matto is going to speak as a parliamentarian in a business-like manner.

SHRI GHULAM RASOOL MATTO: Yes, Sir. If I own a newspaper, and I am able to make a scoop, print a scoop, then my next competitor in paper industry will try to find another scoop with a **greater force** where will it end? Now, that is all right so far as

[Shri Ghulam Rasool Matto]

investigative journalism is concerned. But so far as the publishing of a letter which is highly confidential is concerned ...

SHRI PARVATHANENI UPENDRA: Sir, he is violating your guidelines. He is referring ...

SHRI GHULAM RASOOL MATTO: These things have to be mentioned. So while we are for the freedom of the press, this country cannot ignore its importance. Freedom of the press is the pillar of democracy. There can be no democracy unless freedom of the press is there. But the press has also to be a little responsible, and unless they are responsible this country is not going to survive.

MR. CHAIRMAN: Mr. Buta Singh, would you like to say anything?

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Mr. Chairman, Sir, ...

MR. CHAIRMAN: He is not answering. He is associating with your statements.

SHRI BUTA SINGH: Mr. Chairman, Sir, the fact that you kindly allowed today *** through your very generous disposition, almost a full discussion on a subject so vital to the growth of democracy in our country, is a speaking example of the freedom of expression and the role that we give to the press ...

SHRI JASWANT SINGH: Not you; the Chair.

PROF. C. LAKSHMANNA: Sir, *** Is it not a fact that the whole discussion has been raised as a special mention. Therefore the Minister is not correct to say that. I

***Expunged as ordered by the Chair.

would like to have your ruling on this.

MR. CHAIRMAN: *** Now, come on.

SHRI BUTA SINGH: Sir, I was saying that this is an example of the importance that we give. "We" means not only we on this side of the House, but we means everybody. If you do not like it, then "we" means the people outside in the country. This shows the importance that we attach to the growth and development of democracy in our country. Sir, I have listened very patiently, very carefully and to me perhaps there was no cause why this special thing was brought up today. Then I found the cat coming out of the bag along with Shri Goyal when even he protested against this. The fact is that we are talking about the vital importance of the press in this House and he almost went to the point of saying that he was not going to participate. Sir, what is the occasion? What new thing has been done? The press is free. The press is publishing everything and without mentioning, Sir, I will try to confine myself within the parameters that you have kindly set for today's debate. Even the things that they have up their sleeves and in their minds have come in editorials on front pages in all the papers. Is it not freedom? I should say, freedom unlimited. (Interruptions). I have never interrupted you, when you spoke so vociferously. So, I was trying to find out ...

MR. CHAIRMAN: Interruptions is also the freedom of the press, freedom of expression.

SHRI BUTA SINGH: No, Sir. From the Chairman, yes. But when one Member or Minister gets an opportunity to speak, he should be allowed uninterrupted. Clarifications can be sought later on.

SHRI V. GOPALSAMY: I was also interrupted from that side.

SHRI BUTA SINGH: Even on the things that have prompted some of my distinguished colleagues, the hon. Members on the other side, articles in the entire press have come some supporting, some opposing, some saying things on merit, some quoting the revelant portions of the Constitution. Everything has appeared, and the country knows. The basic role of the press is to keep the country informed and my friend, Shri Upendra, said that the press has to play its investigative role, its innovative role. But that has to be keeping in view the general question of people's life. Your innovation should not cross the limits and end into death of many innocent people. In the name of innovative press, things are printed in a manner in our country, and the printed word has a special significance. The people in the countryside attach much more importance to what is printed in the papers. They do not go behind the designs. And in the name of innovative and investigative press, it can lead to many things. We have seen these things every year, riots coming out of the so-called innovative press. I am not having any press in mind. But at the same time, the stories which are appearing, baseless stories, stories which have communal overtones, stories which are planted with a view ... (Interruptions).

SHRI F. M. KHAN (Karnataka): On a point of order, Sir, I would like the hon. Minister to be specific which press had been prosecuted by him.

