

STATEMENT BY MINISTERS

I. Indian Penal Code and Code of Criminal Procedure (Bihar Amendment), Bill, 1982.

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI N. K. P. SALVE): Sir, after the statement of the Prime Minister at Lucknow on the "Bihar Press Bill" and my statement on the same at Nagpur, the Ministry of Information and Broadcasting issued a letter on 20th September, 1982 to nine major organisations representing the journalists and the newspaper industry seeking their precise objections to and suggestions on the "Bihar Press Bill".

2. As many as five organisations have replied to the letter of my Ministry. Others have asked for time and have been requested to send their replies by 25th October, 1982. Yesterday evening, I met the representatives of (1) Indian Federation of Working Journalists (2) All India Newspapers Editors Conference (3) All India Small and Medium Newspapers Association (4) Press Association and (5) Indian and Eastern Newspapers Society and discussed with them the matter.

3. It was agreed that to find a solution, the dialogue must be continued and, therefore, it was decided that the representatives of all the nine organisations will again meet in the next week. I assured the representatives that the President's assent to the Bill will only be given after the dialogue was complete. I further assured the representatives that while Government is anxious to curb rag journalism, it considers that the freedom of the Press is the ark of the covenant of democracy and would, therefore, never be a party to abridging the freedom of the Press guaranteed in the Constitution.

4. The representatives present assured me that they are anxious that nothing should vitiate the atmosphere of dialogue between the Press and the Government and, therefore, further assured me that the rally organised by the Press on 21st October, 1982, at New Delhi would not be allowed to be used either to politicise

the issue of the freedom of the Press or to impair the cordial atmosphere essential for the dialogue between the Press and the Government.

5. I am making this statement in the Parliament in pursuance of an assurance given by me to the representatives present in the meeting.

SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir, Sir...

MR. DEPUTY CHAIRMAN: Mr. Advani. Only one person from one party. And be very brief, please. Don't make many observations because the matter in the statement is very limited.

SHRI LAL K. ADVANI: Sir, the matter is very limited but it is very fundamental. The hon. Minister has said that the Government is committed to freedom of the press and regards it as the ark of the covenant of democracy.

These are welcome statements 3 P.M. which have been made. But

I would like to know whether in the course of this dialogue the Government has taken the position which at least was indicated by the Prime Minister's statement referred to in the Statement, and by the I&B Minister's statement, that fundamentally they see nothing wrong about the Bill and that in respect of the provisions they are willing to have a dialogue. My question is whether the dialogue encompasses the scope of totally discarding the Bill as several organizations have publicly said that they would like the Bill to go lock, stock and barrel. If the dialogue is confined merely to the provisions of the Bill, it has one implication. That would mean that, so far as the Government is concerned, the Government is committed to the Principle of the Bill. The other scope of the dialogue encompasses the possibility of the Bill being discarded *in toto*. This is my first question.

Secondly, Sir, certain organizations were not there. Indian Federation of Working Journalists, All India Newspapers Editors Conference, All India Small and Medium Newspapers Association, Press Association,

and Indian and Eastern Newspapers Society, these five have been named as being among those who participated in the discussions yesterday. Were the other organizations not invited; or, did they decline to participate in the discussions held yesterday? What is the position in that regard?

SHRI GHANSHYAM BHAI OZA (Gujarat): Sir, along with the issues raised by my learned friend Mr. Advani, I would request the Government to take into consideration this aspect also. Under the existing law there is enough provision for filing complaints for scurrilous, indecent and blackmailing allegations. The only difference, in my humble view, is that under the present law only the aggrieved party can move the court. Supposing there is a scurrilous statement against me, or there is an indecent attack on me, I have to go to a court of law and file a complaint. Only the aggrieved party can do it. You are purposely doing it and making the whole thing cognizable and non-bailable to protect persons against whom charges are there because they dare not come to the witness-box and then make a statement because they are open to cross-examination, these Ministers or officers. They have got to face the cross-examination as a complainant and so many skeletons will come out of the cupboard. Therefore, in order to avoid the cross-examination of the Ministers etc., who are afraid of these things, you are making the whole thing cognizable and non-bailable so that they can stay at their own places and the police can proceed and the court may make it cognizable and non-bailable. This is perhaps something more dangerous than anything else.

