

the Lok Sabha, signed by the Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 96 of the Rules of procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund (Amendment) Bill, 1982, as passed by Lok Sabha at its sitting held on the 7th August, 1982."

(II)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Iron Ore Mines and Manganese Ore Mines Labour Welfare Cess (Amendment) Bill, 1982, as passed by Lok Sabha at its sitting held on the 7th August, 1982."

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(III)

"In accordance with the provisions of Rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 7th August, 1982, agreed without any amendment to the Public Works (Extension of Limitation) (Delhi Amendment) Bill, 1982, which was passed by Rajya Sabha at its sitting held on the 15th July, 1982."

Sir, I lay a copy of each of the Bills on the Table.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE IN SOME STATES TO CURB THE FREEDOM OF PRESS

SHRI SHIVA CHANDRA JHA (Bihar): Sir, I call the attention of the Minister of Home Affairs to the growing trend in some States to curb the freedom of the Press.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Sir, the Government of India stands by the Constitutional guarantee of the freedom of speech and expression which includes freedom of the press.

2. The Hon'ble Members are presumably referring to the Indian Penal Code and the Code of Criminal Procedure (Bihar Amendment) Bill, 1982, as passed by the Bihar Legislature.

3. According to the State Government there have been a number of publications in newspapers, periodicals, etc. containing grossly indelicate or scurrilous matters which affect the moral of public servants in the discharge of their duties. The legislation was therefore brought forward by the State Government to deal with the situation.

4. Similar provisions were made in the Indian Penal Code and the code of Criminal Procedure (Madras Amendment) Bill, 1960 and the Indian Penal Code and the Code of Criminal Procedure (Orissa Amendment) Bill 1962, both of which were assented to by the President. The State of Tamil Nadu, by a subsequent amendment enhanced certain punishments provided in the Act of

1960. Presidents assent to the Tamil Nadu Bill in this regard was accorded in 1982.

5. The Bihar Bill has not been received by the Government of India for the assent of the President.

श्री शिव चन्द्र झा : उपसभापति महोदय, यह है वह काला विधेयक। इसको छपवाकर बिहार के मुख्य मंत्री ने खुद बटवाया है।

इसका टाइटिल है :

"1. Short title, extent and commencement—

(1) This Act may be called the Indian Penal Code and the Code of Criminal Procedure (Bihar Amendment) Act, 1982.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force with immediate effect.

2. Amendment of section 292, Indian Penal Code—After section 292 of the said Code, the following section shall be inserted, namely,

(a) prints or causes to be printed in any newspaper periodical, or circular or exhibits or causes to be exhibited, the published view or distributes or causes to be distributed or in any manner puts into circulation any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail."

इसमें सजा है :

The conviction can be imprisonment for two years or fine or both and in the event of a second or subsequent conviction imprisonment up to five years and also fine.

"Cognizable offence, non-bailable, any Magistrate can do."

मंत्री महोदय ने अभी कहा, जिन्हें किया है अपने भाषण में कि तामिलनाडु और उड़ीसा एक्ट के मुताबिक वहां भी हो गया था। यहां पर दो बातें पहले साफ करने की जरूरत है। जो इन सब बातों को वे येलो जनरलिज्म के नाम पर कैरेक्टर असैसिनेशन, इंडीसेंट, और स्करीलस छापते हैं उनको पनिश करने के लिए यह विधेयक लाये हैं उसका नाम दिया है :

"A Bill in Bihar on the pattern of Tamil Nadu and Orissa making the Printing or Publication of grossly indecent or scurrilous matters intended for blackmail-Punishable."

इसमें दो बातें हैं, येलों जनरलिज्म के ऊपर मैं बाद में आऊंगा।

पहला क्या इस एक्ट के पहले बिहार में येलो जनरलिज्म नहीं था? बोलें जगन्नाथ मिश्रा ईमानदारी से कि इसके पहले बिहार के राजनीतिक कार्यकर्ताओं ने अखबारों के बन्डल के बन्डल नहीं जलाये बेंडर्स से ले करके? उस वक्त कहाँ गये जगन्नाथ मिश्रा? उस वक्त खुद येलो जनरलिज्म पर पलते थे। उसकी प्रोसीड्स पर वह अपनी राजनीतिक जिन्दगी चलाते थे। तो यह फिजा पहले भी थी। अब यह फिजा इसलिये आई कि यह प्रेस अब इनकी गर्दन उसी रूप में पकड़ने जा रहा है। जिस रूप में प्रेस ने अब्दुल रहमान अन्तुले की गर्दन पकड़ी और यह महसूस कर रहे हैं कि इनका तख्ता उलटने वाला है।

उसकी जड़ में यह है कि इनकी दो अखबारों से साफ लड़ाई है और वह है इंडियन नेशनल और आर्यवृत्त। यह खुद कहते हैं कि नेशनल प्रेस से ही, बिहार

के सब प्रेस नहीं, एसेक्शन आफ दी प्रेस और उसमें भी इंडियन नेशन और आर्यवर्त और उस में उनकी अन्दरूनी इंट्रेस्ट की लड़ाई है। पहली बात तो यह है कि इंडियन नेशन और आर्यवर्त के पास बहुत पैसे ऐसे बिहार सरकार के हैं, जोकि वह मांग रहे हैं और वह दे नहीं रहे हैं।

दूसरे उसके प्रोप्राइटर को वायदा किया कि हम तुमको राज्य सभा भेजेंगे या कहां भेजेंगे, यह सब बातें नहीं हुई और तब वह अखबार इन पर टूटा और तब से लड़ाई शुरू हुई और यही बात है। अब यह इसको येलों जर्नलिज्म कह कर रोकना चाहते हैं—कहते हैं कि यह ब्लैकमेल करता है, कलंक्टर एसोसि-नेशन करता है, बगैहरा-बगैहरा।

दूसरी बात तमिलनाडू और उड़ीसा के एक्ट का रेफरेंस यह देते हैं। मंत्रीजी ने अभी पढ़ करके सुनाया है। मान लीजिये थोड़ी देर के लिये कि उड़ीसा और तमिल नाडू में गलती हो गई, इसका मतलब यह एक्ट प्रेस फ्रीडम के खिलाफ यद्यपि बन ही गया, गलती हो गई, तो क्या इसका मतलब है यह होता है कि बिहार में भी गलती हो और इसलिये कर्मन्ट्री है, आपका जो बैन यार्ड जो प्रेस फ्रीडम है, उन पर कर्मन्ट्री है, नाचट आन दी एक्ट, कि यह लोग उतने विजिलेंट नहीं थे, कि उड़ीसा और मद्रास एक्ट को रोक लें और उसके मुतालिक हवा बनाते।

लेकिन यह बात बिल्कुल गलत है कि जब तमिलनाडू एक्ट बन रहा था, तब आवाज नहीं उठाई थी। यदि इस वदन में क्वेश्चन पूछने का कोई मतलब होता है, तो उलट करके देखें। यहां सवाल पूछा गया था तमिलनाडू पर, जब उसका एक्ट बन रहा था। लेकिन वह सूचना एवं प्रसारण के महामहिम

जो हैं, उनका जो जवाब आता है—तो इस फ्रीडम आफ दी प्रेस पर मैंने ही पूछा था। तो ऐसी बात नहीं कि उस पर उस वक्त आवाज नहीं उठाई गई थी। वह उठाई गई थी, लेकिन दुर्भाग्य यह सों-काल्ड नैवेनगार्ड आफ दी प्रेस जो है, वह उस में विजिलेंट नहीं थे। लेकिन अब वक्त आ गया है कि यह एक कदम और नहीं बढ़ायें, नहीं तो बिहार में उसके रिपर्कशंस और भी खराब होंगे।

अब येलो जर्नलिज्म जो हैं, वह क्या हैं? उपसभापति जी, मैं उस पर बाद में आऊंगा, लेकिन एक कहावत है बिहार और उत्तर प्रदेश में—जो भादों में जन्म हुआ और ऐसी बाढ कभी नहीं देखी नहीं। गीदड़ का जन्म भादों में हुआ और कहा कि ऐसी बाढ मैंने कभी नहीं देखी। यही हालत जगन्नाथ मिश्र की है, आज दो दिन से जब उनकी अखबार पकड़ने लग गये हैं, तो यह कहता है कि येलो जर्नलिज्म है, करेक्टर एसिनिशन है, इसको हमें रोकना है। इरस्पॉसिबल बगैहरा, दो-तीन बातें वह कहता है और इन सब कारणों से इसी पत्रिका ने लिखा है कि जगन्नाथ मिश्रा, श्री श्री 108 ने खस्ती बकरे को काट करके उसके खून से स्नान किया, ब्लड बाथ किया। किसी ने छाप दिया... (व्यवधान)

एक माननीय सदस्य : आदमी तो नहीं मारा।

श्री शिवचन्द्र झा : किसी ने छपा। मैं यह कहना चाहता हूँ कि मैं भी सहरसा से आता हूँ। मेरा जन्म सहरसा में हुआ है, जहां से जगन्नाथ मिश्र आता है। उसका घर और गांव मेरे गांव और घर से आठ-दस मील के फासले पर है। मैं उसकी बैकग्राउण्ड को जानता हूँ और

जब उसकी बैकग्राउण्ड की बात को रखूंगा, तो कहीं ज्यादा स्क्रीलस, इनडीसेंट, सेंसेशनल, बगैर-बगैरहा हो जायेगा।

एक माननीय सदस्य : कहिये, जो आप कहना चाहते हैं ... (व्यवधान)

श्री शिव चन्द्र झा : लेकिन मैं उसके पीछे कहना नहीं चाहता। यह मेरी शान के खिलाफ है। मैं कहूंगा तो जगन्नाथ मिश्र के सामने कहूंगा। तो यदि यह बात किसी ने छपी, तो इसमें घबराने की क्या बात है। उसको तो मुख्य मंत्री चाहते तो हंस करके उड़ा देते। लेकिन यह बात सही है ... (व्यवधान)

SHRI HAREKRUSHNA MALICK (Orissa) : The hon. Member has something to say. Let him complete. (Interruptions).

श्री राम भगत पासवान : (बिहार) पोइन्ट आफ आर्डर। इन्होंने कहा कि 108 बकरियों के खून से स्नान किया। मैं कहना चाहता हूं कि इस बात के लिये कमीशन बैठे और पता लगाये। यदि वास्तव में 108 बकरियों के खून से स्नान किया है तब इन की बात ठीक है, नहीं तो यह बिल्कुल झूठ है बिल्कुल गलत है। जगन्नाथ मिश्र वेजिटेरियन हैं, खाते तक नहीं, वह खून से स्नान करते हैं, यह कहाँ तक सत्य है ?

श्री शिव चन्द्र झा : आप इतनी जल्दी बाजी करने की जरूरत नहीं थी। मैं बैकग्राउण्ड जानता हूं। जब खिलाफ बोलता हूं तब यह भी कहता हूं उसने ऐसा नहीं किया होगा, जगन्नाथ मिश्र ने स्नान नहीं किया होगा। यह बात बिल्कुल गलत है, ऐसा नहीं किया होगा—आप बीच में ताल ठोक कर

आ गये—लेकिन सवाल यह है कि किसी अखबार ने छपा तो इसमें घबड़ाने की क्या बात है। यह बात स्क्रीलस नहीं है, कोई ऐसी डिफेमेटरी बात नहीं है। तब वह कहता है हमारे खिलाफ लोग छापते हैं कि कुएँ में जहर दे दिया फुलवारी शरीफ में। यह कौन असम्भव बात है। जब कैदी लोग राष्ट्र-नायक जयप्रकाश नारायण की किडनी तक बिगाड़ सकते हैं तो शासक क्या जेल में जहर नहीं दे सकता ? यह सम्भावना हो सकती है।

श्री उपसभापति : यह तो स्क्रीलस हो गया।

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE) : This is the best example of what is scurrilous.

श्री शिव चन्द्र झा : उपसभाध्यक्ष महोदय, यही सब बातें ...

श्री उपसभापति : दस मिनट हो गये।

श्री शिव चन्द्र झा : यही सब बातें हैं तो कानून में प्रावधान है उस को प्रोसीक्यूट करते। येलो जर्नलिस्ट कहता है। कहता है कि हमारे फैमिली मैम्बर्स के बारे में, पर्सनल लाइफ के बारे में छापते हैं। दुर्भाग्य से हमारी लाइब्रेरी में वह किताब नहीं है। फ्रेंक लूथर मार्टिन की किताब है 'अमेरिकन जर्नलिज्म'। यू० के० जर्नलिज्म सारा का सारा यलो जर्नलिज्म है। फ्रेंक लूथर मार्टिन की किताब में थोड़ा सा यलो जर्नलिज्म के बारे में है, लेकिन मैं उसको पढ़ूंगा नहीं, सिर्फ दो-तीन यलो जर्नलिज्म के उदाहरण देना चाहता हूं। हैरी एस० ट्रूमन ...

श्री उपसभापति : आप तो इसके खिलाफ हैं, काहे उदाहरण दे रहे हैं। अब समाप्त करिए।

श्री शिव चन्द्र झा : वहां कानून के जरिए लोग उसका निराकरण करते हैं, प्रेस फ्रीडम को कल नहीं करते। है एस० ट्रूमेन ने जनरल मैकार्थर को फायर किया ...

MR. DEPUTY CHAIRMAN
Please, there is no time.

श्री शिव चन्द्र झा : मैं वहां विद्यार्थी था। अमेरिकी अखबारों में ये सब मंदी-मंदी बात निकली जैसी कि हिन्दुस्तान के अखबारों में जगन्नाथ मिश्र के खिलाफ नहीं निकली। मैं वहां देखता था। The wrote impeach this sun of a gun. ट्रूमेन ने उस अखबार को वहां अखबार वालों को दिखाया—वह किताब हमारे पास नहीं है—तुम्हारी यलो प्रेस क्या कर रही है। उस में फोटो है हैरी एस० ट्रूमेन का दूसरा उदाहरण देता हूँ ...

