

misquoted. Advance has been given; that is true. As my hon. friend said, Sir, the option with the Government was either to forego the advance made to the Boeing company or just to go through the deal before making enquiries regarding the pay-off. If I remember correctly, I think I answered the same question in this House. I had stated that the matter was under investigation, and it is being taken up at the diplomatic level. It is still being done. About the name, etc., the name of the country has already appeared in the papers; it is nothing new. There is no question of withholding any information from the House. So far as 'that relation' of the ex-Prime Minister is concerned, definitely it has also come in the Shah Commission's Report. The presence of Rajiv Gandhi un-authorisedly...

SHRI BHUPESH GUPTA: Mr. Kaushik ____ (Interruption^)

SHRI PURUSHOTTAM KAUSHIK: I have nothing more to say. So far as naming is concerned, the name of the country has already appeared in the Press... (Interruptions)

SHRI BHUPESH GUPTA: Sir, it is not fair. Name the recipients who have received this money. The name of the country you have mentioned. "What about the recipients? Why do you bring in the country here?... (Interruptions)

SHRI PURUSHOTTAM KAUSHIK: Do not be impatient.

THE CONSTITUTION (AUTHORISED TRANSLATIONS) BILL, 1978

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir, I beg to move for leave to introduce a Bill to provide for authorised translations of the Constitution.

The question was put and the motion was adopted.

SHRI DHANIK LAL MANDAL: Sir, I introduce the Bill.

The Press Council Bill, 1977—
contd.

MR. DEPUTY CHAIRMAN: The time available for the further consideration of the Press Council Bill is about three hours. And if the House agrees, the hon. Minister could start his reply at about six or so. Or, if the House so desires it can sit a bit late.

SHRI BHUPESH GUPTA (West Bengal): Sir, the press barons have so many scandals which have to be related here. Give a little more time.

MR. DEPUTY CHAIRMAN: Some more time would certainly be given if the House so desires. But I would request the hon. Members to please confine their speeches to the time-limit. And the time allotted to each Party and Group has been indicated. So, if one Member speaks longer, the other Members from the same party or the group would be deprived of an opportunity to participate in the debate. Please keep this time limit in mind when you start speaking. Now, Shri Mishra.

SHRI RISHI KUMAR MISHRA (Rajasthan): Mr. Deputy Chairman, Sir, the Press Council Bill has stated that the Council is aimed to preserve the freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India. Sir, as I was mentioning the other day, the threat to the freedom of the press comes from the structural imbalances that exist in the press today. Unfortunately, Sir, this Government and the previous Government have ignored the basic task of attending to and rectifying the structural imbalances that have grown in the press in spite of the fact that the Press Commission more than two decades ago pointed out these imbalances and also suggested remedial measures which were necessary in the interest of the growth of a healthy press. Without going into details.

[Shri Rishi Kumar Mishra] Sir, I would only point out three or four major aspects of these structural distortions that have crept into the Indian press.

Sir, 23.5 per cent of all newspapers in India are English language newspapers. Four metropolitan cities of Delhi, Calcutta, Bombay and Madras claim 31.2 per cent of the total newspapers published in this country. And there are only 11.3 per cent of newspapers in towns with a population of less than one lakh. Four metropolitan cities account for 48.5 per cent of the circulation of these newspapers. Sir, the worst distortion in the whole structure of our press is that the common ownership of newspapers account for 81 per cent of the circulation of all metropolitan dailies published in our country. Mr. Deputy Chairman, Sir, as long as these structural distortions are not remedied, to hope that the Press Council will be able to safeguard the freedom of the press or the freedom of expression, I think, would be an idle dream. Unfortunately, Sir, though the hon. Minister for Information and Broadcasting has taken many steps to free the press from the various strangleholds which were imposed on it during the emergency and to rectify many of the obnoxious practices that were introduced, I find him shying away from attending to the basic task of removing the structural distortions in the press in our country.

Mr. Deputy Chairman, Sir, the Press Commission had pointed out that to get full and objective information which is the basic right of the citizens, a right with which the Parliament should be concerned, the exercise of ownership right must be subject to some regulation and constraint. Mr. Deputy Chairman, Sir, this Government are willing to have a law, as all civilized Governments are, to prevent adulteration of foodstuffs and also to take steps to prevent concentration of ownership in industries, but it is amazing that in this vital field of public utility, they are

not prepared to take steps to prevent purveying of adulterated news and information, and are also shying away on the ground that they would not like to interfere with the right of the owners to run newspapers as they like. For the basic task of ensuring that the citizens get news and information unadulterated and untampered, the Press Commission had recommended that if you cannot do anything with the ownership, you can do something with the management of the newspaper, and the three ideas that were suggested were, the transfer of management to public trusts, diffusion of ownership amongst employees, and encouragement of co-operative ownership in the field of newspapers. Unfortunately, Sir, over the years, the press owners have been so powerful that in spite of the fact that the working journalists movement year after year has tried to emphasise this point, no steps have been taken. Committees are appointed, commissions are appointed and we have one more Press Commission which will go into the various problems of the press and, I am sure, hon. Shri Advani will say that they will await the recommendations of that Commission also. Sir, the first Press Commission had made these recommendations but because of the pressure of the owners and in spite of the demand of the working journalists movement and enlightened opinion throughout the country nothing has been done.

Mr. Deputy Chairman, Sir, the Press Council Bill in clause 14(c) points to the fact that it will also try to ensure on the part of newspapers, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship. Well, Mr. Deputy Chairman, Sir, I am all in favour of steps being taken to see that yellow journalism is not encouraged, though I would like to dispel the impression that yellow journalism is the monopoly of small newspapers only. In fact, it is the big newspapers and the biggest newspapers in the country,

the weeklies and the monthlies, owned, promoted and supported by powerful political leaders and political parties and their relatives, which are encouraging the worst form of scurrilous and yellow journalism in this country. The small newspapers try to purvey the local problems and an atmosphere is created in the context of this problem of reconciling the freedom of expression with this talk of responsibility. I would only like to draw the attention of the Government to what Mr. Lopez has said in his report to the Economic and Social Council of the United Nations and I quote:

"The concept of freedom with responsibility can be pushed to a point where the emphasis on responsibility becomes in effect the negation of freedom itself."

I am quite sure, Sir, that with a vigilant public opinion and the constitution of the Press Council being what it is, it would be ensured that this emphasis on responsibility would not be used to negate the freedom of the press and that it would be possible to strike a balance between the two.

Mr. Deputy Chairman, Sir, I would not like to take more time of this House but before I conclude I would like to draw the attention of the hon. Minister to the fact that he should not, as I pointed out earlier, think that the press in this country is functioning, and that the Press Council is going to come into existence, in a vacuum. In fact, two aspects have to be taken into account. While one aspect has been taken into account, namely, that the language newspapers and the medium and small newspapers will be given adequate representation in the new Press Council; the press as such and the character of the Press Council continues to be elite oriented. That what is published about a leader or not published about a leader becomes freedom of the press and non-freedom of the press. But if things concerning the working people, the toiling people and

I the struggling people are blacked out by the entire press because it is controlled and owned by vested interests, then people think that it does not concern the freedom of the press. In this context, I would only point out two concrete examples. One is, as pointed out by hon. Ramamurtiji on an earlier occasion, the decision of the public sector workers to go on a strike on the 28th of June, which was announced at a conference but was blacked out by the entire press though

1 lakhs of public sector employees were involved. About the second case, I would like hon. Minister of Information and Broadcasting to have it looked into. I have been informed by journalists that when firing took place on workers in Bailadilla mines, at that time the Madhya Pradesh Government imposed what was a virtual censorship and for 24 hours it did not allow the news of the deaths which, according to official version, were only 11 or 13, to be published in newspapers. Telephone lines were disconnected- Newsmen were not allowed to visit Bailadilla. The Inspector General of Police said that nothing had taken place. You will remember, Mr. Deputy Chairman, that the result was that the newspapers all over India carried the story that 500 people had died. When you try to suppress the facts by imposing informal censorship or by taking recourse to administrative methods, then it is inevitable that such things will take place. These are very dangerous trends and I am quite sure, Mr. Deputy Chairman, that while the Press Council when it is constituted will definitely take note of such violations of the rules of the press to report freely, the Government would look into these specific instances also and see that these are not repeated.

Mr. Deputy Chairman, in conclusion, I would like to draw the attention of this House that in my view the threat of authoritarianism and revival of the tendency to gag the press both by the vested interests and

[Shri Rishi Kumar Mishra]

by political elements has not ended. We must see that the press is so reorganised that its freedom is so preserved and guaranteed that no one in future will be able to interfere and tamper with it. I recall—and I shudder to recall—that the hon. Shri Advani's predecessor was toying with the idea that the name of the Ministry of Information and Broadcasting should be changed to the Ministry of National Guidance. The idea was to guide and control the minds of the Indian people, and he had hoped that by introducing a code of ethics and by securing the support of spineless journalists, he would be able to create a situation in which radio will broadcast what the then Government wanted, the press will report and write what the Government wanted and the films will show what the Government wanted, and thus the minds and the thought processes of the people of this country will be regulated and controlled in the same manner as Hitler and Mussolini had done. Perhaps he had the vicarious pleasure when he went to Germany and saw the place where Goebbles had got his house, and he wanted to imitate him. The people of India have saved us from that situation, but the danger continues. And, therefore, a categorical assurance should come from the Government that under no circumstances the freedom of the press will be tampered with, and that an attempt will be made to restructure and reorganise the press so that while small and language newspapers are able to flourish, the stranglehold of the owners is also diminished and there is diffusion and delinking, and lastly, Sir, that in the Press Council, some way will be bound for the representation of the workers. There is a provision that Members of the "two Houses of Parliament would be there. It could be that by convention, a representative of the working class movement would be given a place so that the Press Council does not become only an organisation of the upper echelons of the society but

also has the representation of the working classes. Thank you.

श्री महेन्द्र मोहन मिश्र (बिहार) :

श्रीमन्, यह जो प्रेस परिषद् विधेयक सदन में आया है, उसका जो उद्देश्य है उसके साथ मैं पूर्णरूप से सहमत हूँ। लेकिन जिस रूप में यह विधेयक सदन में आया है उसका मैं घोर विरोध करता हूँ। मूलतः इस विधेयक का उद्देश्य अखबारों की स्वतन्त्रता की ओर ही इशारा है, लेकिन वस्तुतः श्रीमन्, जब आप इस विधेयक की धाराओं को देखेंगे तो आप पायेंगे कि अखबारों और पत्रकारों की स्वतन्त्रता नाम की कोई चीज ही नहीं रह जाती है। इस विधेयक में श्रीमन्, एक प्रावधान जो क्लॉज 13(2) बी का है, उससे मैं समझता हूँ कि अखबारों और पत्रकारों की स्वतन्त्रता पर

[The Vice-Chairman (Shri Arvind Kulkarni) in the Chair].

एक बहुत बड़ा कुठाराघात किया जा रहा है। हमारे माननीय सूचना मन्त्री जी ने कहा है और 'मीट विद प्रेस' में भी कहा है कि यह खुशी की बात है कि हम पत्रकारों को स्वतन्त्रता देने जा रहे हैं। लेकिन मुझे ऐसा लगता है कि इससे हमारे मन्त्री महोदय के हाथ में एक छड़ी दे दी गई है ताकि पत्रकार और अखबार वाले उस छड़ी को देख कर काम करें। पत्रकारों, अखबारों और प्रेस को एक सिटिजन के रूप में माना जा रहा है। इन्हें एक सिटिजन की तरह ट्रीट किया जाय। जिस प्रकार से हमारे संविधान के आर्टिकल 19 में राइट ऑफ एक्सप्रेशन और राइट टू स्पीच है, उसी तरह से इन लोगों को भी होना चाहिए। सरकार ने अखबारों के बीच इस तरह का जो अघ्निकार है उसमें कटौती करने के लिए मिसकंडक्ट का प्रावधान रखा है मैं समझता हूँ कि सरकार का इरादा साफ नहीं है। श्रीमन्, जनता सरकार के बनने के बाद, चाहे अखबारों के मालिक हों, चाहे सम्पादकगण हों, पत्रकार हों, व्यवस्थापक हों, मैनेजर हों, किस तरह से जनता सरकार के मन्त्री उनको बुला कर डांट-डपट करके उनको कहते हैं कि हमारी नीति के पुराविक अपनी पत्रिका को चलाओ। अगर नहीं

चलनाश्रोगे तो उसका अंजाम बुरा होगा। श्रीमन्, मैं सफाई से कहना चाहता हूँ। इधर कुछ महीनों में मूजे स्वयं मैनेजर्स, व्यवस्थापकों, अन्धे ऊँचे अखबारों के मालिकों ने कहा कि ऐसे मौके आए जबकि हमारे मन्त्रिमण्डल के लोगों द्वारा हमको अपनी नीति पर चलने के लिए बाध्य किया जाता है। इसलिए मैं समझता हूँ कि कि अखबारों की स्वतन्त्रता के नाम पर हमारे माननीय मन्त्री जी का इरादा साफ नहीं है, दिल साफ नहीं है। वे कोई नयी चीज नहीं लाए हैं। इसमें पहले जो भी प्रेस कौंसिल थी, जो हमारी पार्टी ने लाई थी उसी का प्रारूप यह दे रहे हैं। प्रश्न यह है कि दिल तो उनका है लेकिन उनके जो कार्य करने की पद्धति है उसमें हम लोगों को विश्वास होता है कि अखबारों, पत्रिकाओं पर सेंसरशिप न रहने हुए भी एक भय और दबाव की मनावृत्ति इनके दिलों में काम कर रही है। इसलिए मैं यह चाहता हूँ यह जो सन-चार पत्रों, पत्रिकाओं के मालिकों से इस तरह की परम्परा चले रही है, उसको आप रोकें। आज आप श्रीमन्, देखते होंगे कि जिस तरह के अखबारों का रखरखाव, अखबारों के मालिकों के कारण से नहीं इन लोगों के रवैये के कारण आज जो देश में नहीं चीज है नहीं आ रही है। अखबार एक दमपण है, देश की स्थिति को सही रूप से प्रस्तुत करना ही अखबारों का काम है लेकिन वे असमर्थ हैं क्योंकि सरकार का अंकुश इतने जोर से पड़ रहा है। इसलिए सही चीज, सही भावना, देश की स्थिति को प्रकट करने में अपने को असमर्थ पाते हैं। इसलिए 13 (2) (बी) का जो प्रावधान रखा गया है मैं समझता हूँ कि यह प्रेस स्वतन्त्रता का ब्लाकला (Black Law) कहा जाएगा।