SHRI ARVIND GANESH KULKARNI: Sir, I wish at the outset good luck for Mr. Salve in his dialogue with the press if he can really find something which is constructive and which will ultimately help journalism in the country. The effort is quite encouraging. But, Mr. Salve, I want to say that this is nobody's case from this side that we support rag journalism in the country. We do not support it at all. But it has been found out that whenever such exposures come in the

press, and in some cases they have been found justified by the courts, one has to take a view. I do not want to cast any reflection on your friend from Bihar, Dr. Mishra. Everybody from this side has declared that we mean the personalities involved, and the Government's attitude to tackle all these problems of corruption or journalism, whatever it is, or some other label. I want to have a specific reply whether all these efforts will be made to improve the Bill to the extent that the fundamental right of the press, the fundamental rights of the persons in this country would be safeguarded. And if there is some corrupt politician anywhere, he should be removed. It is not the monopoly of your party that you have got them. They might be anywhere. In West Bengal, the CPI has got a corrupt Ministry, but they dared to appoint an inquiry committee. So, I think that for this purpose the entire set-up should be so made that the Bill should be responsible to nourish the freedom of the press and completely keep intact the freedom or the right of every citizen in this country.

SHRI KALYAN ROY (West Bengal): Sir, I do not want to say anything to vitiate the atmosphere because he has mentioned that in his statement. I am glad that a thaw has set in, and faced with the united opposition and the determination of the journalists and the non-journalists the Government has at last agreed to hold a dialogue. Better late than never. But enough damage has been done.

What is disturbing still, Sir, is this line:

"The Government is anxious to curb rag journalism." Mr. Kulkarni has pointed out, we are all against rag journalism. But in a democracy a man who is slandered has to go to court. I can speak confidently that what is rag journalism to Dr. Mishra, Bihar Chief Minister, may not be rag journalism to Mr. Salve. Leave it to journalists to find out and choose their own way, and they will reject rag journalism.

So, I would request: Why do you not have a dialogue on a clean table? Why do you not withdraw the Bill and have

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full discussion? Why do you have a Bill which has brought such an indignation, opposition, firing, shut down of the papers and continuous agitation? Why do you not withdraw the Bill and have a dialogue? But nevertheless I welcome this move on the part of the Government, and I wish success to the discussion. But the Bill has got to be withdrawn.

SHRI DINESH GOSWAMI (Assam): Sir, we are happy to note that the Minister of Information and Broadcasting is having a dialogue with the Press. After all it has been said by one famous American President that if a choice was to be made between a society with a government but without the press and a society with the Press but without a government, he would prefer a society without a government than one without the Press.

As has been correctly pointed, opinions regarding rag journalism will vary from person to person. We have seen in recent times that many cases proclaimed by many from the ruling party as only sensational news items were upheld by the court of law as valid cases of corruption. For example, Mr. Salve was one who defended Mr. Antulay with all vehemence. I may point out that the courts ultimately held that Mr. Antulay was guilty. I do not deny that Mr. Salve did it honestly believing that it was correct. But his opinion was wrong. Opinion of everyone of us may be wrong at times. Let us leave it to time.

SHRI LAL K. ADVANI He had illusions about Antulay even then?

SHRI DINESH GOSWAMI: I do not know. As a good friend I thought that. With my limited experience of Parliament I have seen that whenever a Bill is brought to the House, the Government side takes up a position of prestige, and they do not want to look even at those provisions which are criticised both by the ruling party and the Opposition.