श्री उपसभापति : उतना समय नहीं है हमारे पास।

श्री शिव चन्द्र झा : दूसरा उदाहरण इवाइट डी० आइजनहोवर का ...

MR. DEPTUTY CHAIRMAN :
Yes, Mr. Minister, you reply.

श्री शिव चन्द्र झा : अंधेर करते हैं आप।

SHRI MANUBHAI PATEL
(GUJARAT) : He is putting his question. (Interruptions).

MR. DEPUTY CHAIRMAN :
What can I do ? (Interruptions). He has taken 13 minutes. For 13 minutes he cannot put a question. (Interruptions). No now the Minister will reply. The Minister will go on record....

SHRI MANUBHAI PATEL :
Wh en he is building up the case to put some questions ...

MR. DEPUTY CHAIRMAN :
On Calling Attention, how much time will you take ? (Interruptions).

In a Calling Attention, he should not take half-an-hour to build his case.

SHRI MANUBHAI PATEL :
What is the meaning of his reply if he has not put his question ?

श्री उपसभापति : आप बैठ जाए कृपा करके। आप बैठें पहले। अगर किसी सदस्य का 13 मिनट बोलने के बाद भी सवाल न आ पाये तो क्या होगा। यह पूरे दिन की बहस नहीं है। यह कॉलिंग अटेंशन है जिस में 60 मिनट का समय मिलता है। इतने समय में भी उन का सवाल नहीं आ पाता है तो क्या जवाब दिया जाएगा। आप बैठ जायें कृपा करके। आप के पास कोई सवाल ही नहीं है। Please cooperate with me. Otherwise the discussion cannot go on endlessly.

श्री शिव चन्द्र झा : मैं सवाल पूछ रहा हूँ।

श्री उपसभापति : आपके पास कोई सवाल नहीं है। आप बैठिये।

श्री शिव चन्द्र झा : मेरा सवाल है कि क्या जगन्नाथ मिश्र ने इस कानून को बनाने के पहले आप को कंसल्ट किया था ?

श्री उपसभापति : आप ने यह सवाल पहले क्यों नहीं पूछा। आप दूसरा सवाल पूछिये।

श्री शिव चन्द्र झा : अब जब यह बिल वहां पास हो गया है तो क्या आप उन को आदेश देंगे कि वह इस को विदड़ा कर लें और नहीं तो जब तक वह

प्रेसीडेंट की असेंट के लिये आयेगा तो क्या आप प्रेसीडेंट को सलाह देंगे कि वे इस के लिये अपनी स्वीकृति न दें ? तीसरा सवाल है कि जगन्नाथ मिश्र का यह फासिस्ट कदम जो है इस के लिये क्या यह सरकार उन के कान पकड़ेगी और उन को निकालेगी ? चौथा सवाल है कि इस तरह के एकशन्स में कोर्ट के जरिये केस करके क्या निपटायें नहीं जा सकते ? कितने ऐसे केसेज हैं कोर्ट में कि जिनका निराकरण नहीं हो पाया है वे चाहे डिफेमेटरी हों या दूसरी तरह के हों, जिनका निराकरण नहीं हो पाया है और इसके बाद फ्रीडम आफ दी प्रेस की बात आती है ।

श्री उपसभापति : अब मंत्री जी उनका जवाब देंगे ।

श्री शिव चन्द्र झा : यह संविधान की जो धारा 190 है यह कंफ्लिट नहीं है । मेरा प्रस्ताव था कि इस धारा में संशोधन की जरूरत है और उस के साथ साथ प्रेस कमीशन की जो बात है उस ... (व्यवधान) यह तो आप का गलत तरीका है ...

श्री उपसभापति : अगर यह गलत तरीका है तो आप बैठ जायें । मिनिस्टर प्लीज ।

श्री शिव चन्द्र झा : भारत की प्रेस आजाद नहीं है । यह यलों है या और किसी तरह की है लेकिन इस का निराकरण इस तरह से फासिस्ट विधेयकों से नहीं हो सकता बल्कि एक रडिकल और प्लान्ड प्रेस विधेयक से हो सकता है जिसके मुतालिक मेरा विधेयक था और मैं उस पर काफी बोल चुका हूँ । लेकिन मेरी बात का सरकार पर कोई असर नहीं हुआ । वही बात हो गयी कि भैंस

के आगे बीन बजाइये, भैंस खड़ी पगुराय । यही आज हो रहा है ।

SHRI P. VENKATASUBBAIAH : Sir, I will deal with only the questions posed by the hon. Member. He was saying so many things about the merits and demerits about the conduct of the Chief Minister and about the provisions of the Bill which has not been received by the Government of India for recommending it for President's assent. I am not going to give an answer to the questions which are not relevant to the discussion. Firstly he has asked whether the Chief Minister had consulted the Prime Minister. There is no need for it under the provisions of the Constitution and the Chief Minister need not consult the Central Government or the Prime Minister... (Interruptions).

SHRI PILOO MODY (GUJARAT) : The Constitution of India or the Constitution of the Congress Party ?

SHRI P. VENKATASUBBAIAH : I am talking of the Constitution of India. Article 254 is the relevant article. (Interruptions) . He asked whether the Government will advise the President not to give his assent. When the Bill is sent, the Government will apply its judicious mind and go into all aspects of the matter. (Interruptions) . As I have already stated the Government is as much zealous as the hon. Members for safeguarding the freedom of the Press and expression.

SHRI HARKISHAN SINGH SURJEET (PUNJAB) : On the one hand, the Minister has stated that the Government of India stand by the Constitutional guarantee of freedom of speech and expression which includes freedom of the press. But at the same time, the Minister seeks to justify what the State Government has done. Although he said that he will take into consideration all the

aspects while taking a final decision he has indicated the Government's mind when he said that it is not something new and earlier it was done in Tamil Nadu and in Orissa. According to the Minister, it is a normal practice which they are adhering to, nothing new. That way the Minister has tried to justify the State Government's action.

If you go into this piece of legislation, you will know that it is a draconian law which seeks to suppress the press and it is a direct attack on our democratic functioning. The law makes the offence cognizable and non-bailable and what is the punishment? Two years' jail in the first instance and a fine and five years and fine in the second instance. And the power has been given to anybody, lower or upper official. Such a law is surely meant for gagging the people and to see that their views are not expressed.

In paragraph 3 the Minister says that it is only against indecent and scurrilous matters. In reality it is against anything. Then he speaks of the morale of public servants. If you go into the question of morality, then most of the Ministers should be put in prison. Then only you can save the morale of officials...

एक माननीय सदस्य : प्रकाश सिंह बादल को अन्दर कर लो।
(अवधान)

SHRI HARKISHAN SINGH SURJEET : Yes, anybody who is responsible for it.

The Chief Minister has stated the real reasons for this law. In one article he has stated that such publication of news brings discredit to the Government. Now, what is happening in Bihar? Does it not bring discredit? Every day something or other is happening. Everybody

knows about the blinding story. The Supreme Court had to intervene in that matter. Everybody knows that every day atrocities on Harijans are taking place in Bihar. You want now to protect those criminals through this legislation. Nothing about such things should be written in the press. That is what he wants. Every day we are listening to corruption everywhere which demoralises the administration and the people. You want to protect the culprits through this legislation. God save us. You are hearing about Antulay affairs oil deal scandal, cement scandal and what not. Now you want to cover up such things through this legislation. It is very clear for whom this is meant. You have got your own radio and television to do your propaganda day in and day out. And you are spreading whatever news you want to spread through these Government media. But you are not satisfied with that. There are some news items about something that happened in Arrah in Bihar. Some two newsmen gave some news about some atrocities by the police. It happened in Arrah and, immediately Sir, they were arrested and were harassed. This is what is happening in the country and you do not want such news to come out and you do not want such things to be brought to the notice of the public and to prevent it only you are bringing forward such a piece of legislation. You know the cases of rape of women by policemen are reported and you do not want to defend the honour of women. But you say that such things will demoralise the administration and this is the criterion you are going to adopt and you are adopting and that is why you are bringing forward this type of a legislation. This type of a draconian law would lead you somewhere else. Bit by bit you are resorting to the emergency measures. As a whole you cannot bring it because there is a very strong public opinion in the country against it. I can tell you that our party is also running the

government in two States. But we never found any need for such a piece of legislation. Your own party is slandering us and daily some statements or the other are being issued and yet we never felt the need for a legislation of this type. We do not want it and we shall never bring forward any such piece of legislation. There is freedom of speech and expression and let the people judge the performance of our Governments and your performance also. In this connection, I want to ask you some questions. They are : Are you prepared to guarantee freedom of the Press, the guarantee about which you yourself have stated in the first paragraph of your statement? You do not want to take into consideration the fact that there is an agitation going on throughout the country against this Bill and there is agitation among the pressmen, among the journalists everywhere in the country and demonstrations are being held against this legislation. Already there are many cases of harrassment and some correspondents or some Pressmen are attacked. What is needed in their protection. So, I would like to ask : Are you prepared to assure the House that you will stand by the guarantee which the Constitution has provided and which you yourself have stated ? Are you prepared to stand by that guarantee and to protect the freedom of the Press ?

Secondly, would you be able to say that the sanction to this legislation will not be given and it will be sent back ?

Thirdly, will you assure this House that you will protect those who are giving you the news about atrocities that are being committed ? A categorical assurance must be given. There are atrocities being committed against the Harijans, there are atrocities committed on women and there

are atrocities committed on the minorities and the newspapers and the newsmen who bring out these atrocities must be protected and a full assurance must be given here in this regard. Sir, I want answers to these three questions of mine. Thank you, Sir.

SHRI P. VENKATASUBAIAH : Sir, I made the references to Tamil Nadu and Orissa only to emphasise the point that it is not peculiar to Bihar Assembly alone which has passed this legislation.

SHRI PILOO MODY : But the manner in which this has been passed is peculiar !

SHRI P. VENKATASUBAIAH : In this connection, Sir, I would only like to point out that a Bill was actually passed by the Rajya Sabha in the year 1978 on this specific matter of insertion of a new clause and it has been stated like this—and I quote :

“The attention of the Committee was drawn to the fact that of late there has been an increase in the printing of grossly indecent and scurrilous matters intended for blackmailing and then circulating or exhibiting them through the medium of the Press and Bills and other written documents. The Committee feels that for checking this menace of blackmail, there should be a specific provision in the Code prohibiting printing and distributing such scurrilous matters and for punishment to be awarded to the offender. The Committee has accordingly inserted a new section, 292A, for the purpose.”

SHRI LAL K. ADVANI (Madhya Pradesh) : Which Committee?

SHRI P. VENKATASUBAIAH : Sir, this was passed in the Rajya Sabha in November 1978.

SHRI ARVIND GANESH KULKARNI (Maharashtra) : Which Committee?

SHRI P. VENKATASUBAIAH : It was a Joint Committee and the Rajya Sabha passed this.

SHRI HARKISHAN SINGH SURJEET : We opposed it even at that time.

SHRI P. VENKATASUBAIAH : Mr. Kulkarni, you were there very much in this House in 1978. The Rajya Sabha had passed this. Sir, section 292A, as passed by the Rajya Sabha, is substantially the same as section 292A in the present Bihar Bill and the Madras and Orissa Bills. That is why, Sir, as an analogy, I have stated this.

SHRI ARVIND GANESH KULKARNI : Mr. Venkatasubbaiah, yourself and myself had opposed it at that time also. The speeches of Mr. Salve and your leader are there on record. If you want, you can get the records from the Rajya Sabha and you can see it.

MR. DEPUTY CHAIRMAN : Mr. Kulkarni, let the Minister reply first. You can get your chance when it comes.

SHRI P. VENKATASUBAIAH : Sir, I am saying this only as a matter of illustration.

SHRI HARKISHAN SINGH SURJEET : I want to tell you that I have not asked this question. You have not answered my other questions. I have not raised this question. You kindly answer my questions. Is this an answer to my question or his

question? Sir, why is he saying all these things? I have not asked a clarification on this.

MR. DEPUTY CHAIRMAN : He will come to your queries.

SHRI P. VENKATASUBAIAH : Sir he was referring to Tamil Nadu and Orissa. I merely said that the Rajya Sabha has also passed such a Resolution. As the hon. Member, Shri Shiva Chandra Jha, has raised, even in the Bihar Bill there have been sufficient safeguards with regard to the specific thing and that has been inserted. I have only stated that the freedom of the Press, as enjoined under Article 19 of the Constitution has also put certain restrictions with regard to the abuse of freedom of press or expression. Article 19(2) has categorically described the manner in which the freedom of the press or speech has to be exercised, whether any restrictions are to be put if there is an occasion for abuse of such powers of expression. Thus, he has not violated the articles of the Constitution. The other matters which the hon. Member have raised are not relevant to the discussion before us.

SHRI HARKISHAN SINGH SURJEET : I asked whether you are giving accent or not.

SHRI G. C. BHATTACHARYA (Uttar Pradesh) : Why has my name not been printed in the notice?

MR. DEPUTY CHAIRMAN : You have raised the point just now. I will look into it.

SHRI G. C. BHATTACHARYA : I am only requesting you to go through the record whether my signatures are there.

MR. DEPUTY CHAIRMAN : I will see whether your name is there or not.

श्री शिव चन्द्र झा : इनका नाम था ...
(व्यवधान) ।

श्री उपसभापति : यह नोटिस तो इनके घर सुबह ही गया होगा । 'सुबह ही बता देते ।

SHRI G. C. BHATTACHARYA :
I take strong exception to your remarks. * इसका क्या मतलब है ?

MR. DEPUTY CHAIRMAN :
I meant that you should have pointed it out in the morning. Don't take down those remarks of mine.

SHRI G. C. BHATTACHARYA :
This shows negligence on the part of your Secretariat.