दूसरी बात मैं यह कहना चाहता हूँ कि इस बिल में जो प्रावधान किए गए हैं उसमें मैं दो तीन बातों की ओर इशारा करना चाहूँगा। आपने प्रतिनिधित्व की बात की है। सम्पादकों को, बकिंग जर्नेलिस्ट को भी, उसी तरह से ओनर्स को भी, हर एक कैटेगरी

चाहे बड़े पत्र हों या मध्यम दर्जे के इन सारों में जो मैनेजमेंट के लोग हैं, प्रोपराइटर लोग हैं, उनको सब को प्रतिनिधित्व दिया जाये। श्रीमन्, एक वर्ग जो मैनेजर क्लास का है, उसको कहीं प्रतिनिधित्व नहीं है। मैं यह चाहता हूँ कि मंत्री महोदय इस वर्ग को भी प्रतिनिधित्व दें। जिसकी कि बहुत बड़ी जवाबदेही है। प्रोफेशनल मैनेजर के बारे में जाज फर्नेन्डीज साहब ने चर्चा की कि हम प्रोफेशनल को प्रोत्साहित करना चाहते हैं लेकिन इस क्षेत्र में प्रोफेशनल मैनेजर्स भी हैं उनका भी प्रतिनिधित्व इसमें होना चाहिए क्योंकि वे भी बकिंग जर्नेलिस्ट में नहीं आते हैं। और वे लोग प्रोपराइटरों में भी नहीं आते हैं उनकी भी सुरक्षा का प्रावधान होना चाहिए। मैनेजर जो भी हो, मिनिस्टर लोग चाहते हैं कि अमुक नीति अपनावनी है तो वह मैनेजर अपना काम करने के लिए प्रोपराइटर से नहीं पूछना चाहता है इसलिए ऐसी स्थिति में उसकी जब सिक्योरिटी का प्रावधान भी प्रेस कौंसिल में रखना चाहिए। ताकि सचमुच में अगर स्वतन्त्रता की ओर आपका इशारा है तो, जब तक उनकी सेवा की सिक्योरिटी नहीं होगी मैं समझता हूँ कि यह स्वतन्त्र रूप से काम नहीं कर सकेंगे।

दूसरा श्रीमन्, आपने एक बहुत अच्छा सुझाव दिया है कि लोक सभा के स्पीकर, राज्य सभा के अध्यक्ष और एक मनोनीत आदमी इसके अध्यक्षों का चयन करें। लेकिन मेरी राय है और आपके माध्यम से मैं मन्त्री जी से कहना चाहता हूँ कि इस चेयरमैन की भी कुछ क्वालिफिकेशन हो, He must be eminent man of repute in journalism.

वह उस पेशे का आदमी हो जो इस विभाग का, प्रेस काउंसिल का अध्यक्ष होगा उसे अगर इस विभाग की जानकारी नहीं होगी तो मैं समझता हूँ कि यह भी आपकी तजर में रहना चाहिए कि उसका अध्यक्ष वही हो जिसका कि इस विभाग से सम्पर्क हो।

[श्री महेंद्र मोंहन मिश्र]

तीसरा, श्रीमन् में आपके माध्यम से माननीय मंत्री जी को इशारा देना चाहता हूँ कि आपने पांच संसद सदस्यों को मनोनीत किया है। मैं चाहता हूँ कि इसकी स्वतन्त्रता बरकरार रहे, प्रेस काउंसिल निष्पक्ष ढंग से चले इसलिए इसमें से कम से कम 2 आदमी विरोधी दल के, गवर्नमेंट रिकग्नाइज्ड दल के हों। इनका भी रिप्रेजेंटेशन होना चाहिए। पांच एम० पी० आप कह रहे हैं इसमें से तीन को छोड़ कर दो ऐसे एम० पी० होने चाहिए जो विरोधी, जो रिकग्नाइज्ड पार्टी गवर्नमेंट आर्गनाइजेशन के हों, उनका भी प्रतिनिधित्व होना चाहिए ताकि सचमुच में— क्योंकि आखिर होता क्या है सारा पैसा कौड़ी सरकार देगी, सरकार को, इस प्रेस काउंसिल पर आधिकार रहेगा—अगर आप चाहते हैं कि इसकी आदोनामी बरकरार रहे तो इसकी कम्पोजीशन ऐसी होनी चाहिए कि कम से कम 2 संसद सदस्य विरोधी दल के इसके सदस्य के रूप में मनोनीत हों। इन्हीं शब्दों के साथ उपरोक्त बातों को देखते हुए मैं चाहता हूँ कि जिन मुद्दों पर मैंने इशारा किया है मंत्री महोदय इनको देखें। धन्यवाद।

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Yes, Mr. Surendra Mohanty. You are allowed seven minutes only.

SHRI SURENDRA MOHANTY (Orissa): Sir, this day will go down as a red letter day in the annals, of Indian journalism on which one of the dirtiest misdeeds of the emergency is going to be nullified. Though it would have been extremely nice on my part to say that I am in agreement with all the provisions of the Bill, I congratulate the hon. Minister of Information and Broadcasting for losing no time in not only bringing forward this Bill before this House but also thereby implementing one of the promises which had been held out by the Janata Party before the elections.

I would like to invite the attention of this House and also the Minister

to some of the aspects of the Bill with which I do not agree. I have not given any notice of amendment simply because of the fact that it is a code of conduct with me not to withdraw an amendment once I give notice of the same. Therefore, I am appealing to the good sense and the understanding of the hon. Minister so that he could think over it in leisure in his cooler moments and to bring about some orientation in the Press Council Bill which he has formulated, to make it more effective. What is the genesis of this Press Council Bill? The genesis of the Press Council may be found in the report of the Press Commission which has said:

"We consider that the regulation of the conduct of the Press in the matter of such objectionable wrong as is not legally punishable should also be the responsibility of the Press Council."

The Press Council had two objectives— firstly, to maintain and protect the liberty of the press; and secondly, to ensure that it is not misused. With this twin objective, the Press Council

came into existence. To make the Press Council effective, it must have some teeth. Unless it has some teeth, it can neither protect the liberty of the press, nor can it ensure that it is not being misused. In this context, I will cite a very telling instance from the Press Council's Annual Report, 1973. The Press Council censured the Editor of a journal called the *Campus Reporter* because the Editor took to the worst type of journalistic misconduct shown by his threatening the Principal of a Women's College to submit to his dictates. And how did he react? The Editor of the journal said: "Censure, My Foot". And the Press Council could not make up its mind whether it should invoke the authority of the Supreme Court or any other judicial body to proceed against this kind of a pronouncement by an editor of a journal who wrote an article entitled "Censure, My Foot". If this Press Council is going to be an innocuous body like this, for which annual

Rs. 5 lakhs have to be spent—and that too by a levy from small and big newspapers—then, I most humbly submit that there is need for re-thinking on the subject. My submission is that the Press Council must have some teeth. Unless it has got some teeth, it is meaningless, it is purposeless as it has been proved in the past. (*Time bell rings*) Are seven minutes over?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I am giving you two minutes more. Seven minutes are already over.

SHRI SURENDRA MOHANTY: Sir, the Press Council Bill speaks of building up standards of journalism. Let us see what is the reality. The hon. Minister is also a journalist of good standing. Oscar Wilde had defined journalism like this: "Modern journalism justifies its own existence by the greatest Darwinian principle of the survival of the vulgarist". The more vulgar a paper is, the more it survives.

THE LEADER OF THE OPPOSITION (SHRI KAMLAPATI TRIPATHI): Correct.

SHRI SURENDRA MOHANTY: You see all these groups of papers that are coming up nowadays. Take Blitz, for instance, for which I have got much regard. Its last page, which is devoted to, a much substantial matter written by one of the most senior journalists, presents a nude woman's picture, exposing all her vital statistics. Therefore, Oscar was more than right when he said the more vulgar it is, the more successful it is. How is the Press Council going to check this? In fact, it has not been able to check it. Therefore, once again, I would say that the Press Council cannot build a code of conduct. Even during the last ten years, the Press Council had not been able to build any code of conduct.

One last word and I will end because I have no time. One of the good features of this Bill is that the hon'ble

Minister is not dependent on the wisdom of the retired Judges of the Supreme Court. Sir, I am sometimes surprised to find the pitiable dependence of the Government on the retired Judges of the Supreme Court. For everything a retired Judge has to be found out. However, it is a good feature and it is a deviation from the previous Bill for which I congratulate the hon'ble Minister.

Sir, here there is no retired Chief who will be the Chairman of the Press Council. Then, I personally think that also the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha should not have been got into the picture. It should have been a professional body and it should have elected its own Chairman such as the Bar Council does, such as the Council of Medical Association does, such as the Engineers do. Why do you bring a motley crowd from the Sahitya Akademi to the University Grants Commission, from the Bar Council to the Rajya Sabha, who have got no rapport at all and who may be having very poor vision about the Press Council? So, I suggest that the position of this Press Council should be again reviewed and rethought and the Minister may kindly think it over and give the journalists that freedom at least to elect their own Chairman who can evolve their own code of conduct from their own experience and from their own struggle.

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Vice-Chairman, Sir, I do not want to take much of the time of the House; neither have I got the time. The press of a country will reflect the kind of society which exists in the country. Therefore, however much one might try to impose certain rules and regulations and code of conduct and all that, in the ultimate analysis it is the social struggles of the people that will assert themselves and the values that are created in the country by the social struggles of the people that is going to be reflected in the press. After all, we knew how the press in this country functioned in the period before the achievement of

[Shri P. Ramamurti]

independence and we know also the tremendous deterioration that has taken place in the functioning of the press after the achievement of independence. However much you might say that the Government should not interfere, there should be freedom of the press and all that, let us be realistic. So long as a government has got the power of conferring patronage—and after independence the power of conferring patronage by the Government has tremendously increased—so long as this power of patronage increases, so long as it is there it is foolish to expect that the Government will not interfere at all. This is the whole position. Therefore, I am not very much bothered about that. The point is how far the press will be able to resist it. That depends upon the kind of society and the kind of values that are being built up in the country and that is where we want some freedom of the press, no gagging, no censorship, complete resistance. There will be some people who will be prepared to resist and if more and more people come to resist then better values should be created in the country. This is what we want.

Now as far as this Bill is concerned, I want to make one or two points. My friend previously made the point that the Press Council Chairman should be elected. The present procedure that been adopted here is not the correct one. I would like to point out to him that we should consider this thing in all seriousness. I do not know if he is here but what we felt was that this Press Council is not a body of one set of people. It is not a body of the journalists alone. It is not a body composed of editors alone. It is not a body composed of the proprietors alone. Unfortunately, this is an amalgam of all these people. So when an amalgam of all these people take place, elections there will inevitably lead to some pushes and pulls. All sorts of things will happen and certain moneyed interests will be there. Some people are likely to be purchased. All these things would happen.

I Therefore, considering the character of the Press Council—the constitutional character of the Press Council—we felt it much better that first the Press Council as a whole is constituted. It elects the members out of a panel consisting of the Chairman, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha. These three together are able to nominate a member. This is what we thought. I think this is a very good suggestion. It is a suggestion which is commendable. In fact, I made this suggestion to the Select Committee and I think it is a correct position.

Secondly, another point made is that the managerial people should be associated with it. I do not think managers should be there in the Press Council. It deals with the question of the freedom of the press. It is not the question of the interests of the managers that are at stake. If the interests of the managers are there, then it can be decided by some other law, law of the land. Here, it is a question of evolving some standards for the press, a code of conduct for it. Therefore, the managers' representation is absolutely uncalled for and I think it should not be accepted at all.

Lastly, Sir, I would like to point out that the press, by and large, in this country, for a long time, has been weighted against the oppressed peoples, against the weaker sections of society and the view-points of the weaker sections of society have not been reflected in the press—whether large or small. There are some presses which are specifically for these sections and they do carry those views'. But, by and large, even when a matter is of a national scale, the press, or the Akash Vani for that matter, does not carry news. I will give an illustration. My friend referred to one. Last year, in the month of September, we had a very big

convention of the trade unions here in Vigyan Bhawan, which passed a resolution on what should be the policy of the Government with regard to wages, prices and income. Now, the entire trade unions of the country were represented there. All of them were represented there and they deliberated for two days and they gave a resolution to the Labour Minister there and said; We are prepared to have a dialogue with you. Such an important question did not figure in any of the newspapers. Such a resolution or the fact that the trade unions of the country had met and they had a view-point as to what should be the wages and income policy of the Government' did not find a place in any standard newspaper of the country.

SHRI N. G. RANGA (Andhra Pradesh)- Peasants' problems also.

SHRI P. RAMAMURTI; Nor did the Akash Vani broadcast that, although they were invited there and some of them were present. Similarly, the other day, on May 15, against a particular policy, against the interference of the Bureau of Public Enterprises in the collective agreements made in the public undertakings, irrespective of whether they belonged to INTUC or AITUC, CITU or BMS, all these Union people came together in Delhi and had a very big convention and they passed a resolution that unless this collective bargaining was restored they would go on a protest strike on the 28th. If the collective bargaining was restored, they would meet and see what further action could be taken. Is it not an important matter? Is it not a national question? But no paper published it. Neither the Akash Vani nor the Radio nor the Television. So these are the things. I am not making a complaint because there is no use making a complaint. When our struggle had gathered strength, later on Mr. George Fernandes wrote to me a letter saying that the Booth-

lingam Committee had not asked for a wage freeze. Then, on the eve of the strike, when that letter was published, we got the publicity that on the 28th there was going to begin strike. When I wrote to him that the strike was against the Bhoothalingam Committee, the people understood that on the 28th of May, or June, there was going to be a strike. I am extremely thankful to Mr. Fernandes for requesting me not to have this strike launched. Otherwise, the fact of the strike would not have got any publicity in these papers. This is the state of affairs. For this, whom are we to blame? The point is that it is a question of the social structure. If we go on evolving more and more and creating new values, then only I think the problem can be solved. Whatever might be the way the Press Council is constituted, in the ultimate analysis, it is as a result of the social values that are created in the country, as a result of the struggles of the common people, the struggles between bad values and good values, that a proper newspaper conduct can be evolved. I do not think this conduct can be evolved by this Council. They may try it. But I hope the Council will not try to lay down a certain conduct. It should be a process of evolution. It cannot be laid down by rules and regulations. The object says that it will evolve. I hope they will evolve it and will not just force it upon the newspapers.

Therefore, Sir, with these 4 P.M. words, I think that the Bill

as it emerged from the Select Committee is better than what it was when it was formulated and I commend it to the House.

SHRI LAKSHMANA MAHAPATRO (Orissa): The role of the Press in preserving democratic traditions need not be over emphasised. In the history of the Press in India, there there have been great pressures that curbed the Press and the privileges it

[Shri Lakshmana Mahapatro]

enjoyed. I need not go into the stages of development of this informational technology.