Therefore, I suggest: Why the Government do not have a dialogue with the

leaders of the Opposition if the Government wants to have some sort of a code of conduct for the Press which you want ultimately Parliament to approve? Before a decision is announced here and it becomes a subject matter of a deep controversy, can all of us not sit together and have a discussion and try to sort out at least some basic formulations of code of conduct for the press. Therefore, apart from the discussion with the journalists, will be initiate some steps to that there is a dialogue with the leaders of the political parties?

SHRI NIRMAL CHATTERJEE (West Bengal): I read a sentence in the Statement:

"I assured the representatives that the President's assent to the Bill will only be given after the dialogue was complete."

I am slightly intrigued by the language. You can draw a line. The dialogue has been completed and then you obtain the assent of the President. Now, if the intention is not that, if the intention is that out of the dialogue some points will emerge which would require a modification to the Bill, then why is not advice being sent to the President that the present Bill at least cannot be assented to? My question is this. As he has entered into a dialogue because of the agitation, maybe, or because he has also been able to see reason in the Opposition's arguments that some modifications at least are necessary in the Bill, that the present Bill needs to be not assented to, is he prepared to take a position, apart from taking the position which the entire press has taken—not only the pressmen, even the people have already taken up the cause, because it is the cause of democracy—that the Bill should go lock, stock and barrel? Is he prepared to take that position?

SHRI GULAM RASOOL MATTO (Jammu and Kashmir): I would only like to ask the honourable Minister...

MR. DEPUTY CHAIRMAN: Please sit down, I have not called you. Now the Minister to reply.

SHRI KALYAN ROY: Mr. Minister, the All India Radio should cover not only what you say, it should also cover the clarifications sought by the Opposition. I say this, because, Mr. Deputy Chairman, presently after Mr. Salve took over, the Opposition has been hushed up by the All India Radio.

SHRI LAL K. ADVANI: Mr. Kalyan Roy, the news will cover that Kalyan Roy has welcomed the dialogue but will not cover that he has demanded the withdrawal of the Bill

MR. DEPUTY CHAIRMAN: Mr. Minister....

SHRI DINESH GOSWAMI: Sir, Mr. Salve is wearing a black coat. Has it got any significance? (*Interruption*)

SHRI N. K. P. SALVE: Mr. Deputy Chairman, I am grateful to the honourable Members for the various questions raised by them on my statement. I would submit that we have entered into a dialogue with the representatives of the journalists and the newspaper industry in a spirit of trust and cordiality and with an absolutely open mind....

श्री हुक्मदेव नारायण धादव (बिहारी) : महोदय, मैं सवाल पूछना चाहता हूँ।

श्री उप-नायक : सवाल हो गये हैं... (व्यवधान) सवाल पूछ लिये गये हैं।

श्री हुक्मदेव नारायण धादव : उप-सभापति महोदय, मैंने भी सवाल पूछना है.... (व्यवधान)...

श्री बी. संतनारायण रेड्डी (अन्ध प्रदेश) : मंत्री महोदय क्या कह रहे हैं, समझ में नहीं आ रहा है।.. (व्यवधान)...

श्री उप-सभापति : आप बैठ जाइये। उनको बोलने दीजिये।... (व्यवधान) ... आप जब ध्यान से सुनेंगे तो समझ में आ जायेगा। (व्यवधान) ...

SHRI N. K. P. SALVE: I would submit that we have entered into this dialogue in a spirit of cordiality with the representatives of the journalists and the newspaper industry and on either side it is with a totally open mind. Therefore, as to what is being discussed, what is the scope of the discussion, etc. is a matter over which I have nothing more to say except what I have stated in my statement. About the remaining four people, we tried to contact them, but two of them were outside Delhi; therefore, they could not come. But I assure the House that nobody will be left out. We want the representatives of all the nine organisations to come and have a talk with us in this matter. Therefore, what Mr. Oza said that we have....

SHRI LAL K. ADVANI: Is it your answer that the Government of India could not contact those four?