SHRI LAL K. ADVANI : Sir,
you are in the Chair. You should not cast aspersions like this.

MR. DEPUTY CHAIRMAN :
There was nothing objectionable. It means that the Member should be vigilant. In any case, I have said that it will not be recorded. (Interruptions). His name is not there. (Interruptions)

SHRI G. C. BHATTACHARYA :
I want to know what is the basis of your saying so?

MR. DEPUTY CHAIRMAN :
My office has informed me. That is the position.

SHRI G. C. BHATTACHARYA :
You made your remarks even before the office informed you. (Interruptions)

MR. DEPUTY CHAIRMAN :
Why do you worry? The record will show it.

*Not recorded as ordered by the Chair.

SHRI G. C. BHATTACHARYA
You should not take it lightly. We are not here at your mercy. You should not make unwarranted remarks. I want to know why you have made these remarks.

DR. M. M. S. SIDDHU (Uttar Pradesh) : Mr. Jha says that he signed along with him.

श्री शिव चन्द्र झा : मेरे फार्म पर इनका नाम था ... (व्यवधान) ।

SHRI G. C. BHATTACHARYA :
I want to know why you made these remarks.

MR. DEPUTY CHAIRMAN :
My reply is not palatable to you. That is why I said it.

SHRI G. C. BHATTACHARYA :
It does not matter whether your reply is palatable or not. You are occupying the Chair. You should not make these remarks. In that article in the 'Times of India'..

MR. DEPUTY CHAIRMAN :
Mr. Bhattacharya, please see the notice and then tell anything... (Interruptions) Please take your seat. Let us proceed with the business.

SHRI G. C. BHATTACHARYA :
I protest strongly against the unwarranted and very wrong remarks made by you. (Interruptions)

MR. DEPUTY CHAIRMAN :
Mr. Advani, please put the questions.

SHRI LAL K. ADVANI :
Mr. Deputy Chairman, Sir...

MR. DEPUTY CHAIRMAN :
But may I request one thing to the Leaders also? If any person has got such a thing, he should come to the Chamber. What I said is that he has received the notice of the

agenda also. He could have raised this matter in the Chamber. Why should he waste time in the House?

SHRI G. C. BHATTACHARYA :
Why did you make these remarks? I always obey your rulings....

MR. DEPUTY CHAIRMAN :
Mr. Bhattacharya, I will request you to come to the Chamber and see the notices. You show me where you have signed it. If your name is there, then it will be corrected.
(Interruptions)

सदन की कार्यवाही 2 बजे तक के लिये स्थगित की जाती है ।

The House then adjourned for lunch at fifty-seven minutes past twelve of the clock.

The House reassembled after lunch at two minutes past two of the clock, Mr. Deputy Chairman in the Chair.

MR. DEPUTY CHAIRMAN :
Yes, Mr. Advani.

SHRI G. C. BHATTACHARYA :
Mr. Deputy Chairman, Sir, about my request to you regarding the inclusion of my name, now it is clear that in the July 27 notice my name was there. But unfortunately that lapsed. And, in the next week when the notice was repeated, my name was not there, And, I am told that, it is for that reason that my name is not here in this list. When I was mentioning these things, I did not cast any aspersions on the office or the staff. I was only stating the facts so that I may request you to give me time to speak on this Calling Attention Notice. I would, therefore, request you to kindly give me a chance so that I may also speak on this matter.

श्री शिवबन्धु झा : मेरा प्वाइंट ऑफ ऑर्डर है । इसको आप साफ कर दें कि रिन्यूअल की नोटिस जो कालिंग अटेंशन में दी जाती है तो सारे कालिंग अटेंशन के रिन्यूअल के लिए ना ? तो उसमें जितने नाम हैं, जिनके दस्तखत हैं उन सबों का नाम आटोमैटिकली रिन्यू हो जाता है । मुझे मालूम हुआ चूँकि मैंने रिन्यूअल का दिया था कि मेरा ही हुआ और दो लोगों ने नहीं दिया, इसलिए उनका नहीं है । लेकिन यह बात हम लोगों को समझ में नहीं आ रही है जब रिन्यूअल की नोटिस है तो उसमें जितने नाम हैं दैट नेम्स शुड बी इन्क्लूडेड ।

MR. DEPUTY CHAIRMAN :
I think this matter is quite clear and it does not require any clarification on my part. This rule was, for the first time, announced in the House in 1979. This very matter was raised in 1980 March by Shri Bhattacharya, this very point. I think at the commencement of every session the rules regarding the Calling Attention Notices are notified to every Member. You consult the Rules. This is the procedure followed in this House that if a Member gives notice, that will be valid for a week and on Friday it lapses. If he wants his name to be included he shall have to give a fresh notice. If later on only one Member gives notice of such a motion, only his name will appear and not the names of other Members. You read the Bulletin and you will know the position.

SHRI G. C. BHATTACHARYA :
Sir, kindly reconsider this convention so that the names given earlier do not lapse and are automatically included.

MR. DEPUTY CHAIRMAN :
That is all right, that we will see.

My request is that there is a long list of speakers and we have very crowded business for today.

SHRI ARVIND GANESH KULKARNI : Sir, this is an important matter.

MR. DEPUTY CHAIRMAN :
My request, therefore, is that you should be very brief.

SHRI ARVIND GANESH KULKARNI : Sir, this is a bread and butter question for our very existence.

MR. DEPUTY CHAIRMAN :
Yes, Shri Advani.

SHRI LAL K. ADVANI :
I notice that the Minister of Information and Broadcasting is not here. He was here in the morning and I expected that he too would be here, because, as the phraseology of the Calling Attention notice indicates, It is not confined merely to one piece of legislation, the Bihar Bill or something of that kind. In the other House, it was Shri Venkataraman who replied. In this House also, Shri Venkatasubbaiah is replying. But... *(Interruption)*

MR. DEPUTY CHAIRMAN :
MR. Venkatasubbaiah, you call Mr. Sathe also.

SHRI LAL K. ADVANI : I think, the Minister of Information and Broadcasting should be here. In fact, this relates more to him than to Shri Venkatasubbaiah. If it were merely confined to the law, than perhaps, either the Home Minister or the Law Minister could reply. It is true that the Calling Attention relates to the pressures building up in the States. And to that extent, the Home Minister has to reply. Sir, I would not like to go over the same ground again which has already been covered by the preceding speakers.

MR. DEPUTY CHAIRMAN :
Mr. Sathe has come.

SHRI LAL K. ADVANI :
Welcome. Mr. Sathe, you are very much wanted in this House.

SHRI PILOO MODY : You are wanted all over the country, but in this House, at the moment.

SHRI LAL K. ADVANI : Sir, first of all, I would like to know, where does the Central Government, figure in this entire episode ? This is not yet clear. This is the first point for clarification that I would seek. I recall that in 1977 or 1978, the Tamil Nadu Government had referred a piece of legislation to us in the Government here. Our reaction was not favourable to that Bill, though I am aware of the Constitutional limitations of the Central Government in the matter of legislations of this kind which relate to the Concurrent List. But our reaction was not favourable. Subsequently, however, the Tamil Nadu Government passed a Bill. Then, Orissa also passed a Bill. Now it is the Bihar Government's turn to pass a Bill of this nature which throughout the country has evoked a kind of a vehement reaction and a unanimous reaction from the entire media from the entire Press and I must compliment the Press of the whole country and the Press of Bihar in particular for standing up to this obnoxious Bill to this black Bill firmly and vehemently and with a determination which obviously is not going to waver.

Sir there is a background to this whole affair. And it is not merely this publication of the new story relating to the slaughter of 108 goats and Shri Mishra having taken a blood bath in that. This may be a baseless story I do not know. But this much is known that Shri Mishra believes in some kind of tantra. He may not believe in this kind of atavistic ritual. But you see the colour photographs of his in magazines in which all the ten fingers show different kinds of rings in them. That is a different matter. I would like to know from Mr. Mishra if any

paper exposes, bares, this atavistic, superstitious and **queer** tendency of his, is it indulging in scurrilous writing? I do not think so. In this particular case, it happens—I made enquiries—that no paper of Bihar has published this story about the slaughter of 108 goats. No paper of Bihar has published it. It is, perhaps, some two magazines published outside Delhi which have carried the story, and that too in the month of May or June, somewhere around that time. Whereas, it was in the month of March that Mr. Mishra, the Chief Minister of Bihar, deputed three officers of his to Madras, to go and study the Bill of TamilNadu and find out whether we can do the same thing here or not. I am merely trying to establish that this kind of story which may be baseless, which may be concocted, which may be obnoxious, has nothing to do with this Bill. I would say, if it is wrong, Mr. Mishra has every right to proceed against the journals under the existing law of defamation and sue the journals concerned. No difficulty about it, but the fact that he moved in this direction has nothing to do with the story, nothing to do whatsoever with the story. The story came much later. He has been angry with the press for a long time. Every since the Indian Nation episode he had been angry and bitter with the press. He regards the press as his enemy because it is true that Bihar is one of the worst administered States in the country, scandals piling up one after the other. Scandalous Bhagalpur blinding being only one of the kind, and the nexus that exists between the collieries and the criminals and the mafia and the politicians, one after the other the kind of scandals that are being exposed naturally have perturbed the Chief Minister of Bihar and, therefore, he has been, in a way, itching for some kind of sanction against the press.

The press has been functioning as

a vigilant sentinel of public interest. So far as obscenity is concerned, I think the law is there already and a question was asked, has the Chief Minister of Bihar proceeded against anyone? The Home Minister very glibly replied to the earlier member that "I have no information whether he has undertaken any prosecution of any errant journalist". My information is that throughout the 2½ years' period that Mr. Mishra has been there, he has filed only one single case of defamation against the Indian Nation, not on ground of scurrility, not on ground of obscenity, but on ground that it was perhaps reported that there is a CBI inquiry against Shri Mishra and he said that there was no CBI inquiry and he sued him. The case is going on and my information is that there have been six or seven adjournments of that case, all sought for by the Government. Now these are the hard facts and these hard facts have to be kept in mind while coming to the conclusion whether a Bill of this kind is necessary or not. A surprise has been sprung on us, on the House, that after all, this is a normal matter; even the Janata Government did it and the Rajya Sabha passed, it, etc. I saw it in Mr. Venkataraman's statement. I am grateful to him for pointing it out to me because I would like to own my mistake wherever it is. If I was part of the Government, the Government's mistake is my mistake. But these facts also should be put in proper focus. There is a Joint Committee of the House constituted in 1972 and that Joint Committee is not dealing with the Press, it is dealing with the Indian Penal Code, comprehensively trying to reform it, reshape it. That Joint Committee, formed in 1972, submits its report in 1976 after examining hundreds of witnesses, after examining hundreds of memoranda, after having not less than about hundred sittings and all that; and a near unanimous report comes out. I, for one, am grateful to Shri Venkataraman for having pointed this out because I feel that even the

Janata Government should have been more careful, it should have undertaken greater scrutiny of this particular provision relating to the press before introducing it in this House and also that it was not passed by Parliament is a blessing for the country, but when you cite it I become apprehensive. Are you intending to bring it back again? That is what I feel because I hold that the laws relating to the press, as they are today, are totally adequate. There is no question whatsoever, there is no justification whatsoever, for imposing any further constraints. If at all, there is a clear case for including a constitutional guarantee for freedom of the press apart from the freedom of expression, that is there in article 19, then it is necessary if further anything is necessary, I would say that this country badly needs a 'Bill of information'. A right to information, the kind of legislation that obtains in many democratic countries of the world where a journalist doing his duty is not merely entitled to speak out what he thinks is the truth but also to ferret out information. So as a result of these laws that have been passed in Orissa, in Tamil Nadu, what has happened? I have with me a news from Madras—I am quoting the *Hindustan Times*—which says :

"Tamil Nadu is a State where information is a prized commodity. The flow of information is clogged at various levels. The news men are suspects in the eyes of Government. When the ordinance to curb 'scurrilous writings' was promulgated, and the secretaries were forbidden to talk to the Press, it became difficult to get any information other than useless Statistics. Some secretaries declined even that, taking shelter under the ordinance.

The Information Department pleads helplessness when a request for information is routed through it".

Sir, it is therefore that I say that the laws as they are totally, absolutely adequate. Nothing further is needed. The Indian Penal Code is there; the law of defamation is there; the law of contempt is there and if there are any errant journalist, if they are people who write in a manner as to do mischief but who do not come within the mischief of law, I would say the Press Council is there. The Press Council is meant for that. It is an institutionalised arrangement to deal with pressmen who indulge in irresponsibility. They may not be committing illegality, but they indulge in irresponsibility. The Press Council comes in there.

SHRI PILOO MODY : They have done very well over the last two or three years.

SHRI LAL K. ADVANI : I have always been of the view that there should be no law, there should be no legislation to curb irresponsibility. After all, irresponsibility is not the monopoly of politicians or members of Parliament. All can partake of it.

SHRI PILOO MODY : Or the Chairman.

SHRI LAL K. ADVANI : Sir, we would like to discipline ourselves. So far as we are concerned, if any one of us behaves irresponsibly, we deal with it. Similarly, if any one of the pressmen behaves irresponsibly, the particular press should deal with it. The press Council is an institutionalised arrangement.

MR. DEPUTY CHAIRMAN : Now please conclude.

SHRI LAL K. ADVANI : Sir, I have something to add. I won't take long. This is not confined to law. This is confined to pressures on the press. And today the pressures are not merely legislative. They are administrative also. They are political also. I have with me another

press clipping. I am not going into the old—stories what happened in Bangalore, the kind of gherao that took place there, or what happened to that journalist whose wife was raped and murdered in Orissa. Those are old stories. But even recently in Orissa what has happened? There was pressure on journalists. I am again citing the *Hindustan Times*. Shri Khushwant Singh is here. It says :

“Pressures on journalists whose despatches are not palatable to the Government which had a brief respite of about eight months, have apparently started once again as the J. B. Patnaik Government is faced with growing dissidence within the Government as well as the party”.