The Fourth Estate has a great social responsibility. The items of news disseminated by the mass media have to reflect the actual realities of today, not what the owner, the director or the Minister wants to portray as has been the way so far. This puts a heavy responsibility on the reported and the editor as well as on the sources of information which have to be unsullied. Only a free Press can play a crucial role in the democratic process. The reporter or the editor is still a prisoner of the views of his master and shall continue to be in shackle:- until the concentration of ownership by big houses who obviously have taken the forum for furthering their own interests and opposing the interests of the contending classes is broken. Sir, the successive measures that have been taken by the Government of India to fetter the Press ever since the 18th Century have helped neither the public nor the Government. Freedom was inconceivable without a free Press. But, as has been rightly pointed out by my friend, Shri P. Ramamurti, Government interference in the Press has become the Indian way.

Though in 1965 we thought of a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of the newspapers in India in July, 1966, it was formed. During the Emergency, on the 1st day of January, 1976 it died. It is sought to be revived by this Bill on the same lines of the law that was there in 1965 but with two changes only. That was what the Hon. Minister told us in the Statement of objects and Reasons when he introduced this Bill to Parliament. The two important changes that he wanted to have were these. The nomination of the Chair-

man was earlier done by a panel in which the Chief Justice of India was a member. Now that is changed; he has been taken out and has been replaced by a representative of the other Members of the Council. The second thing is that he wants to have a levy imposed with a view to provide for funds for the running of the Press Council. These are the only two changes. Otherwise, it is basically the same thing as it was there in the 1965 Act. That being so and in view of the experience that we had during the Emergency in spite of a Press Council of this nature, as far as the freedom of the Press is concerned, that puts us in a great fear whether even with such a Press Council law which seeks to restore the Press Council or revive the Press Council, we will be having the same sort of treatment of the Press.

Sir, as has been rightly pointed out, there have been umpteen number of instances where the Government have come to interfere in many things—interference by omissions and sometimes by commissions. Missions are very much now found everyday. As far as the mass media and the Press is concerned, there have also been interference by the present Government. I shall come to the instances of interference later. Now let me say a few words about this particular Bill.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): You have got only four minutes more.

SHRI LAKSHMANA MAHAPATRO: Yes, yes, I am just looking at the watch and trying to do my job within the stipulated time.

Sir, the other point is, as has been rightly pointed out by Mr. Mishra, there was a Press Commission. It made its recommendations and the recommendations also related to the concentration of ownership of newspapers. But it has not been looked

into. I think the hon. Minister while replying may say that a second Press Commission has been appointed. You know, Sir, when it was announced in the House, Mr. Bhupesh Gupta, myself and a few others opposed the way it had been done. We opposed the composition, we opposed the selection. We said that the co-operation of the other side of the House should have been sought and the list should have been prepared in such a way that there would have been no criticism. All the same, it has been formed and I am not very sure whether they will be able to give us something which this Government will act upon as far as the concentration of ownership of newspapers is concerned.

Sir, the other thing that I want to point out is that the Government says—and it has been said in the preamble also—that this law is made with a view to securing the freedom of the Press and to seeing that it is not abused. But how are you going to achieve it without having the Registrar of Newspapers as a party to all these things? Sir, he is the person who is regulating everything. He is the person who tells you how much circulation a paper has, on the basis of which you give advertisements. He is the person who says whether paper is a regional paper or a paper which is of a national level. But he is not associated in this matter. Possibility the idea of taking him as a part of, or subordinate to, the Press Council will not be very much liked. But all the same, he should be associated with it. He should be subjected to some sort of a check or direction by the Press Council. Otherwise, he will be going one way and the Press Council will not be able to perform its functions properly.

The second thing that I want to submit is that Regional Press Councils should be established

¹ because you will not be able to do justice to the regional papers, the language papers and the duties and functions that you assign to this Press Council cannot be properly discharged if they are all done at one place at the centre." Therefore, I would suggest the setting up of Regional Press Councils.

Then the other thing is about a national register. For finding out as to who are the real persons, whether they are working journalists or freelance journalists or other journalists, you shall have to have a national register of these people. You can make that register the electoral roll for elections. You can have it also category-wise—big paper, medium paper and small paper, or similarly, freelance journalists, working journalists and so on. You may have it that way. But it is necessary. In addition to the accredited journalists, who have been accredited to the PIB, there are the other people and if you want to provide for them, you will have to have a register. Otherwise, there will be bogus persons coming and saying that they are press people and they should also be eligible for being put as representatives. Therefore, these are the things that you have to take care of. (*Time bell rings*). Now coming to the Bill, when the Bill went before the Joint Select Committee, one serious objection was taken by all the Members who have appended notes of dissent. They have been saying that the code of conduct is something which should not be torated by anybody. This was already referred to by Mr. Mishra. It is there in the Press Council's report itself, the Eight Report, which is being referred to by every Member who comes here. It is there on pages 2 and 3 a code of ethics being built. Ineed not refer to it. Therefore, they feel that it is absolutely not necessary.

[Shri Lakhmana Mahapatro]

They can come up in due course. When this Press Council Bill was introduced in Parliament, before it went to the Joint Committee, there were seminars held in this Capital city itself where very eminent journalists—Mr. Advani called these people eminent when he put them into these bodies, including the Press Commission— themselves stated ... (*Time bell rings*) Sir, you need not put your finger on the time-bell. I am coming to a close. I realise your difficulty. But you must also see my difficulty. I am in haste to finish.

These eminent journalists said the Press Council should also be a court of honour, it should not be a court of law, it should not be there to punish anybody, but it should be there to censure a person, to put him on the right track. That is why they also pleaded that it should not have teeth. Somehow Mr. Mohanty said it should have teeth, it should be able to punish. He cited a particular case, a very, very stray case, of an editor of a newspaper having been reprimanded by censure. He came out with a certain editorial. But that should not be the criterion for saying that it should have teeth. If it is for the purpose of punishing people, then I do not know where we are going, we will only be going somewhere else. We should therefore, prevent two things: This should not be a court of law. This should be allowed to have adjudication as matters come before it and in that process build up a case law and on the basis of that case law, build up an ethics or a code. That is exactly the reason why the Joint Committee said, we are not prepared to say that this Press Council will build up journalistic ethics. They have omitted it. Having omitted that, I do not know why they did not proceed with their logic further and say... (*Time bell rings*) I am just concluding. How is a code of conduct different from a code of journalistic ethics? The word here is ethics and there it is code of conduct. Journalistic ethics is something which should come up by itself in the course of our performance. Let it

not also be a code of conduct prescribed. Therefore, my last point is this. You have enjoined on the Press Council—the Press Council looks after a very good press in our country—that it will be doing this thing. These are its power and functions. Here it is in (d): To encourage a sense of responsibility and public service among all those engaged in the profession of journalism. It is public service which they will be required to be engaged in and it is that which is supposed to be promoted and encouraged by this Press Council. But that will not be achieved at all, that function they cannot perform at all, unless you give them the required paper, that is, newsprint. There is shortage of newsprint. Every now and then we come before the House with this complaint. The small newspapers, the regional newspapers, the language newspapers, have been crying hoarse about it. He said the other day that we have provided for NEPA. But NEPA is a coarse variety, it is a useless variety. These newspapers work with bigger machines. Take, for example, my State newspaper, THE SAMAJ. It requires a fine variety. Therefore, they should be given the imported variety in sufficient quantity. This NEPA is not good enough. It breaks as the reams are made. . . .

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Thank you, Mr. Mahapatro. Please sit down. Now, . Mr. Gopaldaswami. .

SHRI LAKSHMANA MAHAPATRO: Everytime Mr. Advani says that he has been looking after the interests of these people, giving them import concession by reducing the extent of minimum import to 10 tons instead of 25 tonnes and all that. As far as small newspapers are concerned, as far as the regional newspapers are concerned, as far as the language newspapers are concerned, he should go a little further and give them a better treatment. It is therefore that I have been insisting that the Registrar of Newspapers of India should be associated in these matters. I have my experience. This

particular institution has not somehow been looking after the interests of these people. He will give the information and on the basis of that advertisement is given. This is very bad. That is why I demand the Press Council and a free press. Let us wait for the day when the Fourth Estate will be able to serve the cause of the toiling masses who have been bleeding all these days because their case is not focussed by the jute press.

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Vice-Chairman, sir, I am grateful to you for calling me to speak on this Bill. At the outset I wholeheartedly welcome this Bill. It is my pride and pleasure to take part in this discussion on behalf of the DMK Party to which I have the honour to belong. Ours is a Party which, even against heavy odds during the days of emergency, fought a crusade against authoritarianism and tyranny. It is this Party which fought relentlessly for the press freedom. Within forty-eight hours of the declaration of the emergency, or to put in other words, within forty-eight hours of that total ban on the news media in the name of censorship, my beloved leader Dr. Karunanidhi convened an Executive Committee meeting of the Party and passed a resolution which is the *magna carta* of the second freedom struggle. This resolution said:

"The Press should be freed from all shackles and granted all their just rights. The Executive of the DMK points out that only such a step would bring credit to the Indian democracy."

Hundreds of our partymen were detained in dingy cells and two precious lives of our Partymen -were lost for this noble cause. MURASOLI, the voice of DMK, our Party's daily newspaper, was put to strict censorship. It was subject to much hardship. Its office was raided and also the pre-censorship continued on MURASOL till the last even though it was liftec in the case of so many other newspapers. But it is very unfortunatf

that neither the White Paper nor the Shah Commission looked into the atrocities committed against MURASOLI by the Press Censor, even though these had been reported in a detailed manner to them. I think the Janata Party does not give credit to any other political Party in this regard. They are not prepared to highlight the sacrifices undergone by the DMK in this regard. We do not coinge for anybody's favour and we do not care for that. We are prepared to support any friend, oppose any foe, enter into any battle, pay any price and meet any hardship for the survival of democracy and the freedom of the press.

Our experience of the previous Press Council was not satisfactory, even though we felt the need and necessity of a Press Council during the days of emergency. I want to say that some Press Council is better than no Press Council.

But I want to point out that the term 'code of conduct' is a very vague term. It is a very dangerous term. It may become a guillotine in the hands of prejudiced men to victimise genuine journalists and newspaper men.

Sir, I want to say that formation of one Press Council for the whole of India can never deliver the goods. On the contrary I think it will do much harm for small newspapers. For example, if you call a small newspaper man from Tamil Nadu or from Trivandrum in Kerala State, he is finished. His economic backbone will be broken. I want to suggest that there should be several Press Councils* 1 for each language. It is not possible, there should be regional Press Council at least. If the

hon. Minister feels it is not possible to implement, then I would suggest that at least the Press Council should visit every State capital and entertain complaints there only. Then only the small newspaper men will be protected. Also I would like to suggest that the Press Council should play

[Shri V. Gopalsamy] an increasing role of a conciliator between the complainant and the newspaper before the complainant goes to the Council. One of the hon. Members of the House the other day expressed his concern about the misuse of the freedom of the press and also about yellow journalism. Yes, I agree with him. We have to stop that and we have to ward off this kind of yellow journalism. To prevent it, the law of libel should be amended in such a manner that the onus of proof lies on the person or on the newspaper man who has slandered. By that only we can think of guarding against yellow journalism and not by abolishing the freedom of the Press, because it is the freedom of the Press which has contributed much to the present-day world.

Also, I want to point out another thing. It has been mentioned that nothing in subsection (1) shall be deemed to compel any "editor or journalist to disclose the source of his news or information published by the newspaper or received or reported by the news agency, editor or journalist." The correct policy of safe-guarding the independence and freedom of the journalist is to treat the source of his news as sacred and not to compel him to divulge the sources. This was recognised long before by the Indian Government and that was incorporated in the Technical Publicity Rules which were termed as the basic guidelines for democracy by Sardar Vallabhai Patel, the first Information and Broadcasting, Minister who was also the Deputy Prime Minister. But the unfortunate thing is this: I can cite so many occasions when the newspaper men were penalised for not disclosing the source of their news and when the newspaper people refused to disclose the source of their news. The late Shri V. K. Krishna Menon is an example of this type and he never tolerated criticism. At the time of the Sino-Indian conflict in 1962, a letter to "The Indian Express" by a wailing widow accusing and criticising the Government for not equipping

the army with ammunition and other fighting equipment cost the Resident Editor his job because the Editor did not budge to disclose the source. This is how it happened then. We have to protect the journalists and the newspapers. But how is it possible? Mere formation of the Press Council is not enough. I do not think that it is a big step towards Press freedom. The Constitution itself should be amended on the lines of the famous first amendment of the American Constitution. It says: "Congress shall make no law abridging the freedom of speech or of the Press". But, in our country, the first amendment to our Constitution was enacted a year after the proclamation of the Constitution itself which still further restricted the already restricted freedom of speech and expression. The list of exceptions to free speech in article 19(2) is an open invitation to executive abuse, no matter which party happens to be in power. In 1950, Shri Jawaharlal Nehru told the All-India Newspaper Editors' Conference like this: "I would rather have a completely free Press with all the dangers involved in the wrong use of freedom than a suppressed or regulated Press." But, Sir, even Mr. Jawaharlal Nehru, a democrat to the marrow of his bones, succumbed to his powers and to his office. Within a year, Sir, his Government passed the Press (Objectionable Matter) Act and put it on the Statute Book and in 1957 it was repealed. But the same was restored in the form of an ordinance on declaration of the emergency. So, I want to suggest that the Janata Government should come forward to ensure constitutional guarantee to Press freedom. Here, Sir, I would like to bring to the notice of the honourable Members of this House an event which has taken place in our country recently which is painful to the lovers of freedom. That matter has not been reported by the local papers in Tamil Nadu. My hats off to the brave newspapers in Delhi, "The Statesman" and "The Hindustan Times", which have boldly published the news. Sir, here is a man who

tries and attempts to throttle the throat of Press and who cajoles and coerces the Press not to publish his speeches and he is no other than the , present Chief Minister of Tamil Nadu, Mr. M. G. Ramachandran. I would like to quote the news item from "The Statesman" dated the 5th July, 1978:

"For the Tamil Nadu, Chief Minister, Mr. M. G. Ramachandran, Emergency is not a thing of the past, but a living reality. Presiding over a public meeting held here in the University building to unveil the portrait of Mr. Jayaprakash Nara-yan, he criticised Mr. Jayaprakash Narayan and the achievements of the national movement and immediately issued a 'farman' to the reporters not to publish a word of his critical remarks. The local Press as well as the national news agencies fell in line as in the days of the emergency. Not only Mr. Narayan, he criticised even Gandhiji from whom the Janata Government seems to draw inspiration. He criticised Mahatma Gandhi and his 1942 movement and said that Gandhiji wanted that railway bridges, telephone, telegraph wires and posts should be pulled down and burnt."