SHRI N. K. P. SALVE: The answer is that we tried to contact them; they are outside Delhi; we could not get at them; that is why they did not come....

SHRI LAL K. ADVANI: Is it a case of an invidious distinction deliberately being made that the Government invites organisations and it is unable to contact certain individuals? It is not a question of individuals. After all, they are organisations—Editors' Guild, NUJ, etc.

SHRI N. K. P. SALVE: I have answered the question and I have nothing further to say. If the whole thing is politicised, if the freedom of the press is politicised, it will unnecessarily vitiate the atmosphere, and, in fact, I would submit that the representatives who came, they told me clearly that if the Opposition Members would leave us alone, we will settle this matter long with you here in this room...

SHRI LAL K. ADVANI: In your room?

SHRI N. K. P. SALVE: ...that they should be left alone. The opposition parties would do well to leave them alone. They are capable of protecting their interests. They are not the sort of people who would need anybody else's assistance, far less that of the Opposition. They can

[Shri N. K. P. Slave]

look after their interests. Mr. Oza said that the Bill has been made such in which the proposed section 292A is made cognizable and non-bailable because exposure of public servant is sought to be stultified. I want to make it clear on the floor of this House—this is also in reply to Mr. Kulkarni—categorically absolute, that exposure of public servant based on truth and facts will never be allowed to be stultified. If ultimately we come to the conclusion that exposure of public servants based on facts and truth is likely to be stifled, we will take care of the matter. I am making this statement on the floor of the House.

Mr. Kalyan Roy has welcomed the dialogue. He said in the meanwhile why do we not withdraw the Bill? We agree to disagree with him. I am grateful to him for wishing me well in the matter.

Mr. Chatterjee asked why not say that the Bill will not be assented to. I do not ask the pressmen to put any pre-condition and they are not putting any pre-condition to me.

Therefore, it will do well if the hon. Members take this as a matter which is related to the freedom of the press. Freedom of the press is something as sacrosanct to us as it is to them. After my dialogue if they feel that there is something by which freedom of the press has been put in jeopardy, they can raise objection. I fervently plead and implore of them not to do or say anything which will unnecessarily vitiate the cordial atmosphere for the dialogue.

II. Grant of productivity linked bonus to employees of Government of India presses and branches of Directorate of Printing under Ministry of Works and Housing.

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI H. K. L. BHAGAT): Mr. Deputy Chairman,

Sir, I wish to make a brief statement regarding the decision taken by Government about grant of productivity linked bonus to the employees of the Government of India Presses and branches of the Directorate of Printing under the Ministry of Works and Housing.

The scheme of productivity linked bonus presently applicable to the Railways and Posts and Telegraphs employees, has been extended to about 15000 employees of the Government of India Presses and branches of the Directorate of Printing under the Ministry of Works and Housing. These employees have also been allowed 15 days salary/wages as productivity linked bonus on an *ad hoc* basis for the year 1980-81.

The eligibility criteria for bonus will cover all employees of the Government of India Presses and branches of the Directorate of Printing, borne on regular establishment and drawing upto Rs. 1600 per month as basic pay and dearness allowance. In case of officials, drawing more than Rs. 750 but less than Rs. 1600 per month, *ad hoc* bonus will be calculated only on the basis of Rs. 750 per month.

III. National Capital Region Plan

SHRI H. K. L. BHAGAT: Mr. Deputy Chairman, Sir, I wish to make a brief statement on the National Capital Region Plan which I believe would be of interest to the Hon'ble Members.

The importance of co-ordinated implementation of an well-integrated development plan for Delhi and its surrounding areas covering a little over 30,000 sq. km. in co-operation between the Union Territory and the concerned State Governments, is well recognised. The integrated development of different sectors is particularly necessary to deal with problems of supply of drinking water, flood control, transport, power, housing, etc. and to deal effectively with macro level problems of urban growth. A regional plan was prepared a few years ago but for a variety of reasons the implementation of schemes has not been as vigorous as one would wish it to