Once the troubles start within, the pressures come on the press. There was Mr. Jena, who is the correspondent of the Calcutta based ‘*The Telegraph*’ and other Ananda Bazar group of publications. He complained “that yesterday around noon, one Prakash Mishra, sub inspector in the special branch, came to his house when he was absent and asked awkward and offending questions to his wife. When his wife enquired the reason for asking such questions, the visitor reportedly said it might be because of some writings of her husband”.

Now have we come to this pass? Now this is not something which can be legally dealt with. But the Minister for Information and Broadcasting is here every year he convenes a meeting of the Information Ministers of all the States, to which ever party they may belong—they may belong to AI-Anna DMK or CPM. They do participate in that conference of Information Ministers. I would think that these are issues which could be thrashed out even at

that conference of the Information Ministers. He should be conscious of it that his responsibility is to ensure that freedom of the press is absolutely inviolate. Sir, furthermore, this does not belong to the CPI (M), this does not belong to the AI-ADMK. This happens to belong to the same party which is ruling at the Centre—in Madhya Pradesh. There are two instances. One of the reports pertains to officials harassment of a journalist in Chhattarpur. I am not citing Mr. Khushwant Singh. I am quoting the *Times of India* dated 29th July :

“One of the reports pertains to official harassment of a journalist in Chhattarpur who persisted in filing a series of press reports regarding a magisterial inquiry into an incident of rape involving a policeman there. The incident had led to an agitation and police firing in July 1980.”

Now, because this journalist is trying to report what the magistrate has found about that rape case, he is in trouble. It further says :

“Mr. D. P. Pande, district and sessions judge of Chhattarpur who conducted the inquiry submitted its report to the government recently. The report is understood to have stated that the reporter was under undue pressure from the district authorities who had sought to hush up press reports in regard to inquiry into the rape incident.”

Here is yet another incident :—

“The other reported incident concerning the alleged threat to the freedom of the Press relates to the ‘suspension’ of official advertisements in respect of a newspaper in Sooni because it had ‘exposed a sex scandal’ allegedly involving some local politicians and officials.”

Now, Sir, these are the incidents which have been reported. They have not been contradicted. I would think that the Information and Broadcasting Minister cannot be a passive spectator in these matters. He has to take positive interest. Lately he has made some very forthright and very frank statements. I would like to compliment him personally for having made a statement in Delhi last week in which he categorically said, "All thinking has come to a standstill. There is no thinking anywhere, not even in my Government, not even in the Cabinet, not even in my party and if this state of affairs goes on for long, who knows Burma and Pakistan will not be repeated in India."

SHRI BISHAMBHAR NATH PANDE (Uttar Pradesh) : Have the newspapers published it ?

SHRI LAL K. ADVANI : Yes. I am quoting from the *Times of India*. When a correspondent asked him, he frankly said, "I did say. I repeated it in my Pune speech the next day, on the 1st of August."

SHRI ARVIND GANESH KULKARNI : Salveji, this is Mr. Sathe's photo. This is his speech in *Loksatta* and *Maharashtra Times*.

MR. DEPUTY CHAIRMAN : Mr. Kulkarni, your chance will come. Please conclude now, Mr. Advani.

SHRI LAL K. ADVANI : Sir, this kind of frank thinking and frank talk would certainly help the country and it is certainly going to help the Government and the ruling party also very much.

SHRI N. K. P. SALVE : (Maharashtra) : That was when the Janata Party was in power ?

SHRI ARVIND GANESH KULKARNI : No.

SHRI PILOO MODY : Some day you will also be in power and then will you behave this irresponsibly ? . . . (Interruptions) . . .

SHRI LAL K. ADVANI : I am particularly astonished to note that in the advertised speech—because it was not made in the Assembly at all, but it was supposed to have been made and then a full-page or two-page advertisement was given to the press for publication. It is Shri Jagan Nath Mishra's statement in the Bihar Vidhan Sabha of July 31, 1982 in which he has said that the Prevention of the Press (Objectionable Matter) Act is inadequate. It is interesting. See the rationale he has given for his Bill. "Most of the State Governments have either considered the Press (Objectionable Matter) Act, 1951, as a poor weapon to deal with such writings or they did not intend to give undue publicity to the matter . . ." He does not know that this Press (Objectionable Matter) Act of 1951 was repealed by Parliament in 1957. It does not exist.

SHRI MANUBHAI PATEL : He might not be knowing it.

SHRI PILOO MODY : He was not educated then, he is not educated now.

SHRI LAL K. ADVANI : It was repealed in 1957 because it was supposed to be a black law, and he says it is inadequate. He says this particular 1951 Act is inadequate. It is amazing. He repeated this yesterday. When a deputation of the Editors' Guide met him in Patna, he repeated it. They started asking him, "Have you proceeded under the present laws that exist ?" He said, there is one law, the Press (Objectionable Matter) Act and that is inadequate and, therefore, we have not proceeded under it. Well, I can only sympathise with him. But so far as . . .

SHRI ARVIND GANESH KULKARNI : Only the Bihar Chief Minister can say like this.

SHRI LAL K. ADVANI : Therefore, Sir, my questions to the Minister are like these. Firstly, as I said, I would like to know the Government's position in this regard. I have with me today's Hindustan Times which quotes Mr. Ashwini Kumar Sharma, MLA, saying that the Chief Minister of Bihar had told his party people that he had spoken to Shri Vasant Sathe, the Union Information Minister. Shri Vasant Sathe had been consulted in the matter and only after this consultation it was placed before the House. This is what the Chief Minister of Bihar has told his party colleagues, one of whom has written a public letter to the Chief Minister. I would like to know—Mr. Vasant Sathe is here—whether it had been sent here, and whether he was consulted orally or in writing. I would like to know whether the Draft Bill was sent to the Government for comments. If so, what were the comments? What did the Government of India say? Secondly, when the Bill comes here—it has not as yet arrived, because if it comes here...

SHRI PILOO MODY : Mr. Stephen is carrying it in between. It is carried by post.

SHRI LAL K. ADVANI : ... what would be the Government's reaction to this Bill? Would the Government advise the President to withhold assent to the Bill. Thirdly, as I have already suggested, would the Minister of Information and Broadcasting consider discussing this issue of press freedom with all its implications, the possibility of having a guarantee incorporated in the Constitution, with the Information Ministers? He can specially convene a conference for this purpose. I am really thankful to Mr. Mishra for having projected this issue in a very sharp manner. Otherwise, Tamil Nadu and Orissa Bills were glossed

over. There were protests, very feeble protests, but thanks to Bihar, thanks to the Chief Minister of Bihar, Mr. Mishra, the whole thing has come into spotlight and the entire attention has been attracted towards it. Then about the cases that I have cited of Madhya Pradesh, Orissa, would the Central Government intervene in those matters? And, lastly, is the Government satisfied that the Bill was properly passed? After all, the Bill was passed in five minutes, the whole thing was over in five minutes amidst shoutings and no one hearing anything, neither the Treasury Benches nor the Opposition. And it had occasioned a lathi-charge on journalists. All these things are there.

SHRI PILOO MODY : How can you make a speech in four minutes?

MR. DEPUTY CHAIRMAN : What happened in the Legislature, you cannot...

SHRI LAL K. ADVANI : I am not discussing what happened in the Legislature. But everything is done constitutionally. A law of this nature, has it really been given proper thought? (*Interruptions*). So far as this case is concerned, it belongs to the same party. Therefore, the responsibility and obligation on the Government is still more. I congratulate the Congress (I) Members also because some of the Members of the party in Bihar have said that this should not be done, and one of them has been quoted. These are the questions I would like to pose. And once again I would like to warn the Government that these are all matters in which all the Members, all democrats would fight the whole thing, they would resist it to the utmost and there will be no relenting until not only this Bill is withdrawn—because it has not yet become an Act—but the other two Acts of Orissa and Tamil Nadu are also repealed.

SHRI P. VENKATASUBBAIAH :

Sir, Mr. Advani is not only an eminent parliamentarian but he was also the Minister for Information and Broadcasting. He knows the constitutional position of the State Government vis-a-vis the Central Government, when the Central Government has to take a decision. That constitutional position I need not reiterate. I have already said this. Sir, he asked whether the Government will withhold recommending it for assent to the President. Sir when the Bill comes, as I have already said, it will undergo a judicial scrutiny of the Government of India and whatever suggestions are made by the hon. Members and also the views expressed in this regard by the Bihar Government on the relevant Bill that has been passed, all those will be taken into consideration. About Madhya Pradesh and Orissa, he asked whether the Government had intervened in this matter. Sir, I am not in a position to say now what exactly has happened.

Sir, another thing he asked is about consulting the Central Government. I have already stated in my reply to Mr. Shiva Chandra Jha that the Bihar Government did not consult the Central Government with regard to this Bill.

SHRI G.C. BHATTACHARYA :
What about Mr. Sathe?

SHRI P. VENKATASUBBAIAH :

He also asked whether the Bill had been sent before it was passed in the Assembly. We have not received the Bill before it was passed in the Assembly. He also asked whether we were satisfied with the way the Bill had been passed within minutes in the Bihar Assembly. This is the concern of the Bihar Government and the Bihar Assembly. We do not come into the picture at all.

SHRI PILOO MODY : What about Sathe?

SHRI LAL K. ADVANI : A Member of the Assembly said that the Chief Minister had told him that he had consulted Mr. Sathe before introducing this Bill. Is it true or false? (*Interruptions*).

MR. DEPUTY CHAIRMAN :
Please hear him. The Minister is replying. He is a Minister replying on behalf of the Government.

SHRI P. VENKATASUBBAIAH :
I have categorically stated that the Bihar Chief Minister had not consulted the Central Government in this regard.

SHRI LAL K. ADVANI : Mr. Deputy Chairman, Sir, I seek your protection. I asked a specific question whether Shri Sathe was consulted by the Chief Minister.

SHRI VASANI SATHE : May I answer, Sir? I was not consulted.

SHRI LAL K. ADVANI : At least this House knows that the Chief Minister is a *.

SHRI PILOO MODY : I think Mr. Venkatasubbaiah could have easily given this information to the House. Why should he make this pompous statement that the Government was not consulted when the question put was whether Mr. Sathe was consulted. Mr. Sathe was not consulted, Mr. Venkatasubbaiah could have said if he believed in Mr. Sathe.

श्री हुक्सदेव नारायण यादव : (बिहार)
उपसभापति महोदय, मैं सरकार से यह निवेदन करना चाहूंगा कि गांवों में एक कहावत है कि बाढ़ी बारह और पंच अठारह। बाढ़ी मांगें बारह और पंच दिलावे अठारह। बिहार के श्री जगन्नाथ मिश्र की कांग्रेस पार्टी के मुँगेर के बरेय्या क्षेत्र से जीते हुए श्री अश्विनी कुमार ने खुले आम यह कहा है... (व्यवधान)

*Expunged as ordered by the Chair.

श्री उपसभापति : इसका जवाब हो गया है।

श्री हुक्मदेव नारायण यादव : मैं यह जानना चाहता हूँ कि क्या अश्विनी कुमार ने जो यह कहा है कि श्री जगन्नाथ मिश्र ने बिहार की लेजिस्लेटिव पार्टी में यह कहा है कि उन्होंने इस बारे में साठे साहब की एसेन्ट ली, क्या आप इस बात की जांच कराएंगे ?

श्री उपसभापति : इसका जवाब उन्होंने दे दिया है।

श्री हुक्मदेव नारायण यादव : श्री अश्विनी कुमार ओपनली कहते हैं कि इनको कंसल्ट किया गया था। अगर कंसल्ट नहीं किया गया था तो क्या उनके खिलाफ आप अपनी पार्टी की तरफ से डिसिप्लिनरी एक्शन लेंगे ? उन्होंने जो असत्य बयान दिया है, क्या उनके खिलाफ आपकी पार्टी कोई अनुशासन की कार्यवाही करेगी ? श्री अश्विनी कुमार ने श्री जगन्नाथ मिश्र के खिलाफ इस तरह का बयान क्यों दिया ? श्रीमन्, मैं इस बात से इसको शुरू करना चाहता हूँ कि अभी जितने भी बयान दिये गये हैं जैसा अभी श्री अडवाणी जी ने भी कहा कि आई पी. सी., सी. आर पी. सी. आदि जितने भी दुनिया भर के कानून हैं उन कानूनों में डकैतियों, चोरों, पाकेटमारों आदि सब के लिए पकड़ने के प्रावधान हैं, लेकिन फिर भी आपको यह कानून लाने की आवश्यकता क्यों पड़ी ? बिहार विधान सभा के अन्तर्गत कार्यवाही की जो प्रक्रिया है, उसको मैं नहीं उठाना चाहता हूँ। लेकिन मैं यह कहना चाहता हूँ कि यह केवल बिहार विधान सभा में प्रक्रिया की बात नहीं है। संविधान के अन्दर हमें जो मौलिक अधिकार प्राप्त हैं और संविधान प्रदत्त हमें जो मौलिक अधिकार प्राप्त हैं, अगर उन पर कहीं कुठाराघात होता है, तो भारत की इस संसद् को अधिकार प्राप्त है कि वह उस पर चर्चा करे। संविधान के तहत इन बातों की

जिम्मेदारी इस संसद् के ऊपर है। बिहार विधान सभा को इस बारे में उतने अधिकार प्राप्त नहीं हैं जितने इस संसद् को प्राप्त हैं। मैं आप से पूछना चाहता हूँ कि अगर मैं और श्री झा किसी बिल पर 60 एमेन्डमेन्ट्स दें तो आप हमें यह बता दें कि 60 एमेन्डमेन्ट्स को आप कितने समय में पास कर देंगे ? आपसे मेरा प्रश्न है कि अगर 60 अमेन्डमेंट वाला मेरा बिल है तो उस बिल को आप कितने मिनट में पास कर देंगे।