Sir, even an elementary school student knows that Gandhiji condemned the Chauri Chaura incident, opposed violence and went on a fast during 1942 movement. But Mr. M. G. Ramachandran uses such words and he intimidates the press men not to publish his historic utterances. Sir, I would like to say...

DR. (SHRIMATI) SATHIAVANI MUTHU (Tamil Nadu): Sir, on a point of order... (*Interruptions*) May I know from the hon. Member in which paper, of what date, our leader, Chief Minister, mentioned that? I do not think he would have said like that. I strongly repudiate it.

SHRI V. GOPALSAMY: This is reported in the Press. He has intimidated the Press. I would like the Members of the House to realise this.

I would like to suggest that the Press Council should protect the interests of journalists and newspaper men, and also see that they are not browbeaten or threatened by anybody.

Before I conclude, I would like to quote Rousseau, the famous French philosopher, the champion of freedom:

"Loss of liberty to mind is worse than death. Death is not the greatest calamity. There are still more terrible calamities for the brave sons who, if need be, are prepared to lay down their lives for the noble cause of freedom and liberty."

In the name of such brave heroes, I welcome this Bill.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Mr. Madhavan. You have got 10 minutes only. . . (*Interruptions*)

SHRI K. K. MADHAVAN (Kerala): Sir, I thank you for giving me this opportunity. I am speaking from my experience here as an editor, as a lawyer and as a politician. Of course, when I said 'as a politician', I speak above party politics in this case particularly.

The first Press Council was the product of the Press Commission Report submitted in 1954. They recommended:

"The institution of Press Council, along with its duty of protecting and fostering the freedom of the Press is charged with the task of guaranteeing it against such proprietorial misuse of newspaper columns..."

Then, this Commission goes on to add further:

"A definite danger exists of news being twisted to serve the personal interests of the owners."

This is a very significant statement...

Now, let us see what is the purpose of the Bill. I quote again:

[Shri K. K. Madhavan]

"The Press could be free only when the Government keeps away from it, nor is the Press above the law of the land..."

Self-regulation was therefore prescribed as a remedy, and a self-regulatory body, regulating body, Press Council of India was set up to ensure the right behaviour of the Press. Does this Bill conform to the standard of the requirements mentioned above? That is my question. Permit me to say that it does not, for the simple reason that the Bill has been ill-drafted. Of course, the Bill was referred to the Joint Select Committee, but I have a grievance that even the Joint Select Committee which represents both Houses of Parliament has not done full justice to the subject of the Bill. Now, let us come to the composition of the Press Council. What, is its composition? It is one plus 27. When I was speaking on an earlier occasion, I mentioned the alarming situation that would be created by this. The composition is one Chairman and 28 members. But this one Chairman has got more powers than all the 28 Members put together. In the composition of the 28 members, 13 are working journalists out of whom six are editors and seven are working journalists other than editors. Then there shall be six persons who own—I emphasise the word 'own'—or carry on the business—I again emphasise the word 'business'—of management of newspapers. Then there shall be one man from the management of news agencies. Strangely, Mr. Advani himself split up the single news agency into four, and only one person has to represent the four news agencies. I do not know the logic in this. Then, Sir, three persons shall be the specialists from education, science, literature and culture and all that. I welcome that. Then three Members from the Lok Sabha and two Members from the Rajya Sabha.

AN HON. MEMBER: Not you and me.

SHRI K. K. MADHAVAN: I have no grievance about that. My grievance is that they have given representation to the working journalists in the newspapers but not to the working journalists working in the news agencies. It is a contradiction, a very glaring contradiction telling upon the Government. Then, Sir, there is no representation for the readers. Are they not the real consumers of newspapers? Haven't they got the right to be represented? That representation also is denied because that is representation of the public.

Then, Sir, the Press Council is placed beyond the purview of courts. I refer to clause 14, proviso (1) which places the decisions of the Press Council beyond question in the courts. What does it mean? The Press Council becomes an all-powerful body which can do anything and undo anything except making a male female or a female male.

SHRI BHUPESH GUPTA: Mr. Madhavan, in Shankar's cartoon, very often the male is made into a female.

SHRI K. K. MADHAVAN: Therefore, Sir, they have got those powers. So, an all-powerful chairman is there sitting over 28 minor members.

Sir, I do not want to go through all the clauses of the Bill because that will rob me of my time. Sir, I now refer to clause 14. A very significant factor has to be looked into here. It is very important in that they want to restrict the foreign assistance. Of course, I do not like foreign assistance. Here, what is provided under clause 14(2) (f)? I quote:

"(f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by any individual, association of persons or any other organisation:

Provided that nothing in this clause shall preclude the Central

Government from dealing with any case of assistance...." and so on.

So the Government is above these things. That is a very masterly feat and I congratulate Mr. Advani for it. Unlimited arbitrary powers are placed in the hands of the all-powerful State. the modern State.

One thing more, Sir. The tiger's teeth and claws are yet to come out because they are hidden in the rulemaking powers provided for in clause 26 of the Bill. Of course, these rules will be scrutinised by the Committees on Subordinate Legislation of the two Houses here. But there also in a slipshod manner the officers can manage it very cleverly. I emphasise Sir, that the Government is playing into the hands of the big business. I have before me an appeal by the working journalists requesting for taking action against the withdrawal of the newspaper owners from wage Board. What action has the Government taken? My friend, Mr. Rama-murti has already spoken about it and so I do not want to repeat it. (*Time bell rings*). Sir, kindly give me three minutes more because I have got some important things to say.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): No. only two minutes.

SHRI K. K. MADHAVAN: Sir, my time was taken away by my friend.

Sir, the other thing is that financiers have entered the arena of newspapers. This is a thing which began in the pre-Independence days. I was one of those people who participated in a movement which drew the attention of this country to this aspect and said that this is a danger signal because neo-fascism will be coming into this country through these capitalist big businessmen; that was the warning given in the pre-Independence days when the Times of India was bought and so many other European newspaper, were bought by the Indian big business.

Now, the powers to reconstitute this Press Council given in sub-clause (4) of clause 5 of this Bill are strange. Of course the Government shall nominate the first Chairman and members of the Council. But subsequently, whenever the occasion arises, the Council will select its successors itself That is the provision of this law

Now, what is the extent of their powers. All the powers have been left with them. There is the question of the freedom of the press. What is the freedom of the press here? I do not find freedom of the press here. My friend claims and the Janata Government claim that they have freed, that they have liberated the Fourth Estate ! from the clutches of authoritarianism It has not actually done it. They have done, what according to a Biblical saying means, giving by the right hand and taking it away by the left hand That is what exactly is being done through this Press Council Bill also. They have done it through the Door-darshan and through the Akashvani also.

Then, there is the question of patronage, the governmental patronage. Yesterday, I saw on the TV one gentleman—I think he is a newspaper representative, a correspondent—presenting the coverage of the forenoon week in Parliament. My leader, C. Subramaniam, made the most outstanding speech in the Lok Sabha but not even his name was mentioned.

SOME HON. MEMBERS: Shame, shame.

SHRI K. K. MADHAVAN: How does it happen? It happens because the Ministry of Information and Broadcasting! takes into its service conveniently such people only who serve their purpose and that is being very regularly done. Why should it be done? You have your own Akashvani and Door-darshan people. Let them present these coverages. Then they will be answerable and Akashvani will be answerable to us. Now they can say that they had invited somebody and he has done it.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Mr. Madhavan, you have to wind up now. Yes, Mr. Mathur.

SHRI K. K. MADHAVAN: No, Sir One minute more please and I am closing. My case is that the mass media is being very glaringly misused. That is my case. There is one saying in Malayalam:

"Vallatha B>alaprabhavati Neckal Illatha Balaprabhavam Vishishtam"

It means that instead of having a very bad child, it is better not to have the child at all. And that is my case. I would prefer not to have the Press Council Bill at all, than to have a Bill like this. That is my view.

My last point is this. Today's *Illustrated Weekly of India* says: It would not, therefore, be wrong to conclude that AIR and Doordarshan continue to be controlled by the Government as hitherto. The only difference is that this control is now, not as 'blatant' and 'cynical' as before. May be this is due to the fact that Mr. Advani and his man have yet to acquire total control of the mass media. But the erstwhile Jana Sangh has certainly dug deep its toes in AIR and Doordarshan." This applies equally to newspapers also.

Sir, my last point is. ..

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): No Mr. Madhavan, you have to finish now.

SHRI K. K. MADHAVAN: Only one sentence more, Sir. And that is about my friend, Mr. Ramamurti, and the role he was playing. Sir, he was playing a double game, blowing hot and cold. He said he had criticised it but he was silent. He did not record his voice of dissent. There are three Members who have recorded their voice of dissent in the report regarding code of conduct upheld by the Joint Select Committee. Why did not Mr. Ramamurti dare to record his voice of dissent? That is my question.

Then, Mr. Advani has himself made certain classification of newspaper men. The re-classification of persons who were prepared to criticise but did not, and the persons who simply obeyed, surrendered and knelt before the authorities. There are very few persons who may dare to speak to their peril. To which classification* do the newsmen belong? That is not my classification; that is Mr. Advani's classification. Mr. Advani put these people to which category, I do not want to say it now. It is his own face seen through his own looking glass.

With these observations, I conclude. Thank you.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश):

उपसभाध्यक्ष महोदय, समय की बहुत बड़ी पाबन्दी लगा दी गयी है इसलिये मैं पूरा भाषण न करके केवल मुख्य बिन्दु सामने रखना चाहता हूँ।

मैं इस विधेयक का स्वागत करता हूँ क्योंकि अब तक जो पाबन्दियाँ समाचार पत्रों पर लगी थीं उनको हटाने की दिशा में यह एक और कदम है। सब से प्रथम मैं एक बात कहना चाहूँगा। प्रेस कौन्सिल में 29 सदस्य हैं जिनमें पत्रकार भी हैं और गैर-पत्रकार भी हैं। सावधानी बरती जानी चाहिए कि इस अनुपात में कहीं किसी प्रकार गैर-पत्रकारों का बाहुल्य न हो जाय। मेरा सुझाव है कि इस विषय को व्यवहार में या संभव हो तो नियमों में शामिल कर दिया जाये। इसको परिषदी के तौर पर भी स्थापित किया जा सकता है। परिषद में 14 जर्नलिस्ट्स हैं और 6 मैनेजमेंट के आदमी हैं। यदि सावधानी न बरती गई तो यह अनुपात बदला जा सकता है। मेरा कहना है कि यदि कोई मालिक भी हो और सम्पादक भी तो ऐसे व्यक्ति को सम्पादक की श्रेणी में न रख के मैनेजमेंट की श्रेणी में ही गिना जाना चाहिए। विधेयक में यह तो प्रावधान है कि यदि कोई व्यक्ति जर्नलिस्ट है और मैनेजमेंट का आदमी भी है तो वह मैनेजमेंट की तरफ से

ही आयेगा परन्तु एडिटर्स के लिए यह बन्धन नहीं लगाया गया है। उन पर भी यह बन्धन लगाना चाहिए।

परिषद् के सदस्यों के चयन के लिये कई संस्थानों से नाम मांगे जायेंगे और उनमें से ही सदस्य चुने जायेंगे। अब तक यह होता था कि बर्किंग जर्नलिस्टों और सम्पादकों के जो 3-4 संगठन हैं उनमें कोटा बांट दिया जाता था। मेरा आग्रह है मंत्री महोदय से कि कोटा पद्धति खत्म की जानी चाहिए। नाम मांग कर व्यक्तियों की योग्यता के अनुसार चयन करके परिषद् का गठन किया जाना चाहिए।

यह योग्य है कि आपने चेयरमैन के चुनाव में परिषद् की राय को भी स्थान दिया है। कई मास्यों ने कहा कि चेयरमैन जर्नलिस्ट होना चाहिये। मैं इसका विरोध करता हूँ। कभी जर्नलिस्ट भी हो तो बहुत अच्छा है लेकिन प्रतिबन्ध नहीं होना चाहिए। अभी एक हमारे साथी ने कहा कि रिटायर्ड जूरिस्टों से हम परेशान हो गये हैं। मेरा कहना है कि यदि चेयरमैन जूरिस्ट हो तो सब से उत्तम होगा।

समाचार समितियों को भी एक व्यक्ति का प्रतिनिधित्व दिया गया है। ऐसा नहीं होना चाहिए कि एक ही न्यूज एजेंसी का प्रतिनिधि हमेशा चुना जाता रहे। इसलिए मेरा सुझाव है कि न्यूज एजेंसी के प्रतिनिधित्व के विषय में बारी-बारी से चुने जाने का प्रावधान किया जाना चाहिए।

इस विधेयक में आपने सरकारी अनुदान के अतिरिक्त स्वतन्त्र पैसा जमा करने का अधिकार भी परिषद् को दिया है। कुछ संस्थाओं ने प्रवर समिति को सुझाव दिया था कि न्यूजप्रिंट पर सेस लगाई जाए। मैं मंत्री महोदय से अनुरोध करना चाहूंगा कि आज न सही, कल सही, किसी अवसर पर इस विषय में फिर से विचार किया जाए। बम्बुली के लिए साधन नहीं दिये गये हैं और लैबी लगाने के लिए कहा गया है। उत्तम है। यदि उनके पास लैबी वसूल करने के साधन नहीं होंगे तो वे कहाँ से वसूल करेंगे? स्पष्ट

है कि सरकार लैबी वसूल करके उनको देगी। लैबी की दर क्या होगी? इसका अधिकार परिषद् को नहीं दिया गया है। मैं चाहूंगा कि काउंसिल को इस बात का अधिकार दिया जाए कि हर पत्र के सर्कुलेशन और सम्पूर्ण आय के अनुपात में हर एक पत्र के ऊपर लैबी लगाई जानी चाहिए जिसे सरकार वसूल करके दे।

क्लाज 3(ई) के अन्दर यह बात स्पष्ट नहीं है कि ए और बी क्लासेज के भीतर जो चयन किया जाएगा क्या उसमें एक ही पत्र या पत्र-शृंखला में से एक मैनेजमेंट का और एक सम्पादकीय क्षेत्र दो-दो प्रतिनिधि हो सकते हैं? यह बात स्पष्ट नहीं है। मैं चाहूंगा कि मंत्री महोदय उसको स्पष्ट करें। मेरा सुझाव है कि यदि किसी पत्र से या पत्र-शृंखला से जर्नलिस्टों का एक व्यक्ति आ गया तो मैनेजमेंट से या एडिटर्स में से एक और नहीं होना चाहिए। एडिटर्स से आ गया तो मैनेजमेंट में से दूसरा नहीं आना चाहिए। जैसे कि हिन्दुस्तान टाइम्स का हिन्दी का हिन्दुस्तान भी है और अन्य पत्रिकाएं भी हैं उनके मैनेजमेंट में से या एडिटर्स में से एक ही आदमी आना चाहिए। यह स्पष्टीकरण मैं मंत्री महोदय से चाहूंगा।