MR. CHAIRMAN: You were not here and, therefore, you do not know what proceedings have been there. I said no paper should be mentioned,

no journals should be mentioned. It is on that condition that this debate has been allowed.

Well, Mr. Buta Singh, will you complete in one or two minutes?

SHRI BUTA SINGH: What is vitally important to the future of democracy in the country is the integrity, the sovereignty and the secular character of our society. Preservation of democracy, sovereignty, national integration etc. are the matters on which I am happy that the entire House — this House and the other House — is one with us and we are, at the moment, engaged in almost like a national campaign on these vital and important issues of our national survival. It is left to the hon. leaders of the opposition to bring in all kinds of high-sounding words and compare the Government with all bad things in the world. But the people of this country know that this party and this Government has upheld the freedom of the press and the participation of the people in the democratic setup, more than any other party. We have seen almost every party in power. For a short spell, all the parties came in the Centre and even now at the present moment, various parties are ruling parties in various parts of the country. People have themselves to judge by the performance of various political parties, what kind of respect and regard and what kind of importance all these parties give to the freedom of the press. It seems that all this exercise, if not anything else, was only to mobilise the entire press behind the big design which is cooking up in the country and to charge the Government even before ... (Interruptions)...

SHRI PARVATHANENI UPENDRA: It is an insinuation; it is a serious charge. He should substantiate. What is this? What is that design? It is a serious charge and he should clarify.

MR. CHAIRMAN: If you all stand up, how can he clarify.

SHRI PARVATHANENI UPENDRA: What is that design? He must clarify.

SHRI BUTA SINGH: Sir, I am sure, the Press is purely objective and free and fair in our country. They know the merits of each and every item which comes up either inside the House or outside the House in the country. I am sure nobody is going to be misled by any kind of mobilisation, canvassing etc. I am sure the Press will keep on its purely objective approach to the national problems. On behalf of the Government, let me assure one thing. My leader, my Government, hold the press in the same esteem and we hold the freedom of the Press in the same way. We have a proud record. Mr. Salve, while expressing the party point of view, was saying. The founding-fathers of our Constitution, the Father of the nation, Mahatma Gandhi, Bal Gangadhar Tilak, Pandit Jawaharlal Nehru, Rajagopalachari; all were stalwarts who brought freedom to the country, through the media. Lala Lajpat Rai could not have been a fiery writer that he was. All these stalwarts, all these top leaders, have taught us one lesson. The Constitution-makers, the framers of our Constitution, the great Congress leaders, held the Press in high esteem. The present Government is also giving the same importance to the freedom of the Press. At the same time, as Shri Salve brought to the notice of this august House, the Government has a duty towards maintaining the unity, integrity and

sovereignty and Parliamentary democracy in this country. Sir, let me assure this House that Government will discharge its duties without fear or favour. Government is determined to see that nothing which harms the unity, sovereignty and integrity of the country is allowed by any section of the society and Government will always support the right of the fair and objective Press. We have always been doing it and we will continue to do so. We will not be deterred by any kind of insinuations and charges made by the opposition leaders here either against the leader of the party or against the Government. We are bound to implement the ideologies and policies given to us by Pandit Jawaharlal Nehru and being followed by Shri Rajiv Gandhi. Thank you, Sir.

MR. CHAIRMAN: The Special Mention is over. Now, Mr. Madhavrao Scindia . . . Please come to the front. Metaphorically also, you have come to the front.

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): Sir, thank you for elevating me to the front.

SHRI PARVATHANENI UPENDRA: I suggested that. You should thank me.

STATEMENT BY MINISTER
Accident to 177 Down Rouk Fort Express on 15th March, 1987, on the Southern Railway

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): Mr. Chairman, Sir, I deeply regret to apprise the House of an unfortunate accident to 177 Down Madras Egmore-Tiruchchirappalli Rockfort Express at about 4.46