दूसरी बात मैं यह कहना चाहूंगा कि विधेयक पास होता है तो उसका प्रथम वाचन होता है, द्वितीय वाचन होता है, तृतीय वाचन होता है और मंत्री को जवाब देने होते हैं। सैंकिड रीडिंग में मिनिस्टर का जवाब आता है, थर्ड रीडिंग में मिनिस्टर का जवाब आता है। लेकिन जब आप कह देंगे कि यह विधेयक स्वीकृत हुआ और तब हुक्मदेव नारायण यादव मिनिस्टर उस विधेयक को पास करने के सम्बन्ध में सदन में भाषण देना शुरू कर दे तो आप कह दें कि यह उचित है, कौन उचित है और दुनिया कहां जा रही है। मैं इसलिये इन बातों को उठाता हूँ। सार्वजनिक जिन्दगी में आज जो अपवित्रता आ रही है, आज सार्वजनिक जीवन में गुप्तता की बात की जाती है, मैं पूछना चाहता हूँ कि हम और आप सार्वजनिक जीवन में हैं तो हमारी और आपकी जिन्दगी में गुप्तता किस बात की हो। जो सार्वजनिक जीवन में आये हैं तो वे सार्वजनिक जीवन में अपना चरित्र खुला रखें। हमारे घर के अन्दर, हम जो एम० एल० ए., एम० पी० और मिनिस्टर जो हैं, हम कहां जाते हैं, कहां खाते हैं, किसके साथ बैठते हैं, किसके साथ सोते हैं, हमारे पूरे चरित्र पर हिन्दुस्तान की जनता को बोलने का और लिखने का अधिकार है, मौलिक हक है क्योंकि हम उनका पैसा खाते हैं।

अगर नौकर होकर यह कहते हो कि तुम मेरे बारे में कुछ नहीं बोल सकते हो तो वह नौकर नमक हालल नहीं नमक हराम है और आप नमक हरामी सिखाना चाहते हैं, हिन्दुस्तान के लोगों को, राजनैतिक जीवन में अपवित्रता लाना चाहते हो। मैं जानना चाहता हूँ कि पुअर राइटिंग, मैं अंग्रेजी इतनी नहीं जानता हूँ, पुअर राइटिंग क्या होती है? अगर लिख दिया कि जगन्नाथ मिश्र अपने तांत्रिकों के कहने पर 108 बकरों के खून से स्नान करता है, राजसत्ता बनाने के लिये तो यह पुअर राइटिंग है। अगर अखबारों में छपता है कि हुकमदेव नारायण यादव, पार्लियामेंट का मेम्बर पटना की सड़कों पर एक बदनाम औरत के साथ रिक्शा पर जा रहा था तो आप में अगर नैतिकता है तो उसका समाज के अन्दर खंडन करिये। अगर सही बात लिख दी गई तो वह पुअर राइटिंग है। कैसे आप कहते हैं कि यह पुअर राइटिंग है? तब न बोलें, सच्चाई पर प्रतिबन्ध लगाना, जुबान पर रोक लगाना और लिखने पर आप प्रतिबन्ध लगाना चाहते हैं। इसलिये मैं आपसे निवेदन करना चाहूंगा कि आप कन्सेंट दीजिये या न दीजिये, आपने दी होगी या न दी होगी लेकिन जिस वृक्ष की जैसी शाखा होती है उस वृक्ष पर वैसे ही फल फूल निकलते हैं। जगन्नाथ मिश्र जिस वृक्ष की डाल हैं, वृक्ष की जड़ हैं सेंटर और सेंटर मुल्क में मौलिक अधिकारों के हनन की ओर अग्रसर है, तो उस वृक्ष का पत्ता कैसे होगा? गांव में हमारे यहां...

श्री उपसभापति : समाप्त करिये।

श्री हुकमदेव नारायण यादव : उपसभापति महोदय, आप मेरी बात इसलिये नहीं सुनते कि मैं हिन्दी में बोलता हूँ। आप मुझे अंग्रेजी पढ़ा दें मैं भी अंग्रेजी में बोला करूंगा।

श्री उपसभापति : समय कम है, जरा कृपया... (व्यवधान)

श्री हुकमदेव नारायण यादव : समय तो बहुत कम है। मेरा आपसे निवेदन है कि हमारे गांवों में कहावत है...

श्री उपसभापति : कृपया समाप्त करें और मेरे साथ सहयोग करिये।

श्री हुकमदेव नारायण यादव : हमारे गांवों में कहावत है कि :

जिसकी बड़की छूलाही उसकी छोटकी का क्या हाथ।

जिसकी बड़की, जिसका जो बड़ा हो वही अगर बदनाम और शैतान है तो उसके बच्चों के बारे में क्या पूछना है। तो इसका मूल स्रोत कहां है? आज...

श्री उपसभापति : हो गया।

श्री हुकमदेव नारायण यादव : ... लोकतंत्र में बुनियादी अधिकारों...

श्री उपसभापति : हो गया, समाप्त करिये।

श्री हुकमदेव नारायण यादव : एक मिनट सुन लीजिये। मैं यह जानना चाहता हूँ कि पुअर राइटिंग किसे कहते हैं? आप कृपया कोट करके हमें बतायें कि बिहार में किन-किन अखबारों ने, किन-किन सम्पादकों ने कौन-कौन अखबारों के सम्पादक हैं और इनके द्वारा कौन-कौन सी गलत बातें लिखी गईं और क्या लिखी गईं, इसको जरा हमको बता दें। आप एक भी उदाहरण दीजिये जिसमें आप यह कह सकें कि यह गलत है... (व्यवधान)

...

चलिये पटना... (व्यवधान) ... गांव में चलिये, गलियों में चलिये, सड़कों पर चलिये आप रोक नहीं सकते। अरबन कोआपरेटिव बैंक का पैसा खाया गया तो अखबार वाला लिखेगा ही, आप उसको रोक नहीं सकते।... (व्यवधान)

...

श्री उपसभापति : अब समाप्त करिये, हो गया ।

श्री हुक्मदेव नारायण यादव : उप-सभापति महोदय, आप भारत सुरक्षा कानून के तहत एमडू एल० ए० और एम० पीज को गिरफ्तार करके जेल में डाल देते हैं, प्रेस वालों को लिखने पर प्रतिबन्ध लगाना चाहते हैं तो मैं यह कह देना चाहता हूँ कि वाणी पर प्रतिबन्ध लगाना और लेखनी पर प्रतिबन्ध लगाना असम्भव है और इंसान कभी इसको रोक नहीं सका है । और जब कभी दुनिया में जो भी इन्सान वाणी पर, लेखनी पर प्रतिबन्ध लगाने का सोचा है तो वाणी और लेखनी पर प्रतिबन्ध लगाने वाला स्वयं सरस्वती के प्रवाह में धराशाही हो गया है । आप सरस्वती के प्रबल प्रवाह को रोकने की कोशिश मत करिये मैं इन सब बातों को जानना चाहता हूँ कि अपने पाप पर पर्दा डालने के लिए, अपने अत्याचार को छिपाने के लिए, अपने कुकर्मों को छिपाने के लिए, भाई भतीजावाद को छिपाने के लिए बिहार के अंदर में (समय की घंटी) सुना जाय, बिहार के अंदर दो हजार आदमियों की एडहाक बहाली होती है और दो हजार एडहाक बहाली में से 19 सौ बहालियां पंडित जगन्नाथ मिश्रा और झा-झा कम्पनी करती है । मैं झूठ बोलता हूँ तो सदन से जांच करा लें, मैं सजा भोगने के लिए तैयार हूँ । दो हजार बहालियां करियेगा, 19 सौ अपने खानदान और जाति वालों की कर दीजियेगा अगर कोई प्रेस वाला बोल देता है, लिखता है तो आप कहियेगा पूवर राईटिंग है, आप कहेंगे कि वे जातीयता उभारते हैं । कौन जातीयता उभारता है ? गला काटने का काम आप कर रहे हैं (समय की घंटी)

श्री उपसभापति : समाप्त करिये ।

श्री हुक्मदेव नारायण यादव : अपने भाई भतीजा को ठेका दे दीजियेगा । कोसी प्रोजेक्ट आज बलूआ बाजार के हाथ में चल गया है । भारत सरकार के जरिये करोड़ों रुपया दिया जाता है । बालू की सफाई होती है और कोसी प्रोजेक्ट सोने की अण्डा देने वाली मुर्गी है । उस का सारा बालू का रुपया लड्डू बाबू, जलेबी बाबू, मत्स्यंजय बाबू, कौन-कौन बाबू मिल कर लूट रहे हैं । अगर प्रेस वाला लिखता है, कहते हैं पूवर...

श्री उपसभापति : समाप्त कीजिए ।

श्री हुक्मदेव नारायण यादव : ... राईटिंग है । आप मुझे बता दीजिये, सार्वजनिक जीवन में अनाचार और जुल्म करते हो वह लिखना क्या पूवर राईटिंग होगी । सार्वजनिक जिंदगी की स्वच्छता की बात करना, भ्रष्टाचार के खिलाफ बोलना क्या पूवर राईटिंग है... (व्यवधान)

श्री उपसभापति : आप समाप्त कीजिए, आपण देना है तो कहीं और दीजिए ।

श्री हुक्मदेव नारायण यादव : भाषण ही तो देना है, उनका जवाब भी जो आयेगा वह जानते हैं...

श्री उपसभापति : समाप्त कीजिये, प्लीज कन्क्लूड नाऊ ।

श्री हुक्मदेव नारायण यादव : उनका जवाब जो आयेगा वह भी मैं जानता हूँ, मुझे जो कहना था कह दिया । लेकिन इस भारत की सर्वोच्च सस्था में मैं कह रहा हूँ याद रखिये... (व्यवधान) जब नशा मनुज पर छाता है । पहले विवेक मर जाता है । आप जो कहेंगे वह मुझे मालूम है, आपका जवाब मुझे पता है हो और मैं जो कह रहा हूँ वह भी पता है । लड़ने को होगा तो लड़ेंगे... (व्यवधान) आपका विवेक नष्ट हो गया है । आप खून की धारा बहा रहे हैं... (व्यवधान)

याद रखिये पंडित जगन्नाथ मिश्र अपने भी डूबेंगे और उनके साथ... (व्यवधान)
आप भी डूबेंगे... (व्यवधान)

श्री (मौलाना) असरारुल हक (राजस्थान)
आप डूबेंगे (व्यवधान)

SHRI P. VENKATASUBBAIAH :
The honourable Member has said that he anticipated my reply. So there is no use of my giving a reply to him. There are no specific questions put to me for which I have to answer.

SHRI PILOO MODY : Mr. Deputy Chairman, aren't you happy that the Minister's reply was very short?

SHRI MANUBHAI PATEL :
Not only that. He has accepted everything.

श्री उपसभापति : जरा बोलने दीजिये ।

श्री सूरज प्रसाद (बिहार) : श्रीमन्, अभी जो बिहार के सामने बिल है, वह बिल इसमें कोई शक नहीं कि संविधान का विरोधी है, जनतंत्र विरोधी है, जन विरोधी है और यह एक काला कानून है । अगर इसको राक्षसी कहा जाय तो इसमें कोई अतिशयोक्ति नहीं होगी । यह एक पाशविक कानून, जनता के अधिकारों के, प्रेस के अधिकारों के दमन के उद्देश्य से बनाया गया है । मुख्य मंत्री चाहते यह हैं कि इस बिल के जरिये इस कानून के जरिये वे तमाम अखबारों को अपने सामने समर्पण करा दें । जाहिर है कि उनकी इच्छा की पूर्ति नहीं होगी । जिस तरह की बात आज पूरे देश के पैमाने पर अखबारों द्वारा विरोध स्वरूप प्रदर्शित की जा रही है उससे यह परिलक्षित होता है । उनके इस बिल लाने के संबंध में उन्होंने चार पांच बातें उनके द्वारा इस बिल के संबंध में कही गयी हैं ।

उनका कहना यह है कि इस तरह के बिल की इसलिए जरूरत है कि अखबार, अश्लील, वीभत्स और दूसरे प्रकार के आपत्तिजनक समाचार अखबारों में प्रकाशित करते हैं । उनका कहना यह है कि प्रेस राष्ट्रीय उद्देश्य के प्रतिकूल समाचार प्रकाशित करते हैं... । और इसलिए वे राष्ट्रीय उद्देश्य से च्युत हो गये हैं । प्रेस राष्ट्रीय अखण्डता समाजवाद, जनतंत्र और धर्म-निरपेक्षता के समाचार के खिलाफ समाचार प्रकाशित करते हैं, उनका यह भी कहना है कि अखबार राष्ट्रीय हित को लात मार करके अपनी विक्री बढ़ाने के उद्देश्य से सरकार की आलोचना करते हैं । उनका यह भी कहना है कि यह व्यक्तियों के चरित्र के हनत् के लिए समाचार प्रकाशित करते हैं और कुछ अखबार अपनी विक्री बढ़ाने के लिए यैलों जर्नलिज्म का सहारा लेते हैं । अगर इस तरह की बातों का प्रकाशन बिहार के अखबारों ने किया, तो मैं मंत्री जी से यह जानना चाहता हूँ कि क्या मुख्य मंत्री ने इन समाचारों के बारे में प्रेस कौंसिल में ध्यानाकर्षित किया— जो देश के अंदर प्रेस कौंसिल है और जिसके सामने एक कोड आफ कांडिक्ट है ? अगर इस तरह के समाचार प्रकाशित हुए, तो क्या मुख्य मंत्री ने इन समाचारों के प्रति प्रेस कौंसिल का ध्यान आकर्षित किया ?