मैं इस बात से सहमत नहीं हूँ कि पिछली प्रेस काउंसिल ने कुछ नहीं किया। यह बात सत्य है कि जितना कुछ करना चाहिए था नहीं किया। परिषद् ने संघर्ष किया। अगर प्रेस काउंसिल का उद्देश्य केवल इतना मात्र है कि वह पत्रकारिता की स्वतन्त्रता की सुरक्षा करे तो मैं समझता हूँ कि यह अपूर्ण कार्य है। दो-तीन साधियों ने जो पहले बोले कहा... (Interruptions)

कई सज्जनों ने इंग्लैंड की पुस्तकों से उद्धरण पढ़े हैं जिनमें कहा गया है कि पत्रकार भी अपनी सीमाओं का उल्लंघन करते हैं।

अतः प्रेस काउंसिल का उद्देश्य केवल समाचार पत्र, पत्रिकाओं और स्वतन्त्रता मा का

[श्री जगदीश प्रसाद माथूर]

संरक्षण और संवर्धन करना नहीं है, बल्कि आम व्यक्ति और जनता के अधिकारों के संरक्षण का भार भी हमारी प्रेस कौंसिल के ऊपर है।

मैं एक बात कह कर समाप्त करूंगा। बहुत से संगठनों का उल्लेख विधेयक के संदर्भ में किया गया है, जिनसे आप नामों का सुझाव मांगेंगे। मेरा सुझाव है कि एडिटर्स गिल्ड आफ इंडिया यद्यपि एक नया संगठन है परन्तु जिसमें उच्च कोटि के सम्पादक हैं। इस संस्था का नाम भी नाम मांगे जाने वाली संस्थाओं में सम्मिलित किया जाना चाहिए।

मैं पिछली प्रेस कौंसिल की बात कह रहा था। पुनः कहता हूँ कि मैं इस आरोप से पूरी तरह से सहमत नहीं हूँ कि पिछली कौंसिल ने कुछ नहीं किया। मेरे सामने उदाहरण है दैनिक 'ट्रिब्यून' का। मेरे सामने उदाहरण है दैनिक 'हिन्दुस्तान टाइम्स' का मालिकों ने और सरकार ने इन पत्रों को दबाना और गला घोटना चाहा था। प्रेस कौंसिल ने इस विषय में संघर्ष किया। यह बात अलग है कि वह पूरी तरह से सफल नहीं हुई। मुझे स्मरण है कि श्री के० के० बिरला साहब ने जब मुकदमा वापिस लिया कि जब 9 दिसम्बर, 1975 को आर्डिनेन्स द्वारा परिषद् को समाप्त कर दिया गया। बहस यह नहीं है कि उन्होंने पूरा काम किया या नहीं किया। प्रेस कौंसिल उचित दिशा में एक अच्छा पग है। इसका स्वागत किया जाना चाहिए।

उस दिन मंत्री महोदय ने चार-पांच बातें कही थीं जिनसे स्पष्ट है कि आज के विधेयक में और पिछली प्रेस कौंसिल के विधेयक में काफी अन्तर है। मैं समझता हूँ कि मेरे सुझाव बनने वाले नियमों में अथवा कम से कम परिषदी के रूप में स्वीकार किये जायेंगे।

THE VICE-CHAIRMAN (SHRI .ARVIND GANESH KULKARNI); Mr. Kalp N>th. You have got ten minutes, Mr. ftai.

श्री कल्पनाथ राय (उत्तर प्रदेश) :

उपसभाध्यक्ष जी, जो प्रेस कौंसिल बिल सरकार द्वारा प्रस्तुत किया गया है इसमें प्रेस की आजादी और उससे संबंधित बातों की चर्चा की गई है। पहला मेरा प्रश्न है कि क्या जनता सरकार के जमाने में प्रेस की आजादी है? क्या पिछले 16 महीनों में प्रेस का, रेडियो का, टेलीविजन का इस्तेमाल जितना एक दल, एक नेता के चरित्र की हत्या में किया गया, क्या दुनिया के इतिहास में इसकी कोई मिसाल है?

उपसभाध्यक्ष जी, प्रेस कौंसिल का आइडिया हमने ब्रिटिश प्रेस कौंसिल से ग्रहण किया है। बुनियादी बात यह है कि ब्रिटेन में प्रेस की इंडस्ट्री स्वतन्त्र है लेकिन हमारे मुल्क में जो प्रेस की एजेंसी है, मोनोपलीज हाउसेज के द्वारा, हिन्दुस्तान के प्रमुख पत्र जो हैं मोनोपलीज हाउसेज के द्वारा संचालित होते हैं। सबसे बड़ा सवाल इस मुल्क में प्रेस की आजादी का है। मैं पूछना चाहता हूँ कि क्या हिन्दुस्तान की प्रेस स्वतन्त्र है? यदि हिन्दुस्तान की प्रेस स्वतन्त्र नहीं है तो क्या सरकार प्रेस की आजादी चाहती है? ये दो मुख्य प्रश्न हैं जिनके ऊपर हमको विचार करना है।

आज प्रेस के सामने सब से बड़ी समस्या न्यूजप्रिंट की भी है। आज हिन्दुस्तान के जितने भी प्रेस हैं उनको न्यूजप्रिंट बम्बई कलकत्ता से ही मिलते हैं। ट्रांसपोर्ट बोटलनेक्स के कारण देश में कन्याकुमारी से कश्मीर तक जो हमारे प्रेस हैं—छोटे पेपर, माडियम पेपर और बड़े पेपर वाले उनको वागज लाने ले जाने में बड़ी दिक्कत होती है। मैं सरकार से चाहूंगा कि वह इस दिक्कत को दूर करे। दूसरी दिक्कत जो किसी ने नहीं उठाई वह है कि हर इंडस्ट्री को तो सरकार पब्लिक सेक्टर या फाइनेन्शियल इंस्टीट्यूट से कर्ज दिला देती है लेकिन हिन्दुस्तान की प्रेस इंडस्ट्री को

पैसा किसी भी फाइनेंशियल इंस्टीट्यूट से नहीं मिलता है। अगर प्रेस को आजाद रखना है तो प्रेस की इंडस्ट्री को अपने पैरों पर खड़ा करना होगा। प्रेस फाइनेंस कारपोरेशन या न्यूजपेपर्स फाइनेंस कारपोरेशन नाम की एक संस्था होनी चाहिए जिसके माध्यम से प्रेस को पैसा मिल सके जो अपने पैरों पर खड़ा होना चाहती है। मैं यह कहना चाहता हूँ कि तभी हम प्रेस की आजादी को बढ़ावा दे सकेंगे।

आदरणीय उपसमाध्यक्ष महोदय, तीसरी बात मैं यह कहना चाहता हूँ कि प्रेस की आजादी का उद्देश्य क्या है? जब हमने अपना संविधान बनाया तो हमने यह लक्ष्य घोषित किया कि हमारा उद्देश्य इस देश में समाजवाद, राष्ट्रीयता, लोकतंत्र और धर्मनिरपेक्षता कायम करना होगा। इन्हीं चार उद्देश्यों के तहत हिन्दुस्तान का संविधान बनाया गया। उसी के तहत फ्रीडम ऑफ प्रेस का उद्देश्य भी आता है। इसी भावना से प्रेरित होकर हिन्दुस्तान में प्रेस कौन्सिल ऑफ इंडिया बनाई गई। ऐसी स्थिति में जब हम प्रेस की आजादी की बात करते हैं तो हमारे सामने सवाल यह आता है कि क्या हिन्दुस्तान में उस प्रेस को आजादी देंगे जो हमारे देश में विदेशी हितों का सदैव संरक्षण करता रहता है? क्या हिन्दुस्तान में हम प्रेस की आजादी के नाम पर साम्प्रदायिकता का जहर उगलने वाले तत्वों को भी आजादी देते रहेंगे? क्या हम हिन्दुस्तान में उन तत्वों को भी प्रेस की आजादी का लाभ उठाने देंगे जो समाजवाद के घोर शत्रु हैं? क्या हम हिन्दुस्तान में उन तत्वों को भी प्रेस की आजादी देंगे जो लोकतंत्र का नाम लेकर सम्पूर्ण रूप से तानाशाही और फासिस्ट ताकतों को बढ़ावा देना चाहते हैं? मेरा कहना यह है कि इस प्रकार के तत्वों को प्रेस की आजादी नहीं दी जा सकती है। प्रेस की आजादी के संबंध में हमारे देश के राष्ट्रीयतावादी पंडित जवाहर लाल नेहरू ने अपने उद्घाटन भाषण में

कहा था कि हम अपने देश में इस प्रकार के तत्वों को बढ़ावा देना नहीं चाहते हैं जो हमारे संविधान के मूल सिद्धान्तों के विरुद्ध काम करते हैं और जिनका उद्देश्य इस देश में विघटनकारी और जातीय भावनाओं को बढ़ावा देना है। समाजवाद, लोकतंत्र, धर्मनिरपेक्षता और राष्ट्रीयता, इन चार जिन तत्वों का समावेश हमारे संविधान में किया गया है, इनके विरुद्ध प्रेस की आजादी का उपयोग नहीं किया जा सकता है। इसलिए आज आवश्यकता इस बात की है कि ये जो हमारे मुख्य उद्देश्य हैं इनके आधार पर ही प्रेस कौन्सिल का गठन किया जाना चाहिये। लेकिन देखने की बात यह है कि देश के समाचार पत्रों में जो वर्किंग जर्नलिस्ट्स का काम करते हैं क्या वे प्रेस की आजादी का पूरा फायदा उठाते हैं और क्या उनकी इकनॉमिक कन्डीशन इतनी मजबूत है कि वे अपने विचारों को स्वतन्त्रतापूर्वक अखबारों में व्यक्त करते हैं? इसी प्रकार से हमारे समाचार-पत्रों में जो एडिटर काम करते हैं, क्या वे पूर्ण रूप से स्वतन्त्र हैं और क्या वे अपने एडिटरियल्स में अपने विचारों को निर्भीकतापूर्वक व्यक्त करते हैं? ये कुछ प्रश्न हैं, जिन पर सरकार को गम्भीरतापूर्वक विचार करना होगा। हमारे देश में श्री चेलापति राव जैसे एडिटर पंडित जवाहरलाल नेहरू और श्री लाल बहादुर शास्त्री के जमानों में काम कर चुके हैं और अपने विचारों को निर्भीकतापूर्वक व्यक्त करते रहे हैं। हमारे सामने प्रश्न यह पैदा होता है कि हमारे देश में श्री चेलापति राव जैसे एडिटर होने चाहिए या नहीं? इस प्रकार की व्यवस्था हमारे देश में कैसे होगी, इस पर हमें विचार करना है। मैं समझता हूँ कि तीसरी चीज जो प्रेस की आजादी में महत्वपूर्ण हिस्सा लेती है वह है प्रोपराइटर्स जैसा मैंने कहा, हमारा लक्ष्य इस देश में समाजवादी समाज की रचना करना है। लेकिन क्या अखबारों के मालिक हमारे इस उद्देश्य की पूर्ति में सहायक होते हैं? हमारा लक्ष्य पब्लिक सेक्टर की इकनॉमी को बढ़ावा देना

[श्री कल्प नाथ राय]

है। दिल्ली से निकलने वाला हिन्दुस्तान टाइम्स विरला द्वारा चलाया जाता है। इनका उद्देश्य प्राइवेट इकोनामी को बढ़ावा देना है। हिन्दुस्तान की पूंजीवादी ताकतों के साथ उनका गठबन्धन है। वे चाहते हैं कि इस देश में पूंजीवादी ताकतें मजबूत हों। हिन्दुस्तान में प्रेस की आजादी से बकिंग जर्नलिस्ट्स, एडीटर्स और प्रोपराइटर्स, इन तीन तत्वों का महत्वपूर्ण सम्बन्ध है। हमारे सामने प्रश्न यह उपस्थित होता है कि क्या प्रस्तावित प्रेस कौंसिल प्रेस की इन समस्याओं को हल कर सकती है? अगर प्रेस कौंसिल अपने उद्देश्य में कामयाब होती है और प्रेस की आजादी का पालन मजबूती से करती है तो हम इसका स्वागत करते हैं। लेकिन अगर अपने कर्तव्य का पालन यह कौंसिल मजबूती से नहीं करती है तो फिर हम इसका समर्थन कैसे कर सकते हैं। आज हमारे देश में जितने भी बकिंग जर्नलिस्ट्स हैं उनकी हालत क्या है, इस पर विचार करने की जरूरत है। मैं समझता हूँ कि उनकी स्थिति बॉम्बेड लेवर जैसी है। मैं पूछता हूँ कि दिल्ली में एक बकिंग जर्नलिस्ट को क्या तनख्वाह मिलती है? आप जानते हैं कि एक पार्लियामेंट के मेम्बर को दो तीन हजार तक तनख्वाह मिल जाती है। इसके अलावा जो सुविधाएं उनको मिलती हैं उसको भी मिलाया जाय तो यह राशि आठ या नौ हजार तक चली जाती है। इसके विपरीत क्या हम बकिंग जर्नलिस्ट्स को कोई सुविधा देते हैं? क्या उनके लिए हमने मकानों की पर्याप्त व्यवस्था कर रखी है? ये कुछ बुनियादी सवाल हैं जिन पर हमारी प्रेस की आजादी निर्भर करती है। मैं समझता हूँ कि अगर हमें प्रेस की आजादी को वास्तविक अर्थों में कार्यरूप में परिणत करना है तो हमें इन बातों पर गम्भीरतापूर्वक विचार 5 P.M. करना होगा। उपसभाध्यक्ष महोदय, दूसरी बात एडीटर्स के बारे में है। मैं पूछना चाहता हूँ कि जो फ्री इकोनामी के समर्थक हैं कि जो हिन्दुस्तान में

समाजवाद के शत्रु हैं, जो समाजवाद का नाम नहीं सुनना चाहते, क्या ऐसे लोगों को एडीटोरियल बोर्ड में रखेंगे? ये प्रश्न हैं जिनके ऊपर भी सरकार को विचार करना चाहिए कि जो माने हुए अमरीकी इकोनामी के समर्थक हैं, जो माने हुए विदेशी हितों के संरक्षक हैं, जो रूस या अमरीका के कट्टरतम समर्थक हैं क्या ऐसे लोगों को एडीटर के पद पर रखेंगे। हमारे देश को एक ऐसे प्रेस की जरूरत है जो राष्ट्रीय हो, जो सेकुलर हो, जो सोशलिस्ट हो, जो डेमोक्रेटिक हो। जो इन चारों लक्ष्यों को पूरा करता है वह बकिंग जर्नलिस्ट बधाई का पात्र है। जो एडीटर इन चार लक्ष्यों को मान कर चलता है वह बधाई का पात्र है। इन चारों लक्ष्यों की पूर्ति के लिये जो पिरिओडीकल्स, बीकली आदि निकलती हैं वह भी हमारी सराहना का पात्र होनी चाहिए।

आदरणीय उपसभाध्यक्ष महोदय, मैं आपके सामने एक बात कहना चाहता हूँ कि अभी हमारे मित्र यह भाषण दे रहे थे, श्री आर० के० मिश्रा। उन्होंने इमरजेन्सी के दौरान 22 जुलाई, 1976 को क्या भाषण दिया कि --

"Mr. Chairman, a section of the press in India have endangered their freedom by confusing freedom with licence. They had acted in a manner which will mean any honest newspaperman hang his head in shame. In the name of freedom licence cannot be given."