मैं आपसे यह कहना चाहता हूँ कि मुख्य मंत्री ने यह तमाम जो बातें उन्होंने कहीं, इस उद्देश्य से यह बिल नहीं बना है । यह बिल इसलिए बना है कि बिहार के अखबार मुख्य मंत्री जो आपाद मस्तक सिर से पैर तक जो भ्रष्टाचार में लिप्त हैं, डूबे हुए हैं, उनके खिलाफ ... (व्यवधान)

श्री (मौलाना) असरारुल हक : यह जो खबर ... (व्यवधान)

†[شری (مولانا) اسرارالحق : یہ

جو خبر (مداخلت)]

श्री सूरज प्रसाद : मैं कहूंगा... व्यवधान हमको बोलने दीजिए, आप कुछ नहीं बोल सकते हैं.... (व्यवधान) आप बैठिये... (व्यवधान) हम यह जानते हैं कि कैसे बोला जाता है... (व्यवधान)

श्री (मौलाना) अस्तराहल हक : यह भ्रष्टाचार (व्यवधान) अब अगर चीफ मिनिस्टर यहां हों

†[شری (مولانا) اسرارالحق :

(مداخلت) اب الی چیف منسٹر

یہاں ہوں (مداخلت)]

श्री सूरज प्रसाद : हम जो जानते हैं कहेंगे आप रोक नहीं सकते हैं । जो मैंने कहा कि बिहार का मुख्यमंत्री हिन्दुस्तान के अंदर जितने मुख्यमंत्री हैं, और जिन पर भ्रष्टाचार के आरोप हैं इन सब में उनका स्थान अग्रवर्ग नम्बर, पर आता है । और जब इनके खिलाफ समाचार बिहार के अखबारों में प्रकाशित होते हैं तो यह बौखला जाते हैं ।

दूसरी बात यह है कि बिहार के अंदर कानून और व्यवस्था नाम की कोई चीज नहीं है और इसका जब प्रकाशन होता है तो मुख्य मंत्री बौखलाते हैं और बिहार के अंदर कई जगहों पर... अभी जो बिहार के अंदर में ऐसे बहुतेरे आपराध कर्मी हैं जिनको संरक्षण बिहार का प्रशासन देता है और मुख्य मंत्री को माला पहनाता है, इस तरह का समाचार टाइम्स आफ इंडिया के एडिटोरियल में प्रकाशित है । इसलिए मुख्य मंत्री बौखलाते हैं... (व्यवधान).... बिहार के अंदर (व्यवधान)

श्री (मौलाना) अस्तराहल हक : यह ऐसे ही (व्यवधान)

†[شری (مولانا) اسرارالحق : یہ

ایسے ہی ... (مداخلت)]

श्री हुकमदेव नारायण यादव : यह ऐसे ही बोलत हैं (व्यवधान)

श्री उपसभापति : आप क्यों खड़े हो रहे हैं यादव जी ? वह बैठ गये हैं... (व्यवधान) अब आप बैठ जाइये । सूरज प्रसाद जी जवाब दे देंगे, आप बैठ जाइये ।

श्री सूरज प्रसाद : बिहार के मुख्य मंत्री जो हैं, उन्हें अपने ज्ञान और विवेक तथा बुद्धि पर विश्वास नहीं है । उनका विश्वास तांत्रिकों पर है और उन्हीं के कहने के मुताबिक वह काम किया करते हैं और इसी के खिलाफ जब समाचार प्रकाशित होता है तो इस तरह के बिल बना दिये जाते हैं । उन्होंने यह कहा कि हिन्दुस्तान के अखबारों से मुझे कोई दुश्मनी नहीं है, बिहार के अखबारों से मुझे दुश्मनी है

इसलिए मैं सरकार से... (व्यवधान)

श्री उपसभापति : आप कृपा करके सवाल पूछिये, भाषण रहने दीजिए ।

श्री सूरज प्रसाद : अच्छा सवाल तो पूछने दीजिए । इसलिए मैं सरकार से यह जानना चाहता हूँ कि क्या मुख्य मंत्री ने... (व्यवधान)

श्री उपसभापति : आप सवाल पूछिये... (व्यवधान)

श्रीमती सरोज खापड़ें (महाराष्ट्र) श्रीमान् यह क्या... (व्यवधान)

श्रीमती प्रतिभा सिंह (बिहार) : चरण सिंह और देवी लाल में झगड़ा हो गया... (व्यवधान)

श्री उपसभापति : आप बैठ जाइये ।

... (व्यवधान)

श्री सूरज प्रसाद : मैं पहला सवाल यह पूछना चाहता हूँ... (व्यवधान)

MR. DEPUTY CHAIRMAN: Order, order, please. Please don't comment on anybody.

श्री सूरज प्रसाद : अगर बिहार के अखबारों ने आपतिजनक समाचार प्रकाशित किया तो क्या बिहार के मुख्य मंत्री ने प्रेस कौंसिल का ध्यान इस तरफ आकर्षित किया ? दूसरा, क्या मुख्य मंत्री ने इस कानून को बनाने के पहले एडवोकेट जनरल, एटार्नी जनरल और भारत सरकार के ला डिपार्टमेंट से किसी तरह की राय ली । तीसरा, क्या यह बात सही है कि बिहार के 43 कांग्रेस (आई)एम० एल० ए० इस बिल के खिलाफ हैं? क्या यह बात सही है कि हिन्दुस्तान...

श्री (मौलाना) अशरारुल हक : कोई खिलाफ नहीं है ।

†[شہری (مولانا) اسرارالحق : کوئی

خلاف نہیں ہے -

SHRI ARVIND GANESH KULKARNI: Sir, kindly ask Maulana to come to his seat. (Interruptions). There are some rules in the House.

श्री उपसभापति : आप सवाल पूछिए आगे ।

श्री सूरज प्रसाद : क्या यह बात सही है कि कानून पास करने की जो प्रक्रिया है उस का उल्लंघन करके इस कानून को पास किया गया है । अन्तिम सवाल यह है कि इस कानून के खिलाफ हिन्दुस्तान के

पैमाने पर अखबारों द्वारा जबरदस्त विरोध किया जा रहा है, यू० पी० के अखबारों ने मूक प्रदर्शन करके इस का विरोध किया है, ऐसी हालत में मैं सरकार से जानना चाहता हूँ कि क्या सरकार, जो विरोध किया जा रहा है देश के पैमाने पर उस को देखते हुए इस बिल को पुनः बिहार सरकार के पास लौटा देगी ताकि यह कानून पारित न होने पाये या राष्ट्रपति की एसेंट नहीं दिलावायेगी ? अन्तिम बात मैं कहना चाहता हूँ कि अगर यह बिल पारित हो गया, अगर राष्ट्रपति ने इस पर एसेंट दे दी, अगर इस पर कानूनी मुहर लग गयी तो मैं पुनः आप से कहना चाहता हूँ कि अभी हम लोग पार्लियामेंट के अन्दर इस कानून के खिलाफ बातें कह रहे हैं, फिर इस का फैसला हिन्दुस्तान की, बिहार की गलियों और सड़कों पर किया जायेगा और इस की पूरी जवाबदेही सरकार की होगी ।

श्री (मौलाना) अशरारुल हक : इस के माने यह है कि यह धौत दे रहे हैं । मैं कहना चाहता हूँ कि इन्होंने यह धौस दी है कि अगर कानून पास हो गया तो उसका विरोध सड़कों और गलियों में किया जायेगा । क्या होगा ? लाठी चलायेंगे, चाकू चलायेंगे, तलवार चलायेंगे ।

†[شہری (مولانا) اسرارالحق : اس

کے معنی یہ ہیں کہ یہ دھونس دے رہے ہیں - میں کہتا چاہتا ہوں کہ انہوں نے یہ دھونس دی ہے کہ اگر قانون پاس ہو گیا تو اس کا وردھہ سوکوں اور گلیوں میں کیا جائے گا - کیا ہوگا - لائٹی چلائیں گے - چاقو چلائیں گے - تلوار چلائیں گے -

श्री उपतमापति : आप बैठ जाइये, मंत्री जी जवाब देंगे ।

श्री हुम्नैव नारायण यादव : अगर यह कानून बन गया तो खून बहेगा सड़कों पर ।

SHRI PILOO MODY: Sir, the Minister of Parliamentary Affairs is inciting a Member there. (*Interruptions*). Mr. Deputy Chairman, Sir, I want to know whether you notice the Minister for Parliamentary Affairs trying to incite the other white cap in the corner over there, not once, but five times.

MR. DEPUTY CHAIRMAN: I did not see.

SHRI PILOO MODY: Not once but five times he did it. (*Interruptions*).

SHRI ARVIND GANESH KULKARNI : We have seen it, Sir

SHRI PILOO MODY: He did it five times. (*Interruptions*).

MR. DEPUTY CHAIRMAN: All Right. Yes, Mr. Minister.

SHRI P. VENKATASUBBAIAH: Sir, the honourable Member made certain wild allegations against the Chief Minister of Bihar and he is not here to defend himself. (*Interruptions*). So to pass adverse remarks against him..

SHRI PILOO MODI: You are here to defend him.

SHRI P. VENKATASUBBAIAH: ...is not correct. (*Interruptions*).

SHRI PILOO MODY: Maulana is there to defend him; you are here to defend him; and the Chair is there to defend him. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Why are you bringing in the Chair unnecessarily? I am very sorry.

SHRI P. VENKATASUBBAIAH: Sir, he has asked a question whether the Press Council has received any complaint. It is for the Press Council to tell whether it has received any complaint in this regard. So far as the Government is concerned, we will not be able to tell anything in this regard. Then, Sir, he has said that it is an obnoxious and a draconian ill and all that. Sir, I would like to quote in this connection from the Bill itself. There are certain safeguards in this Bill which has been passed by the Bihar Assembly. I will quote the relevant portion:

"Provided that it is not scurrilous to express in good faith anything whatever respecting the conduct of a public servant in the discharge of his public functions or respecting his character in so far as his character bears on his conduct and no further or any person touching any public question, in respect of his character so far as the character appears in that conduct." (*Interruptions*) "In deciding whether any person has committed an offence under this section, the court shall have regard, *inter alia*, to the following considerations: general character of the person charged and where relevant the nature of his business, the general nature and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail. Any evidence offered or called by or on behalf of the accused person as to the intention in committing the acts specified in this section..."

Sir, he has asked whether the Bill will be sent back. The Bill has not yet come.

SHRI M. KALYANSUNDARAM (Tamil Nadu): Sir, the Home Minister has distorted the Member's question. I can follow it although it was in Hindi because the translation was made in English. The Member's first question was whether the Chief Minister of Bihar had made complaints to the Press Council. This is the question. It is not whether

the Press Council....(Interruptions)
When the Bill comes for President's assent, it is the responsibility of the Home Ministry to examine whether the Bill has been passed properly, whether all the measures that should be taken earlier, have been taken. That is the question. The Minister has not answered that.

SHRI P. VENKATASUBBAIAH:

Perhaps I might not have understood the limited question because it was in Hindi and the translation was not able to keep pace with the torrential oratory that has been demonstrated by my Hon. friend. So far as Mr. Kalyansundaram's point that I did not hear the Member of Parliament is concerned, I stand corrected.

श्री हुक्मदेव नारायण यादव : हिन्दी में हम लोगों की बात सरकार समझती नहीं है तो हम लोगों को सदन में रहने का मतलब ही क्या है ?

SHRI ARVIND GANESH KULKARNI: Sir, we have spent much time on it. I have got only three or four questions. Actually, as Mr. Advani has rightly pointed out, it is the responsibility of the Minister of Information and Broadcasting. It is not purely a technical or legal question that we are discussing. When we discussed it with the Chairman, the problem came when he himself suggested "Constraints on the press". I was under the impression that "constraints on the press" is not dealt with by the Home Ministry. It is dealt with by the Information Ministry. Now, as the position stands, I want to put some question to you and some questions to Mr. Sathe if God permits and if the Deputy Chairman allows. Mr. Sathe will be kind enough to oblige me and the House. (Interruption)
The genesis of this debate, I do not understand how it started after 1980. The Bills in Tamil Nadu and Orissa were passed earlier, but much was not done about it. But post-1980 period shows that there is something radically wrong with the behaviour

of the authorities in the government whether it is at the Central level or the State level or the regional level or the national level. Sir, I want to know whether 3 P.M. some light can be thrown by Mr. Sathe. Sir, how has this started? Sir, if I go through the history and I do not want to quote again the 'Hindustan Times' or some other newspapers who have written very weighty articles and editorial on this. It seems, Sir, that the Central Government has got a very powerful lever in its hands. That is, suppose something happens and somebody tries to publish some matter, say, of corruption or rapes, etc. Sir, it was Mr. Sathe who himself was advocating during the last one and a half years that press must behave responsibly, such news has no value, it is the developmental aspect of the country's economy that must be highlighted, and whether it is rape or dacoity or what you call it corruption, etc., etc., are all very small and insignificant matters. This is what he was advocating. And if the press had heeded his advice, I think, many of the skeletons which are now coming to the fore would have been already pushed back either under the carpet or into the cupboards.

SHRI P. VENKATASUBBAIAH:
Skeletons are in the cupboards and not under the carpets.

SHRI ARVIND GANESH KULKARNI: Your Party has no place in the cupboards. They are put under the carpet now. So, Sir, what I wanted to say is that Mr. Sathe has got a sword in his hands, as Mr. Antulay was having in Bombay. And that is, advertisement and price page schedule policy, etc. etc. So, the State thought that if Mr. Sathe can protect the Central Government, what we poor fellows should do? So, they enacted this Act, and they are advised by their Secretaries, etc. So, Sir, what is the other reason for this? And why the Tamil Nadu Bill was brought in? Tamil Nadu

Bill was brought in because, Sir—with due respect to the Madam sitting here—this Chief Minister, this matinee idol, this super star—nowadays it is the period of super-stars—was being attacked by the DMK superstar. Of course, he is not a super star now because he is out of power now. He attacked him on spirit scandal and that report was leaked. He anyhow found it out and it was published in the press. So...

SHRI U. R. KRISHNAN (Tamil Nadu): Even in the year 1960, there was an amendment to the IPC.

SHRI ARVIND GANESH KULKARNI: But they did not take action. The action started as soon as the super stars started quarrelling. If the super stars had not quarrelled this would not have been there. Then, Sir, what I want to say is about Orissa. In Orissa, Sir, as has been ably pointed out by my friend here, some matters came in. And again Mr. Sathe gets angry when we say that some policemen raped a women.

SHRI N.K.P. SALVE: Angry with whom?

SHRI ARVIND GANESH KULKARNI: That was his sermon.

AN HON. MEMBER: Why?

SHRI ARVIND GANESH KULKARNI: For writing on people with weak habits and for weak wasteline. I do not want to mention that. But, Mr. Salve, you please allow me because between you and me, I cannot say anything. So, this is what has started in Orissa. So, I want to know from the Information Minister one thing. He gave a lecture on the Tilak Punya Tithi day in Pune. I would rather compliment him, as my friend here has complimented him. I have seen

one member of the Cabinet of the ruling party, whom you know we all call sycophants and all those things, and here is Mr. Sathe, who gave a lecture. It is in Marathi. He says:

‘केन्द्रीय मन्त्रि-परिषदाच्या चिन्तनशैली व्यक्तीचा अभाव’

He says that the ruling party is depending on one person; it is a one-pillar tent. This *thembu* or whatever you call it.

AN HON. MEMBER: One concrete pillar.

SHRI AVRIND GANESH KULKARNI: It is one-pillar tent. When it will fall, he does not know. So, this is the courage that is required. I desire that your Party members should show some courage. Mr. Salve, you are interested to see that Mr. Sathe is being criticised by us. But we are not interested, (*Interruptions*). All right, I am sorry, I take it back. Why are you worried? So, Sir, what I want to tell you, Mr. Stahe, is that the Chief Ministers of the calibre of Mr. Jagannath Mishra, who are day in and day out surrounded by *tentriks* and *mantriaks*, nothing can be said about them. But, here I would ask, the great Sultan of Maharashtra, Janab Antulay how did he behave? You remember yourself. You have also commented in the Mahasrashtra Sahitya Sammelan when it was held how the Chief Minister can call the correspondents as serpents, scorpions and such vitriolic creatures. He can call all this and this is not scurrilous. If the corruption of cement is being exposed by Mr. Arun Shurie, all guns against him. If Kuo Oil deal comes in, all guns against the press. Why all this? Gundu Rao takes courage in his hands and beats the press people. Tries to butt the officers. The same story is in Patna. Mr. Sathe, is you want to remain true to what you said in Puna, you have

today to stand up and say that he will see that the press is protected and the press will not be under the heel of these boorish Chief Ministers, sycophants and all type of people being brought and elected as Chief Ministers at the command of the Prime Minister. This is the difficulty. That is why this post-1980 phenomena. I would have quoted again from the newspapers what they say. They say that this loyalty phenomena has created this type of boorish Chief Ministers in every State. So, I want to know all these things from you, Mr. Sathe, and you, Mr. Venkatasubbaiah, also please find out, but Mr. Sathe you give me the reply. I am not on law now. आप यह सब करो मुझे

इससे कोई ताल्लुक नहीं है । I am mostly concerned with the freedom of the press and the democracy in this country. So, I want to know what does he mean by saying that these are the rules and they will be taking maximum care while implementing them? Mr. Venkatasubbaiah, there is a saying in Marathi: मकंटाचच्या हतात् कोलीत Perhaps, Mr. Sathe will be able to explain to you better its meaning. Or, Shrimati Saroj Khaparde will also be able to explain to you better. That shows if these laws are given in the hands of monkeys, what will happen. Monkeys will definitely burn all the freedom of the press. So, we are very much worried.

SHRI PILOO MODY : And Shri Khushwant Singh...

SHRI ARVIND GANESH KULKARNI : Did he say anything to you, Mr. Khushwant Singh? He is unnecessarily provoking.

Mr. DEPUTY CHAIRMAN : Please conclude now.

SHRI ARIND GANESH KULKARNI : This Pressure

on the press through different agencies is not a desirable thing. Here, Sir, is another, the latest magazine, the Surya. What does it say and what are we to make out of this? This Dr. Jain, not our friend who is here, that great friend of ours, he is also a newspaper man, but he is not here today, this Dr. Jain, what does he say? What was the advice? He was rushed to Anandamayi Ma. And what did Anandamayi Ma say?

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): That is the damned story which nobody will even read. Why are you giving it so much of prestige? (Interruptions). How do you..

SHRI ARVIND GANESH KULKARNI : It is written in Surya Dr. Jain has written. I will present you a copy of the Surya magazine. You read it and you go to the Brahamacharya at Safdarjung Road and ask him whether he was rushed to Anandamai Ma. I do not know. I have never seen the face of Anandamayi Ma. I do not know who is Anandamayi Ma.

(Interruptions)

What I would like to say is, when the persons in authority, when the persons holding power, are abusing their power and are threatening the press, the time has come to go all out to defend the Press. For Heaven's sake, do something.

I hope, both the Ministers would assure this House that this Bill and the Tamil Nadu Bill, which are bad Bills, would be removed from the statute book. This might have been a mistake. But I would request you and Mr. Sathe to issue Central guidelines in this regard. No Bill is required. There are enough provisions available under the existing laws, in the Indian Penal Code and so on. Please issue Central guide

lines on the basis of which the Chief Ministers will agree and will abide by the decision of the Central Government.

(Interruptions)

श्री (मौलाना) असरारुल हक :
इसके एक चीज और बड़ा दोजिये। जो लोग मां-बहिनों की गलिया देते हैं, क्या पैस उसके लिए भी इजाजत देता है ?

†[شری (مولانا) اسرارالحق : اس

میں ایک چیز اور بڑا دیکھئے جو لوگ ماں بہنوں کی گالیاں دیتے ہیں کیا پریس اس کے لئے بھی اجازت دیتا ہے -]

SHRI P. VENKATASUBBAIAH : Sir, Mr. Kulkarni has mentioned about monkeys. He was humiliating our forefathers. According to the Darwin theory, we are all descendants of monkeys.

SHRI PILOO MODY : Some of us even look like it.

SHRI P. VENKATASUBBAIAH : Secondly, Sir, I would only like to reiterate on the floor of this House that we are proud of our leader. There is no sycophancy. We are loyal to the organisation and to the leadership of Madam Gandhi. There is no sycophancy, perhaps, the sycophancy that is being practised by Mr. Kulkarni may be different. We are not sycophants.

SHRI ARVIND GANESH KULKARNI : Very good.

SHRI P. VENKATASUBBAIAH : We have won the confidence of the people. We have been voted to power. This is what I would like to make it clear.

Sir, in regard to the Constitutionality, I have already mentioned, what the Bihar Government has provided for in this Bill. But at the same time, if there is any violation of the Constitution, articles of the Constitution, they can go to the court and there it can be decided. In the case of Tamil Nadu also, this Act was challenged and taken to the court and—I am only stating the facts about the Tamil Nadu Act—the Constitutional validity of the Tamil Nadu Act was upheld by Justice Kailasam. Again, in 1982, the Government of Tamil Nadu came up with certain amendments to the Indian Penal Code and the Code of Criminal Procedure and it got the assent of the President in March, 1982. In regard to other matters....

SHRI ARVIND GANESH KULKARNI : What about the guidelines which I had asked ? All India guidelines.

SHRI P. VENKATASUBBAIAH : The suggestion which has been made by the hon. member whether, within the framework of the Constitution and the functions of the Central and State Government, these guidelines could be issued by the Central Government, will be further examined. *(Interruptions)*

SHRI MANUBHAI PATEL : Sir, Mr. Sathe was expected to clarify something which Mr. Kulkarni had asked. *(Interruptions)*

SHRI ARVIND GANESH KULKARNI : Sir, please tell us, why was he asked to come here ? He could have done some work somewhere, dealt with some files. It will be Government work. Our money would have been better used.

(Interruptions)

SHRI KHUSHWANT SINGH (Nominated) : Mr. Deputy Chairman, Sir, a lot of heat has been gene-

rated in this debate which concerns a matter of great importance to both sides of the house. I shall try and speak as a Member who does not owe any political loyalties, but as one who is deeply involved in the future of the freedom of the Press. I would like, first, to draw your attention to the difficulties under which honest, clean, journalists function today.

I would then like to draw your attention to the misuse of judicial procedures which victimise the honest pressmen today. We have to walk on the razor's edge between the interest of the proprietors, the advertisers and unsympathetic and intolerant public and above all the Government today. You consider these points and then decide whether this kind of law is justified or not.

Let me first speak of my own case as an editor for quarter of a century. Since the time I have been the editor I have had at least three to four criminal cases, filed against me every year. This happens to my fellow editors as well. The fact that in 30 years I have not been convicted or imprisoned or fined shows itself that cases were utterly frivolous.

Now, Sir, I do not know how many of you have been inside a newspaper office. Usually a story of a correspondent lands late in the night, after 10 p.m. or even at midnight. I do not see it. It is seen by a junior sub editor. Next morning somebody reads it and decides that it is offensive and decides to go to the court. He goes to an amenable magistrate and there are plenty of them in this country. A summon is issued. Care is taken that the summon is not served. It is pasted outside your office. It happens to me as a Member of Parliament and editor of an important paper. I do not hear anything about it till a report is made that the summons were deliberately avoided. It is converted into a warrant of arrest. The news is splashed in all the other papers about the issuance of a warrant

of arrest against so and so and for the first time the printer, the publisher the editor and the author of the article get warrants of arrest. Then we have to travel to distant places, like Jammu, Cochin, Calcutta, wherever the editor and the author of the article get warrants of arrest. Then we have to travel to distant places, like Jammu, Cochin, Calcutta, wherever the warrant comes from. Four-five people go there, waste their time, hire lawyers, get bail. Ultimately the case is compromised or withdrawn because it has severed its purpose. It is sheer blackmail that we editors have to suffer today and on top of that you are now deciding to bring in a law which will increase these powers of misuse of judicial process. As a result of this experience I have now learnt to throw in the sponge. I have published apologies when no apologies were due, I have issued contradictions when there were no contradictions necessary. If this is not blackmail of honest journalism I do not know what else it is. Then you are talking of introducing another law which will make the possibilities of blackmail hundredfold more. Mr. Mr. Deputy Chairman, the points to consider are the three. The law to prevent misuse of newspapers is on the statute books. You have the Indian Indian Penal Code, the Criminal Procedure Code, the Post Offices Act, the Customs Act; all these Acts are there. Scurrilous writing was there right from the beginning and if you look at the language, the language used was much more in temperate than what we use today. Scurrilous writing has been there as long as the law has been there and don't be under any illusion, as is Mr. Mishra, that this has increased to day. If you want to remember, you may remember the days of Diwan Sirghaftoon of Riyasat, how he tore up people's character. The only thing that has changed is that the press has grown up in vast proportion. The number of papers have multiplied. So has the yellow press. But

the point to be borne in mind is that it is the quantity of yellow writing that has gone up, but not the quality. It has increased as much the papers have increased in circulation. The questions to be asked are only two. Can you stamp out yellow journalism by vesting more powers in the magistracy or by enhancing the penalties against the press? And the second question is that in trying to stamp out yellow press, are you not taking the chance of shuffling out the flickering freedom of an independent press and democracy? The answer to the first is a categorical 'No'. You cannot stamp out yellow press by passing legislation and giving more powers to the magistracy or enhancing the punishment attached to it.

The answer to the second question—i.e. whether in attempting to do so, you will stifle democracy and freedom of the press itself—is that chances are very great. Yellow press, is the price that you have to pay to have an independent press. And here you are passing legislation which not only penalises the yellow press but also people like me. It will be within Mr. Mishra's power to have a warrant issued against me because my correspondent in Patna has written something which he does not like. (Interruption) Here, Mr. Salve, I am suggesting to you that this Bill not only makes me responsible along with the correspondent—but even the poor hawker who is carrying the Hindustan Times with the article which offends his susceptibilities because the possession of this thing has also been declared a crime.

SHRI LAL K. ADVANI: And Mr. Sathe himself, if he reads it.

SHRI PILOO MODY: He cannot read.

SHRI KHUSHWANT SINGH: If you happen to read the Hindustan Times which carries something which

Mr. Jagannath Mishra may consider as scurrilous, you are liable to be put under arrest. These are the broad provisions of this Act.

A lot has been said about false headlines. We know perfectly well that harmony does not make the headlines. For headlines it has to be something spicy. Oscar Wilde said quite forth-rightly that yellow journalism really proves the great Darwinian principle of "survival of the fittest". But we have to learn to live with it. Why are we being so thin-skinned, because it is a part of the freedom of the press. I would not like to say very much more. The debate itself has proved and the controversy has proved that this Act has created a stink of the proportions—if you, Mr. Deputy Chairman, are old enough to remember—created by the Rowlatt Act. When that came it was known as "Rowla Act" because that created the "Rowla" that is being created today. At that time they said: "There is no vakil, no daleel, no appeal". This time, all our 'daleel', our vakala, and appeal is to the Government. I think you will be making a great mistake unless you put your foot down firmly on this kind of legislation.

All governments in all countries have found the press very inconvenient. And your Government is no exception. Yesterday it was the Janata Government which was finding us a nuisance. Today it is you who are finding us a nuisance. Tomorrow I do not know which side you will be. But we will still be here. We have assumed the role of the real Opposition to any government in this country, because we are the conscience-keepers of the nation. It is we who have made people sit up and therefore it is we to whom you will turn whenever you are in trouble. And if you go about meddling on the free press you will pay a heavy price. Today the people of India generally, and we

the people of Indian press particularly, are proud that we are the only developing country in the world which has a free press. We hold our heads high. If this kind of legislation goes through, Mr. Venkatasubbiah, no amount of confidence that you may have, no amount of assurances that you may give us that you stand by the principle of freedom, will do. As a matter of fact, you do not.