आदरणीय उपसभाध्यक्ष महोदय, उनके भाषण को मैं सुन रहा था। मैं पूछना चाहता हूँ कि क्या फ्रीडम आफ प्रेस के नाम पर हम लाइसेंस देंगे। आडवाणी साहब यहां मौजूद हैं। उपसभाध्यक्ष महोदय, आप भी यहां 1974 में मेम्बर आफ पार्लियामेंट रहे हैं। उन दिनों मदरलैण्ड और पांचजन्य ने जिस तरह से साम्प्रदायिकता को उभाड़ने वाली, चरित्र हत्या को उभाड़ने वाली जिस तरह की खबरें छापी हैं और हिन्दुस्तान में जिसके अगुआ रहे हैं आडवाणी साहब के लोग तो क्या इस

तरह की प्रेस को आजादी मिलेगी ? क्या इस मुल्क में जहां कि सैक्युलरिज्म हमारा लक्ष्य है, उसको नष्ट करने वाली ताकतों को हम बढ़ावा देंगे । ये कुछ बुनियादी प्रश्न हैं जिनके ऊपर हमको विचार करना होगा ।

उपसभाध्यक्ष महोदय, अगली बात मैं लैंग्वेज एजेंसी के बारे में कहना चाहूंगा । हमने यह तय किया है कि क्योंकि हम आजाद देश में रहने वाले हैं, इसलिए हमारी मातृ-भाषा जो कि तेलुगु, तमिल, कन्नड़, मलयालम, उड़िया, बंगाली, मराठी या हिन्दी जो भी हो उसको हम बढ़ावा देंगे । लेकिन क्या हमने अपनी इन लैंग्वेज न्यूज एजेंसीज को मजबूत करने का कोई प्रयास किया है ? क्या भारत के समाचार विदेशों में लैंग्वेज एजेंसी के माध्यम से जाते हैं ? क्या हमारी लैंग्वेज एजेंसीज इतनी मजबूत हैं कि उसको हासिल करने के लिये हमारे विभिन्न अखबार लालायित हैं ? क्या लैंग्वेज एजेंसीज के माध्यम से हम हिन्दुस्तान के विभिन्न कोनों में अपने समाचार पहुंचाते हैं ? तीस साल देश को आजाद हुए हो गये, लेकिन हिन्दुस्तान की भाषाओं में लैंग्वेज एजेंसी के माध्यम से हम विदेशों को समाचार नहीं देते । हम कहते हैं कि हम तीसरी दुनिया के नेता हैं, हम तीसरी दुनिया का नेतृत्व करते हैं, हम थर्ड वर्ल्ड पावर के लीडर हैं, परन्तु क्या हमने अपनी लैंग्वेज एजेंसीज डेवलप की है । क्या हमने अफ्रीका के राष्ट्रों में अपनी लैंग्वेज एजेंसी के माध्यम से बात करने की कोशिश की है ? उपसभाध्यक्ष महोदय, क्या हमने अपनी लैंग्वेज एजेंसी के माध्यम से अपने ही देश के विभिन्न अखबारों को कान्टेक्ट करने का प्रयास किया है ? नहीं । उपसभाध्यक्ष महोदय, 90 करोड़ रुपया टेलीविजन पर खर्च हो सकता है, तो समाचार के लिये, भाषाई समाचार के लिये क्यों नहीं तमिल एजेंसी का निर्माण किया जाना, क्यों नहीं बंगला एजेंसी का निर्माण किया जाता और इस प्रकार से भाषाई लैंग्वेज एजेंसीज को मजबूत करके हिन्दुस्तान की आजादी को मजबूत करने की

कोशिश क्यों नहीं की जाती । आज हम 30 वर्षों की आजादी के बाद भी हम केवल अंग्रेजी के ऊपर डिपेन्ड करते हैं । अंग्रेजी के अखबार, अंग्रेजी के समाचार, अंग्रेजी की समाचार एजेंसियां । आज भी हिन्दुस्तान में कुछ मुट्ठी भर अंग्रेजी जानने वाले लोग इस देश की 60 करोड़ जनता की छाती पर बैठे हुए हैं । क्या कभी यह सेंस डेवलप करने की कोशिश की गई है कि हम हिन्दुस्तान के नागरिक हैं, यह हमारे देश की लैंग्वेज एजेंसी है, यह हमारे देश के समाचारपत्र हैं और इनको बढ़ावा देने की कोशिश की जानी चाहिए ।

आदरणीय उपसभाध्यक्ष महोदय, मेरा इस सरकार से कहना है कि लैंग्वेज एजेंसी के नाम पर हिन्दुस्तान समाचार और समाचार भारती को विकसित किया गया लेकिन आडवाणी साहब यहां मौजूद हैं । पूर्णरूपेण तरीके से हिन्दुस्तान समाचार जो कि राष्ट्रीय स्वयं सेवक संघ की कंट्रोल्ड एजेंसी है उसको मजबूत करने की कोशिश की जा रही है । माननीय आडवाणी साहब द्वारा हिन्दुस्तान की अखबारों के ऊपर यह दबाव डाला जा रहा है कि वे हिन्दुस्तान समाचार की न्यूज को लें । उनके द्वारा यह कोशिश की जा रही है कि मेट्रोपोलिटन सिटीज म्यूनिसिपल कारपोरेशन में हिन्दुस्तान के विभिन्न अंचलों में हिन्दुस्तान समाचार की एजेंसी खुल जाए । समाचार भारती बर्बाद हो जाए जो कि एक प्रोफेशनल की एजेंसी है । ऐसा करने से इतना संकीर्ण दिमाग होने से कभी राष्ट्र की एकता का निर्माण नहीं हुआ करता । इसलिए मैं सूचना एवं प्रसारण मंत्री महोदय से निवेदन करना चाहता हूं कि वे मन में कुछ करना और करने में कुछ वाली राजनीति कभी सफल नहीं हुआ करती । इसलिए मैं उनसे निवेदन करना चाहता हूं कि वर्ल्ड ओवरसीज लैंग्वेज एजेंसी के माध्यम से हम तीसरी दुनिया के लोगों से बात कर सकें इसके लिए हमको एक लैंग्वेज एजेंसी को डेवलप करना होगा जिसके माध्यम से भारत वर्ल्ड से, अफ्रीकी

[श्री कल्प नाथ राय]

देशों से बात कर सके। हम उनके समाचारों को जानें और वे हमारे समाचारों को जानें। हिन्दुस्तान में लैंग्वेज एजेंसी को डवलप करने के लिए सरकार को प्राथमिकता देनी चाहिए। 10 लाख रुपये दे कर समाचार भारती को हम नहीं बना सकते, 10 लाख रुपये दे कर हम हिन्दुस्तान समाचार को नहीं बना सकते। हम लोग करोड़ों रुपया टेलीविजन विस्तार में खर्च कर सकते हैं तो क्यों न हम 10 करोड़ रुपया दे कर समाचार भारती और हिन्दुस्तान समाचार को विकसित करने के लिए खर्च करें। सरकारी देख रेख में इन एजेंसियों को मजबूत करने का काम हम क्यों न करें। हिन्दुस्तान में 30 वर्ष की आजादी के बाद भी एक लैंग्वेज एजेंसी को डवलप नहीं किया गया, यह हमारे लिए दुःख की बात है। मैं सरकार से यह पूछना चाहता हूँ क्या उसने कभी हिन्दुस्तान में लैंग्वेज एजेंसी को डवलप करने की कोशिश की ?

अंतिम बात जो मुझे कहनी है वह प्रेस काउंसिल के कांस्टीट्यूशन के विषय में है। प्रेस काउंसिल के अन्दर बहुमत वर्किंग जर्नलिस्ट्स का होना, इसके बाद एडिटर्स का होना चाहिए, इसके बाद प्रोप्राइटर्स का सब से कम प्रतिनिधित्व होना चाहिए तो हम प्रेस काउंसिल के माध्यम से फ्रीडम आफ प्रेस को मजबूत बना सकते हैं। एक बात मुझे कोड आफ कंडक्ट के बारे में कहनी है। हमारी पार्टी के श्री श्रीकान्त वर्मा ने इसके ऊपर आबजेकशन किया। एक तरफ कोड आफ कंडक्ट और दूसरी तरफ फ्रीडम आफ प्रेस की बात करना यह बिल्कुल नेगेशन आफ डेमोक्रेसी है। कोड आफ कंडक्ट का निर्माण प्रेस का गला घोटने का, फ्रीडम आफ प्रेस का, वर्किंग जर्नलिस्ट्स के खिलाफ षडयंत्र है। प्रोप्राइटर्स के ऊपर षड्यंत्र—जैसे चौधरी चरण सिंह ने कहा The Janata Government is working under the shadow of corruption, similarly, this freedom of press will work under the shadow of the code of con-

duct. यह एक काला कानून है, यह काला प्रोविजन है इसको बिल्कुल हटाया जाना चाहिए मुझे एक निवेदन आपसे यह भी करना है कि इस कोड आफ कंडक्ट को खत्म किया जाए। पिछले 16 महीनों के अन्दर जितना मीडिया, कम्युनिकेशन, रेडियो, अखबार, टेलीविजन का इस्तेमाल हिन्दुस्तान की कांग्रेस पार्टी और उसके नेता की चरित्र हत्या करने में आपने किया है उतना इतिहास में कभी नहीं हुआ है। इसलिए चरित्र हत्यारी, जनरल टोजो, हिटलर, मुसोलिनी और फ्रांसिस्टों की, अमरीका की सी० आई० ए० की एजेंट जनता सरकार की जल्दी समाप्ति हो। जब तक यह समाप्ति नहीं होगी प्रेस काउंसिल को हम मजबूत नहीं कर सकते।

SHRI GHANSHYAMBHAI OZA (Gujarat): The Statement of objects and Reasons of the Bill rightly brings out the objects for which the BiU has been brought forth by the Government. It says that the Press Council is being established for the purpose of preserving the freedom of the Press and for maintaining and improving the standards of newspapers and news agencies in the country. The first step the Council has to take is to preserve the freedom of the Press. Having dismantled the obnoxious dr. conian apparatus of authoritarianism so far as the Press is concerned, the Government has taken further steps to see that its freedom is preserved by appointing a Press Council.

.. [The Vice-Chairman (Shri Shyam Lai Yadav) in the Chair.]

I am sure looking to the performance of the Government, there would be few occasions on which the Council would be called upon to preserve the freedom of the Press. My friend who spoke before me, waxed eloquent about so many things. He made some reflections on the present Minister. I have been watching the performance of this Ministry and the Minister from a distance since the

Janata Party took over this Government and have also looked at it at close quarters for the last three months, and I would say that I have nothing but confidence in the Government for the detached and dispassionate manner in which they have been handling these media. No charge is justifiable and can be levied against this Ministry that it is misusing these media for any party purposes. I think that this charge is absolutely baseless and that it does not deserve any credence at all.

As I said, having given back to the people, freedom of speech and freedom of expression both in writing and words, it has brought this Bill for maintaining and improving the standards of newspapers and newspaper agencies in India. This, to my mind, is the operative part of this Bill, and it is very important because, as I have said, we are dealing with the Press which is a very important instrument in preserving the freedom of the country and seeing that democracy is not tampered with. As has been said by a great thinker, "Give me freedom to write anything I like and you go on making any law you choose to frame". Thus, words, spoken and written are so powerful that they are to be properly taken care of.

You will also see, Sir, that in a society, the legal sanctions alone are not sufficient. If the citizens behave well in the society, it is not because they are afraid of the constable or the arm of the law. For from it, the behaviour of the communities and the citizens goes by the social sanctions. What will my neighbour say? What would my friends think about me? What would the community think about me? These things keep the citizens in proper behaviour. So, in some way this powerful instrument of democracy has also to be taken care of.

About the code of conduct many friends have ventilated their grievances and doubts. But they are absolutely mis-placed. The code of conduct is not to be evolved by the Government. The code of conduct is to be

evolved by a body elected by various agencies. It is an absolutely independent body, over which a chairman has to preside. The [Government has taken care to see to that.

SHRI K. K. MADHAVAN: It is fundamentally wrong, it is totally wrong.

SHRI GHANSHYAMBHAI OZA: It is absolutely correct.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Let him finish.

SHRI GHANSHYAMBHAI OZA: It is absolutely an independent body. The way in which the Chairman is to be selected, does provide for safeguards. The Speaker and the Chairman of the Rajya Sabha will be involved in selecting the Chairman who will be absolutely an independent person. The other 28 members will also be involved. Look at the way in which these people are to be elected. That shows that this code of conduct will be evolved by an absolutely independent body.

SHRI K. K. MADHAVAN: Why don't you give an opportunity to the working journalists;...

SHRI GHANSHYAMBHAI OZA: Working journalists are there. Working journalists and other persons will be there. But I am of this view that, as has been rightly said, in order to make democracy successfully run, you should educate your masters democratically, not in the way it was being done in the past, about a year and a half ago. We must educate our masters in good norms. May I very frankly say that I am simply disgusted at the way in which the politicians of this country are occupying banner headlines and important places in the newspapers. It creates a feeling of nausea in me. Are there not other elements in society which enrich the life of the community, making life worth living, like teachers, artistes, musicians and sportsmen; They are all relegated to the background. And we, politicians, whatever we do—the way in which we

[Shri Ghanshyam Bhai Oza] are behaving at every forum, leave apart this forum or that forum—we get the headlines. Why should so much importance be given to the politicians? Look at the newspapers of any independent, mature democracy. You will not find so much importance being given to politicians. But unfortunately in this country, politicians of various varieties—I shall not be very harsh with them—occupy banner headlines and all sorts of petty intrigues which create nausea in our stomach, are given so much importance. The time is ripe for evolving a code of conduct so that healthy elements are given prominence. (Time bell rings) I want to refer very briefly to a provision relating to the Chairman. It says:

"The Chairman shall be a whole-time officer and shall be paid such salary..." The Chairman should not be dubbed an officer nor should the honorarium be called salary. It should be said that he will be a whole-time Chairman and he will be paid such honorarium as the Government may decide. I think this would be appropriate. (Time bell rings) Having laid down the manner in which the Chairman would be selected, I think it would be appropriate if we change the terminology. Thank you very much. I have certain observations to make but the time at my disposal is very short. So I shall not take up your time.