Thank you.

SHRI P. VENKATASUBBAIAH: Sir, there were no specific questions put; the hon. Member..

SHRI PILOO MODY: Now he will give some specific answers.

SHRI P. VENKATASUBBAIAH : Sir, we have great respect for the views expressed by the hon. Member. We have reiterated, and it is there in the first para of my speech, that the Government believes in zealously safeguarding the freedom of press, including freedom of expression.

SHRI HANSRAJ BHARDWAJ : Mr. Deputy Chairman, Sir, after hearing their own arguments that were advanced by the Opposition, they are running away. Let them listen. Kindly bear in mind that the whole debate was obsessed with the name of Shri Jagannath Mishra. The entire debate has been on abusing one person who is not sitting in the House. All that has been said by Mr. Khushwant Singh sounds a little sense and we are going to appreciate the point whether there is at all any curbing of the freedom of press by this small amendment.

Now, Sir You will kindly appreciate that when the question of constitutionality of a Bill is concerned it is the courts that decide whether a particular Bill or an Act is *Ultra vires* of the Constitution. It is never debated in Assemblies. And for that

matter kindly see that a writ petition was filed in the Patna High Court, it is *Subjudice*. Now they are trying to influence the judgment of the court by flaring it up that it is curbing the freedom of press. This is not the position. Now kindly see what this small amendment to IPC has got to say about publications which some papers say is a blackmail and some others say is yellow journalism. Section 292 is there is the Indian Penal Code and an amendment has been made in the shape of section 292A, which provides for punishment for indecency etc. Nobody on this earth, much less in a democracy like India, will argue so much in favour of indecency as has been done here. Kindly see, whether it is a journalist or a lawyer or a doctor or a common man, nobody in the country will stand for indecency. Now do they stand for indecency? What are we curbing? What Mr. Jagannath Mishra means by incorporating the provision in section 292A is that anything that is indecent will be punished. Where is the question of the freedom of press? The question is that you write anything and you say it is freedom of press. Freedom in this country is guaranteed under article 19 of the Constitution. And I may read for the benefit of my friends article 19 itself which says that you can pass laws when questions of these types arise. I may read for their benefit.

"19. (2) Nothing in sub-clause (a) of clause (1) shall effect the operation of any existing law, or prevent the state from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."

Kindly see the word 'Decency'. Perhaps they have missed it. The words used are "...decency or morality, or in relation to contempt of court, defamation or incitement to an offence". Now when this provision is there in the Constitution itself, in article 19 where is the question of This being unconstitutional ? This case can be argued in the court, This matter has already been raised. If they are not satisfied by the High Court, they can go to the Supreme Court. But they know the weakness of their case, they want to create false bogeys. And we know what type of press it is. They say that it is free press. I would contest that and say that there is absolutely no free press. Goenka owns the Indian Express, Birla owns the Hindustan Times, and the Times of India is owned by Jains, and they are inter-related Marwaris. Will Mr. Khushwant Singh still call it a free press ?

SHRI KHUSHWANT SINGH :
Yes.

SHRI HANSRAJ BHARDWAJ :
I know You all levelled the allegations. (*Interruptions*) You yourself levelled this thing on the floor of the House recently that the news in the Financial Express or the Economic Times was planted. They filed a case They can plant the news with their masters' influence in the press. And who controls the press ? Goenka's, as everybody knows, is a BJP paper and it is serving their interests. Therefore, they will put up their case that it is freedom of press which is ruined. For what purpose is this Freedom of press being misused ? This freedom of press is being misused to finish democracy in this part of the world, this freedom of press is being misused to curtail the powers of the elected representatives of the people. Who is Jagannath Mishra ? As an individual, he may be nobody. But the people of Bihar have elected that Government and it

is running and they are in a majority, and you say that it is unconstitutional. Mr. Jagannath Mishra is the Chief Minister of the duly elected Government of Bihar. You cannot tolerate him because he is from our party. You face him politically. But you are pigmies before him. You cannot face him.

They are saying that a constable has beaten a journalist. It is known that most of the journalists are accustomed to drink. They must have fought when they were intoxicated. How do you accuse the Government for that ? Journalists cannot write two lines in the Press unless they are given some drink. Everybody knows it.

Everybody is concerned about freedom of the Press. Our Government gave freedom to the Press. As a matter of fact, if we go through the history of Congress, we find that it is Congress which gave them the beautiful offices around the Bahadur Shah Zaffar Marg. There was nothing in the Press. It was our leader. Pt. Jawaharlal Nehru who said, "Give them good offices. There should be good Press." During the last thirty-five years of the regime of Congress how much the Press has developed, kindly see. Nowhere in the world you will find such a good Press as in India, as it has developed in India.

The CPI (M) people today say that they stand for the freedom of the Press. Is there any freedom of the Press in China which is their master ? Is there any freedom in any communist country ? They have no freedom. Because the Press is not serving the interests of the Opposition, they are saying that there is absolutely no freedom. Indecency and immorality should be punished in a civilised society. Otherwise this whole country will be passing through a danger.

Yesterday you were in power. Today we are in power. They will expose you in your bath-rooms if you give them licence.

श्री (मौलाना) असरारुल हक :
जरा एक मिनट ।

† [شری (مولانا) اسرارالحق : ذرا

[ایک منٹ -]

श्री उपसभापति : मंत्री जी को कहने दीजिए ।

श्री (मौलाना) असरारुल हक :
प्रेस की आजादी का सवाल है । प्रेस हमारी जिव्दगी है, प्रेस हमारा जीवन है, प्रेस देश के डेवलपमेंट का जरिया है । लेकिन प्रेस अगर इस बात पर उतर आये, गुंडागर्दी पर और ऐसी गुंडागर्दी पर कि मेरे बारे में एक अखबार ने ऐसी गलत खबर छापी, उन एडीटर साहब को 6 महीने की सजा हुई, जिस ने अखबार बेचा उस को 6 महीने की सजा हुई । ऐसी गुंडागर्दी पर जरूर कन्ट्रोल लगे । पटना में ऐसे अखबार निकलते हैं जो व्यक्तिगत तरीके से जगन्नाथ मिश्र को गालियां देते हैं ।

† [شری (مولانا) اسرارالحق : پریس

کی آزادی کا سوال ہے - پریس ہماری زندگی ہے - پریس ہمارا جیون ہے - پریس دیس کے ڈولپمنٹ کا ذریعہ ہے - لیکن پریس اگر اس بات پر اتر آئے غلطہ گردی پر اور ایسی غلطہ گردی پر کہ میرے بارے میں ایک اخبار نے ایسی غلط خبر چھاپی - ان ایڈیٹر صاحب کو چھ مہینہ کی سزا ہوئی - جس نے اخبار بیچا اس کو چھ مہینہ کی سزا ہوئی - ایسی غلطہ گردی پر ضرور کنٹرول لگے - مثلاً میں ایسے اخبار نکلتے ہوں جو ویکٹی گٹ روپ سے جین ناتھ مشر کو گالیاں دیتے ہیں -]

SHRI P. VENKATASUBBAIAH : Mr. Bhardwaj has amplified, explained in detail, articles 19 and 19 (2). Sir, as I have also said on the floor of this House, we are second to none in upholding the freedom of expression of the newspapers.

I have said that article 19 (2) also says about the whole matter. And more than that, I cannot say. I only say that we are as much interested in keeping the dignity and freedom of the Press.

SHRI G.C. BHATTACHARYA :
Mr. Deputy Chairman, Sir, I start with article 19 itself. Sir, not only the Minister but my learned friend also from the other side has said that law can be made to impose reasonable restrictions for the purposes which have been mentioned in article 19 (2). Sir, if the British could run this country when we were slaves with the provisions of the IPC which did not need any amendment like this, I do not know, with this article 19, for the purpose of decency, morality and other things they are required to pass an amendment to the IPC or the Cr. PC, saving that in essence it is against a journalist who indulges in writings which will demoralise the administration, as if this administration is more oppressed than the administration of the British Government. In order to suppress and subjugate the people this has been done. So if a journalist can be detained without trial for six months, I request you to consider whether this can be a reasonable restriction.

I do not know whether my learned friend is aware of all the decision of the Supreme Court on this article 19 (1). This clause on "reasonable restrictions" has been interpreted many times. But, Sir, nobody has said that "reasonable restrictions" will go to the extent of detaining a person without trial for six months. After all, the liberty of a

person is also guaranteed by the Constitution, and you cannot take away this guarantee just by amending the IPC. For that you have enacted the NSA and other draconian laws. The Home Minister in the Lok Sabha and the Minister of State for Home here have been defending this Bill. On the one hand, they are saying, "We Will consider". But on the other hand, they are resorting to article, 19 (2) only to justify the amendment. How can these two things go together ?

Sir, this is not an isolated affair. What is important is that this has to be seen in the larger context. The larger context is that when, due to their bankrupt policies, economic difficulties and other difficulties are growing, they now want first to establish an authoritarian State ; and an authoritarian state can be established when they muzzle the press, which is the most important mouth-piece of freedom of expression. If this is not correct, then I would like to know why they are sitting tight over the economic measures which have been taken by the West Bengal Government and the Bills that have been passed and which are now pending before the Central Government for assent to be given by the President. But as is obvious from the various statements given in the Lok Sabha and now today in the Rajya Sabha, they are going to give assent to this Bill which will throttle the freedom of the press. For economic measures which will ameliorate the difficulties of common people, you will hold back consent. But for a Bill which will throttle the freedom of the press and also strike at the root of democracy, you are in a hurry to give consent. Mr. Sathe is here. Mr. Advani put a question after reading out from a newspaper report about one MLA saying that in the party meeting, the Chief Minister said that this was done

after consultation with Mr. Sathe. Now he is making a clean breast of the whole thing, after keeping quite for half an hour, by saying "No". His very "no" means that it is yes.

MR. DEPUTY CHAIRMAN :
This is strange logic. How can you say that ?

SHRI G.C. BHATTACHARYA :
Sir, you know, you have been a lawyer . . .

MR. DEPUTY CHAIRMAN :
Mr. Bhattacharya, you have to accept what he says.

SHRI G.C. BHATTACHARYA :
Sir, you are a lawyer. You know that when the witness deposes, his demeanour is important. Whether he is telling lies or he is telling the truth is known from the demeanour. From the demeanour of Mr. Sathe, I am quite convinced that when he says "no" it is "yes". Therefore, the Central Government is very much involved in it. I would like to know first whether the detention of a journalist without trial for six months would amount to "reasonable restriction" as given in article 19 (2) and as trumpeted by the treasury benches.

MR. DEPUTY CHAIRMAN :
That is all right.

SHRI G.C. BHATTACHARYA :
I am putting my questions. Secondly, when assent has been withheld for economic measures passed by the West Bengal Government, the Tripura Government and other Governments, will he gives us an assurance ? He is saying that they are second to none in protecting the freedom of the press. But would he give us an assurance today, because many members have asked for it? If you are really having the freedom of the press in your heart—Mr. Khushwant Singh has drawn your attention to the danger that you will also fall into one day—if you are

really sincere about it, would you give us an assurance today that you will not give consent to the Bill so that your sincerity about freedom of the press can be really judged by your action ?

SHRI P. VENKATASUBBAIAH:
So far as Bills of any Government are concerned, the Central Government is absolutely impartial and if any Bill is in conformity with the constitutional provisions, it will be duly considered and sent for assent to the President. There is no discrimination between Tripura and Tamil Nadu. My honourable friend may not be under that illusion. Secondly, about the constitutionality or otherwise, of this Bill it can be challenged in a court of law. That is what I have already stated. It is for the courts to decide whether this Bill is within the framework of the Constitution.

SHRI G.C. BHATTACHARYA :
In the one hand you say you will change the Constitution, on the other hand, you say you go to the court. How are you saying this ?

MOTION FOR EXTENSION OF TIME FOR THE PRESENTATION OF THE REPORT OF THE JOINT COMMITTEE OF THE HOUSES ON THE VISVA-BHARTI (AMENDMENT) BILL- 1978

SHRI BISHAMBHAR NATH PANDE (Uttar Pradesh) Sir, I beg to move—

“That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Visva-Bharti (amendment) Bill 1978, be further extended up to the last day of the Hundred and Twenty-fifth Session of the Rajya Sabha.”

The question was put and the motion was adopted.

I. MOTION SEEKING REVOCATION OF PROCLAMATION OF PRESIDENT ISSUED ON 19TH MARCH 1982, UNDER ARTICLE 356 OF THE CONSTITUTION IN RELATION TO THE STATE OF ASSAM

II. STATUTORY RESOLUTION SEEKING APPROVAL FOR CONTINUANCE IN FORCE OF PROCLAMATION OF PRESIDENT ISSUED ON 19TH MARCH 1982, UNDER ARTICLE 356 OF THE CONSTITUTION IN RELATION TO THE STATE OF ASSAM

III. STATUTORY RESOLUTION SEEKING APPROVAL OF THE ISSUE OF NOTIFICATION OF THE GOVERNMENT OF ASSAM, POLITICAL (A) DEPARTMENT, NO. PLA, 906/82/3, DATED THE 5TH MAY, 1982, DECLARING CERTAIN SERVICES TO BE ESSENTIAL SERVICES WITHIN THE STATE OF ASSAM

IV. THE BUDGET (ASSAM), 1982-83—GENERAL DISCUSSION

V. THE ASSAM APPROPRIATION (NO. 2) BILL, 1982

SHRI SHIVA CHANDRA JHA (Bihar): Sir, I beg to move—

“That this House recommends to the President that the Proclamation issued by the President on the 19th March, 1982, under Article 356 of the Constitution, in relation to the State of Assam, be revoked.”