SHRI M. KADERSHAH (Tamil Nadu): Mr. Vice-Chairman, Sir, I welcome the Bill and I would also like to express my appreciation of the amendments suggested in the Bill as originally introduced. There can be no difference of opinion with regard to the true role of the press. The press is a fearless champion of the liberties and welfare of the people and the reports in the press serve to educate and enlighten the people on the developmental efforts in the field of economics, science and politics and to expose the misdeeds and wrong doings which affect the healthy growth of our country, its economy and polity.

The primary aim of the press should be to encourage the forces of law and order, to consolidate peace and to hold out to the people the achievements that are possible by careful marshalling of our resources and purposeful utilisation. The press gets a noble role inasmuch as it has to appeal to the finer instincts of man as opposed to mere sensationalism, character assassination and key-hole vulgarities. By and large, we can say that the press has played a notable part in the freedom movement and a no less notable part since achievement of independence and that scurrilous, scandal mongering articles are more often the exception than the rule.

We in India are in a fortunate position as compared to some western newspapers. Our newspaper reporting is comparatively free from witch-hunting. Of course, I cannot deny the existence of certain journals which pander to the lower sensibilities of man, which sometimes pounce with a sadistic glee on incidents of trouble and discord and fan them into more furious flames. Instances are not wanting where such vicious depiction of morally depraved activities in all its vulgar detail produces a negative effect on the impressible minds and act, consciously or unconsciously to impel the young to commit the very same crimes which have been portrayed. It is for restraining such newspapers that a code of ethics has to be evolved. I find from the Minutes to Dissent that a code of ethics has been feared for its possible effect on strangling the freedom of the press. I do not agree with that view. We can rest assured that the code of ethics that will be evolved by the proposed Press Council will be one that is in full consonance with the ideas of justice, equity, decency, sportsmanship and fairplay. The advantages of a code of ethics will be overwhelming compared to the disadvantages of not having any code at all.

Another important function of the Press Council is to ensure the press and allied agencies to maintain high standards of public taste and foster a

due sense of both the rights and responsibilities of citizenship. It need hardly be said that purposeful vilification and character assassination should be shunned like poison, as such poison produces a chain effect on the stream of life. If the Press Council can effectively discharge the duties of controlling the quality of the press, it will be a great national service, for nothing is more important for a healthy, vigorous and dynamic nation than the continuous propagation of ideas of patriotism, peace, self-development and social consciousness. I would even go to the extent of advising the Press Council to exhort the press to lay emphasis on the positive achievements of our society in the fields of economic and social development, to glorify efforts for peace and cooperation between communities, to highlight the efforts made by student and non-student youth in constructive nation-building activities, and to give adequate coverage to community efforts for community development. It is on the basis of a conscious and tireless re-emphasis on the higher values of life that a nation can strive for the really worthwhile goals, which spell the greatest happiness to the greatest number.

Sir, my friend, Mr. Gopalsamy, has unnecessarily drawn some controversy. He spoke of MURASOLI. It is his duty to do so because it is the family magazine of his party leader. But in my view the standard of MURASOLI has gone down to that of a yellow journal. I have not forgotten that his leader, Mr Karunanidhi...

SHRI G. LAKSHMANAN (Tamil Nadu): On a point of order. Sir. He has called it a yellow journal. He must withdraw that word.

SHRI U. TEL. KRISHNAN (Tamil Nadu): Sir, first Mr. Kadershah should be allowed to finish his speech. Then only any point of order can arise. Not now.

SHRI G. LAKSHMANAN: No, he has called it a yellow journal. He must withdraw that word.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): There is no point of order. You please continue, Mr. Kadershah.

SHRI G. LAKSHMANAN: No, he must withdraw it.

SHRI U. R. KRISHNAN: The Vice-Chairman has said there is no point of order. Please sit down.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Mr. Kadershah, you continue your speech.

SHRI G. LAKSHMANAN: Mr. Vice-Chairman, Mr. Kadershah entered this House as a DMK Member and he is now talking as an AIADMK Member. ..

SHRI U. R. KRISHNAN: That is entirely different.

SHRI G. LAKSHMANAN: Such things should not be said by him now. He is talking about MURASOLI now.

SHRI U. R. KRISHNAN: Please sit down.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Mr. Kadershah, please continue your speech.

SHRI G. LAKSHMANAN: He has no self-respect. He is not a man of character (*Interruptions*)... He entered the House as a DMK Member. Now he is in the AIADMK...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You please conclude your speech, Mr. Kadershah.

SHRI LAKSHMANA MAHAPATRO: On a point of order. Sir, if what Mr. Lakshmanan said has gone on record, I think you should correct it, because no honourable Member can say against another honourable Member of this House that he is not a man of character. He has said that. It is too bad.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): I will look into the record.

SHRI G. LAKSHMANAN: Yes, he is not a man of character.

SHRI LAKSHMANA MAHAPATRO: No, you cannot say that.

SHRI G. LAKSHMANAN: I say he is not a man of character. He is criticising my party.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Please continue your speech, Mr. Kadershah.

SHRI M. KADERSHAH: I want to correct my friend. MURASOLI is not the official organ of the DMK Party. It is a family magazine of Mr. Karuna-nidhi... (*Interruptions*).

SHRI G. LAKSHMANAN: Are you not going to withdraw the words "Yellow journal"? (*Interruptions*).

SHRI LAKSHMANA MAHAPATRO: What are you talking? (*Interruptions*)

SHRI G. LAKSHMANAN: I know your Party and everything. (*Interruptions*)

SHRI M. KADERSHAH: I am only depicting the truth. My friend should not forget that his leader used to write in MURASOLI. He even sang the 'lali' song in praise of Sanjay Gandhi and his Five Point Programme. He wrote articles about Mrs. Gandhi. (*Interruptions*)

SHRI LAKSHMANA MAHAPATRO I am also a Member of the House. I cannot allow this. . . (*Interruptions*)

SHRI M. KADERSHAH: No sycophant in the whole of India could have written such articles. I also like to point out... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Let him speak.

SHRI M. KADERSHAH: Between June 1975 and 31st January 1976 when Mr. Karunanidhi was dismissed, during these seven months of emergency and even before that the former Chief Minister of Tamil Nadu used to suppress the free press in Tamil Nadu. This is well known history. How many times the office of the... (*Interruptions*)

SHRI G. LAKSHMANAN: He was in my Party on those occasions... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Your Party's spokesman has already spoken.

SHRI M. KADERSHAH: He got the office of the People's Voice—MAKKAL KURAL—raided on four occasions and the entire editions were seized by the. Police. He never allowed any paper to write against him during his Chief Ministership. There was an article criticising him in KUMUDAM, which is a very well-known weekly in India. Their office was raided and attacked by his followers. And now Mr. Karunanidhi speaks much about the downtrodden people. I want to know what is the service condition of the employees of MURASOLI. The Press Council should also look into the service conditions of the employees of MURASOLI and other newspapers.

The Press should have a sturdy independence to reinforce...

SHRI G. LAKSHMANAN:" On point of order. While making a speech, can any Member read a written note in this House?

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): This has been the practice in the House...

SHRI G. LAKSHMANAN: I want your ruling. Can any Member read a written speech, except the Ministers?

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Perhaps Shri Kadershah is referring to his copious notes.

SHRI M. KADERSHAH: The Press should have a sturdy independence to reinforce the really lasting values of society but never to descend to a level below the norms of decency and fair-play. The Bill confers the right on the Press Council to criticise the Government also apparently in cases of dictating to the Press and in more cases of making the newspapers toe the Government line. Anything

affecting the independence, impartiality and subjectivity of the Press should, of course, be studiously guarded against. I would like to sound a word of caution that the right to censure the Government should be used with the greatest circumspection because instances do arise when the borderline between the cases of Government interference and those which do not warrant such an interference is so thin that even the democratic efforts for enforcing a healthier atmosphere are misconstrued as naked authoritarianism. Sir, it has been said that the newspaper business is 75 per cent commercial and 25 per cent technical.

THE VICE CHAIRMAN (SHRI SHYAM LAL YADAV): You conclude now.

SHRI M. KADERSHAH: I want only two minutes because my friend has taken my time.

THE VICE CHAIRMAN (SHRI SHYAM LAL YADAV): Anyway, you conclude now.

SHRI M. KADERSHAH: It is an inescapable fact of life that all prominent newspapers are controlled by the big business houses which invest their capital in newspapers purely as a business venture and expect a good return.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Please conclude now.

SHRI M. KADERSHAH: It is a salutary feature of the Bill that the six members of the Council will be drawn from amongst persons who own or carry on the business of management of newspapers. They will be exposed to the winds of change by their colleagues in the Council.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): That will do.

SHRI M. KADERSHAH: I have only one point to make. I would like to commend to the attention of the honourable Minister that selection of the members of the Council from each category of persons should be broad-based so as to reflect appropriate regional representation. I would also like to request the honourable Minister-

ter to consider laying down a specific time limit for the presentation of the annual reports of the Council to Parliament. It is an unfortunate fact that the presentation of the reports of the public sector bodies is delayed more often than not. It would be desirable if a provision is made to the effect that in case such a body does not present its annual report in time, it should present at least an interim report. Thank you, Sir.

SHRI G. C. BHATTACHARYA (Uttar Pradesh): Sir, I congratulate the honourable Minister for bringing forward this Bill with a very laudable objective. I read from the Preamble that the objective is "to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India". Sir, I would like to confine myself to the two words, namely, "freedom" and "Press". I think this Bill is a very laudable one, particularly with its Preamble. But, Sir, can it bear any scrutiny? If you go through the Bill, you will find that only one thing comes out very prominently and that is the Chairman of the Council. He is the prime mover. Why do I say this? It is because of this: You kindly go through clause 14. You will find, it has been stated therein that the Council may not take cognizance of any complaint if, in the opinion of the Chairman, there is no sufficient ground for holding an inquiry. And, Sir, what will be the complaint? If any newspaper or news agency has offended against the standards of "journalistic ethics" and "public taste", it would be a complaint. But you will see that the terms "public taste" and "journalistic ethics" have not been properly defined in the portion dealing with the definition of terms, that is, clause 2 of the Bill. The very basis is not defined and there is no guidance and no control whatsoever, there is no legislative guidance or control whatsoever—I am talking in legalistic parlance—and, therefore, the Chairman is the man who will first decide whether any complaint

[Shri G. C. Bhattacharya] should be taken cognizance of or not. If it is his opinion, which is only subjective, that there is no sufficient ground for holding an inquiry, the complaint will not be taken cognizance of. What are the grounds? Have you defined the grounds? What are journalistic ethics and public taste? These are very wide terms. You have left everything to the Chairman. Therefore, these provisions will strike at the very root of the fundamental right as guaranteed by article 14, and anybody, going to the court, will succeed on the ground that this is arbitrary, and there is no guidance, and no control and there is no appeal. Why are you leaving it to the Chairman? What is the Council meant for? But you have left everything to him. Kindly examine it again.

Then, I come to selection. The hon. Minister said that he was very happy that he had found out a heartening solution. What is the composition of the Council? Six Editors, six members of the management, one from news agency—news agencies are also controlled by the managers or proprietors, three members to be selected by the Speaker and two selected by the Chairman of the Rajya Sabha. Sir, "the Janata Party has restored democracy. We have good intentions. But we are not enacting the law for a particular period. We are enacting such an important law for time to come also. Can Government influence in selection of Chairman be ruled out? Therefore, everything centring round the Chairman will defeat the very object of the Bill, namely freedom of the Press.

SHRI K. K. MADHAVAN: I swear that it will be misused virtually by big business represented by the Chairman.

SHRI G. C. BHATTACHARYA: Then, the hon. Minister is aware that our Government have but a levy on advertisements. Now, we are getting very serious reports that the medium and small-scale newspapers are suffering greatly and are likely to go out of

existence because of that. Previously they were getting some advertisements. After this levy, whatever is left, the advertisers are giving this same to the big monopoly Press which have a big circulation. One thing you have said that there will be the representatives of the medium and small newspapers in the Press Council. But under this Bill in the present shape neither the Press is saved nor freedom is guaranteed. Rather, with the present powers of the Chairman, the freedom of the Press will be in jeopardy.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Mr. Vice-Chairman, Sir, it is good that after the nightmarish interlude of the emergency, this Bill has been brought forward in order to revive the Press Council which was rendered defunct. That approach is welcome. But so far as the Bill is concerned, the point is whether it will be able to safeguard the freedom of the press or save the press, particularly the working journalists from the onslaught, from any quarters. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): If any Member wants to now anything from the Chair, he should stand up and then ask the question. That is proper. Kindly stand up if you want to put a question.

SHRI KALP NATH RAI: I am asking: Up to what time are we sitting?

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): We will continue till this Bill is over. It has already been decided that the debate will continue up to six o'clock. Then the Minister will reply and then the voting will take place.

SHRI GHANSHYAMBHAI OZA: I hope that will be followed, the Members stand up whenever they put questions to the Chair.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Yes, that is proper. They should stand up to put

a question. Respect should be shown to the Chair.

PROF. SDURENDRA BHATTACHARJEE: Sir, I have got grave doubts whether this Bill would safeguard the working journalists and at the same time the press from the manifold invisible pressures and from not so invisible pressures. Sir, I have the experience, even before the days of the double emergency, even before the formal censorship was in force, of the newspapers being prevented from publishing very stark happenings in my part of the country. As you know, Sir, in West Bengal, there had been a period when the youth of the country were at the mercy of the police and the para-military forces in many an area. People were shot by policemen after taking into the custody. Some persons were brought out of the custody and in the public streets of Calcutta, they were shot down like dogs, and the newspapers in those days—in 1971, 1972, 1973 and 1974—did not dare publish the news. The journalists told us that they were unable to publish this unless somebody owned the responsibility for it.

Sir, the point which has been mentioned here is dissemination of information, unravelling of truth, the terms which are associated with the profession of journalism. Sir, when these things were brought to the notice of reporters, they used to say that they were unable to publish it because their owners would not like them to publish this news. And we know how a completely garbled version of these things, such as clashes between the police and the youth or a concocted version of some onslaught on the police, was given in the press. So, Sir, this unofficial censorship is still there. That is our information. Sir, I work in the college and university teachers' movement. I know that of late there was a movement in the Gujarat Vidya-pith. In connection with that movement, a press conference was held in

Delhi just a few months back. All the press people attended the press conference. It was a lively press conference. But the next day, not a single line came out in the press. And it was reported that there was some telephone call from somewhere because our Prime Minister is the Kulapati of that Vidyapith and he is interested in that Vidyapith. So, Sir, such practices are even now quite in existence even when the Government is bringing forward such a Bill. So, the Press Council would not be able to safeguard the freedom of the press.

Sir, there is the question of proprietorship, the ownership of newspapers. This freedom, in the last analysis, under the present management, is the freedom of the press owners. Unless the management pattern is changed, it won't be a real freedom of the working journalists who cannot write what they want to write. In the Press Council itself the working journalists would be very much under-represented. We know the system of managing editorship. Of the 13 persons representing the editors and the working journalists, I have grave apprehension that of the six editors most of them would be, what is called, the managing editors, that is either representing or actually being the owners of newspapers. This is a serious drawback which should not have been there. But, at the same time, I would suggest that in the matter of nominations, procedures should be so laid down—though there is no cut and dried formula—th working journalists have their representatives and that they are not just the hand-picked men. They should be in one form or the other elected by the organisations of the working journalists themselves. A panel which has been suggested here, should be formed out of the elected representatives.

Then, Sir, I want to make a point about the code of conduct. In the field of higher education also a talk of code of ethics or code of conduct

[Prof. Sourendra Bhattacharya] has been there. And, we know that in some States some thing like a code of conduct has been introduced, taking away the civic rights of teachers. (Time bell rings.) It has been said that this Press Council, which will include representative from profession, the representatives of the working journalists, would evolve this code and there should be no objection on that score. I feel that since the proposed composition of the Press Council is such, that there is every apprehension that this code of conduct would be another shackle for the working journalists who otherwise also in the present management pattern enjoy least of freedoms and the Press Council would have no means to ensure that freedom to them. Therefore, I would appeal to the hon. Minister to reconsider the clause regarding the code of ethics.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Please conclude.

PROF. SOURENDRA BHATTACHARJEE: Side by side, I lend my strong support to an amendment moved by Shri Amarprosad Chakraborty regarding the dissemination of news pertaining to the working class and toiling people. Shri Chakraborty has suggested an amendment whereby the Press Council would be able to give direction to newspapers to give proper coverage to the news and information pertaining to the working class movements in the country.

With these few words, I thank you, Mr. Vice-Chairman, for the opportunity given to me.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Yes, Shri Jha, only five minutes please.

श्री शिव चन्द्र झा (बिहार) : उप-सभाध्यक्ष महोदय, मैं पहले इस विधेयक के बारे में कह देना चाहता हूँ बाद में इसकी जनरल बातों पर आऊँगा। इस विधेयक का नाम है प्रेस काउंसिल विधेयक। मैं समझता

हूँ कि जो बातें इसमें हैं यह नाम उनके अनुकूल नहीं है। इसका नाम दूसरा होना चाहिए। इसका नाम होना चाहिए 'न्यूज पेपर' न्यूज एजेंसीज काउंसिल बिल'। क्योंकि प्रेस की परिभाषा बहुत बड़ी है, व्यापक है और ब्राड है और इसको देखते हुए इसका यह नाम होना चाहिए।

दूसरी बात जिसके बारे में मैं कहना चाहता हूँ वह शेष के बारे में है। इसमें काउंसिल को यह अधिकार दिया गया है कि उसका अपना फंड होगा और वह इस प्रेस पर शेष लगाकर प्राप्त करेंगे। मेरा कहना है कि प्रेस पर लेवी लगाना एक बहुत खराब बात है। यह प्रेस के इतिहास में प्रेस पर लेवी लगाना एक नई बात होगी, यह नहीं लगाना चाहिए। मेरा सुझाव है कि जो सबसिडी आप देते हैं वह और ज्यादा दे दी जाय। क्योंकि प्रेस काउंसिल को चलाने के लिये आप सारा पैसा नहीं दे सकते इसलिये टैक्सेशन आफ प्रेस नहीं होना चाहिए यह बहुत खराब चीज है। प्रेस के इतिहास की तफसील में मैं नहीं जाऊँगा। तीसरी बात मुझे यह कहनी है कि जो चेयरमैन होगा वह जज नहीं होगा, यह एक अच्छी बात है। वह प्रेस का आदमी हो ज्यादा अच्छा होगा सिर्फ पब्लिक मैन होने से काम नहीं चलेगा। इसलिए हमको यह क्वालीफिकेशन जोड़नी चाहिए। कोड आफ कंडक्ट को आप इवात्व करना चाहते हैं। कोड आफ कंडक्ट तब तक नहीं होगा जब तक आप प्रेस के सारे स्ट्रक्चर को नहीं बदलते। प्रेस जो है वह रिफ्लेक्शन है। प्रेस का नया कोड आफ कंडक्ट के लिए आपको इसमें बुनियादी परिवर्तन लाने होंगे। मतलब इसका यह है कि प्लॉड करना होगा। प्रेस में सही मायने में फ्रीडम आफ प्रेस होने के लिए प्रेस को प्लॉड करना होगा। फ्रीडम आफ प्रेस क्या है? फ्रीडम फ्रॉम और फ्रीडम फॉर। यह परिभाषा फ्रीडम आफ प्रेस की है। प्रेस की फ्रीडम पर कोई रोक नहीं होनी चाहिए

न सरकार की तरफ से रोक हो न मालिक की तरफ से। फ्रीडम का अर्थ यह है कि जनता तक पहुंचने के लिए एक्सेसेबिलिटी भी इसमें हो। जिसे माध्यम कहते हैं यह रहना चाहिए। तब फ्रीडम आफ प्रेस होता है। आज की जो बनावट हिन्दुस्तान में है चाहे इंग्लैंड हो, अमरीका हो, वहां पर फ्रीडम आफ प्रेस नहीं है तीनों जगहों पर फ्रीडम आफ प्रेस नहीं है। सरकार का कंट्रोल नहीं है। यह मैं मान सकता हूँ इंग्लैंड में, अमरीका में, हिन्दुस्तान में और भी कम हो रहा है लेकिन मालिक का कंट्रोल है यह प्रेस के लिए बड़ा घातक है। कंसंट्रेशन प्रोसेस इंग्लैंड, अमरीका में है इससे फ्रीडम आफ प्रेस का खतमा होता है। इससे इसको आजाद करना है। दूसरी बात फ्रीडम फार की है। हमारी बात जनता तक पहुंच सके। उप-समाध्यक्ष महोदय, अगर आपको रेगिस्तान में छोड़ दें और कहें कि बोलिए जितना मन करे बोलिए उसका कोई मतलब नहीं रहता है। आप ऐसी जगह बोलें जहां से आपकी बात लोगों तक पहुंच सके जनता तक पहुंच सके तब वह आजादी सही आजादी होती है। हम लोग जेल में बन्द थे, घेरे में ताला बन्द था जो मन में आता था बोलते थे लेकिन हमारी बात जनता तक नहीं पहुंचती थी। फ्रीडम का मतलब यह है कि जनता तक हमारी बात पहुंचने का साधन हो जिससे हमारी बात पहुंच सके। यह दोनों चीजें हो जायेंगी तब सही मायनों में फ्रीडम आफ दी प्रेस होगा। यह तभी होगा जब हमारी प्रेस प्लॉड होगी। प्रेस को प्लान करना एक भयानक चीज मालूम होता है। एक जमाना था जब इकानामी को प्लान करना भयानक मालूम होता था। इकानामी में सरकार इंटरवीन नहीं करेगी, उन्नीसवीं सेंचरी में यह सिद्धान्त होता था। स्टेट इंटरवेंशन एक खराब बात है यह एक सान्नी हुई बात थी। बृजवा इकानामी में सोचा गया कि स्टेट को इंटरवीन करना चाहिए, यह एक भयानक बात है ऐसा नहीं होता चाहिए, यह एक प्रोगमेटिक व्यू है। प्रेस को प्लान करना होगा। जैसे इकानामी को जब तक

प्लान न किया जाए तब तक इकानामी में बड़ा परिवर्तन नहीं होगा ऐसे ही तब तक प्रेस में बुनियादी परिवर्तन नहीं होगा जब तक प्रेस को प्लान नहीं किया जाएगा। प्रेस के प्लान करने का मतलब यह होता है कि एक नियत सरकुलेशन के ऊपर सारी प्रेस का कंट्रोल एक प्रेस बोर्ड के मातहत हो। जनतंत्र में क्रिटीसिज्म की गुंजाइश के लिए पार्टी प्रेस भी है। जो रिक्वोगनाइज्ड पार्टियां हैं उनको सरकार सबसिडी दे। आज पार्टी प्रेस बहुत कमजोर है। पार्टीज की वीकलीज जो आती हैं उनको कोई नहीं पढ़ता है। मुबह उठेंगे स्टैट्समैन, टाइम्स आफ इंडिया पढ़ेंगे। किसी के पास पैसा नहीं इसलिए यह कम्पीट नहीं कर सकते लेकिन अगर आप जनतंत्र रखना चाहते हैं तो इसे आपको मजबूत करना होगा। अब आप कहेंगे कि सबसिडी कैसे होगी। मैं यह कहना चाहता हूँ जैसे विरोधियों को सबसिडी देते हैं तमाम भत्ता देते हैं और वे गाली देने का ही धंधा करते हैं। आप उनको सब सुविधायें देते हैं लेकिन वही गाली देने का धंधा करते हैं। इसलिए जनतंत्र कायम रखना चाहते हैं। हम गुलाब का फूल रखना चाहते हैं तो फूल के लिए कांटों को भी बर्दाश्त करना होगा और इसलिए आप पार्टी प्रेस को पुख्ता कीजिए। ये प्राफिट मैकिंग बृजवाजी, ये लोग उन्होंने जो वल्वैरिज्म कहा है, उन्होंने कहा है झूठ प्रेस तो यह सब कैपिटलिस्ट प्राफिट मैकिंग इकानामी के रिफ्लेक्शन हैं और जन्म इसमें परिवर्तन करेंगे तभी नया कोड आफ कन्डक्ट होगा, प्रेस फ्री होगा और रिस्पॉसिबुल होगा। यह बात इंग्लैंड में और अमेरिका में भी उठती थी इंग्लैंड में तीन तीन कमीशन आये थे जवाहर ने कहा था :

"The British Press is the most constituted Press in the World; most of it owned by a gang of millionaires pumping deadly poison into the public mind, day after day, week after week."

वह अभी भी है। अमेरिका का यही हाल है। वाटर गेट में जो एक्सपोजर . . .

उपसभाध्यक्ष (श्री श्यामलाल यादव) :
आप समाप्त करिये।

श्री शिव चन्द्र झा : हुआ उससे अमेरिका का फ्रीडम आफ प्रेस नहीं हुआ। अमेरिकी बुर्जुआ प्रेस—बहुत सी तफसील है कहने का मौका दीजिए तब कहूँगा।

उपसभाध्यक्ष (श्री श्यामलाल यादव) :
समाप्त करिये।

श्री शिव चन्द्र झा : वही हालत यहाँ है। एक तो प्लैंड प्रेस और पार्टी फोर्य लोकसभा में मैंने इसके मूलाधिक विधेयक पेश किया था। उपसभाध्यक्ष महोदय, तो इन्हीं शब्दों के साथ मैं इन विधेयक का समर्थन इसलिए करता हूँ कि जिसका कहना है कि

Something is better than nothing.

कुछ परिवर्तन होगा, कुछ कदम आगे बढ़ेंगे, विचार बदलेंगे मानस बदलेगा और हमारा रास्ता बदलेगा? इन्हीं शब्दों के साथ मैं इसका समर्थन करता हूँ कि।

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Mr. Chakraborty, if you speak now, you will not have a chance to speak on your amendment.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Sir, I will cover the amendment also. At the outset, I would draw the attention of the hon. Minister in regard to the objects of the Bill. Sir, in the objects of the Bill, he has stated 'to preserve the freedom of the Press' I would have been happy if he had used the words in the objects of the Bill 'The restoration of the freedom of the Press and its preservation'. Why do I say this? I am saying this from the experience of the last four or five years. We say that the freedom of the Press should be preserved. But 'preservation' itself presupposes that there was freedom. It becomes a great anomaly. Sir, what

is the experience that we have gathered during the last few years? It is common knowledge and everybody knows it. We know the condition of the Indian Press and the working journalists. Therefore, I say that the objects of the Bill could have been suitably worded so that a mark in history would have been left by the hon. Minister, at least reminding our posterity as to what had happened to the Indian Press. This is the first point I would like to make.

My second point is in regard to the Press Council. Sir, we know that the struggle for the freedom of the Press has been there since the days of Raja Ram Mohan Roy. We have been fighting for this since the days of the British imperialists, not today. This fight has been going on even in England and the Government there had set up many commissions. In our country, we have been carrying on this struggle since the days of the British imperialists, as well as during the regime of the previous Government and this Government. But what freedom have we achieved? Is there freedom, specially, in regard to one section of the society, and the journalists? Most of the newspapers are controlled by the monopoly houses. These monopoly houses control most of the newspapers of our country. These monopoly houses would never tolerate the publication of any news which will benefit the exploited classes and the poorer classes of the society. It is impossible.

But in the present set-up, as 6 P. M. an attempt has been made

by this Government, we welcome it, Sir, at the present moment. (*Time bell rings.*) It is not yet five minutes. I would like to draw attention of the hon. Minister to two things.

In clause 5, sub-clause 3(b) it is stated that six shall be nominated in accordance with such procedure as may be prescribed from among persons, mind the words, who own

or carry on the business of management of newspapers. So, there shall be two representatives from each of the categories one of the big newspapers and one of the medium newspapers and small newspapers. Who are they who own or who carry business? Now, Sir, we come to the second proviso, *i.e.* clause 5(8) (e), line 15:

"Provided further that not more than one person interested in newspaper or group of newspapers under the same control or management shall be eligible for nomination under clause (a) or clause (b)".

Sir, I do not know how the clause will accommodate this proviso, two persons who own carry business will get nomination and one person interested in any newspaper or group of newspapers under sub-clause (a), but under sub-clause (b) you have not restricted the scope. So, you are providing for three. Because of the previous proviso, no working journalist shall be eligible for nomination under sub-clause (a) unless you make an amendment in the Bill. You are depriving them, but you are giving double premium to those who own or carry on business. So, I would like to know from the hon. Minister how he will adjust this because I could not follow it.

Secondly, Sir, regarding the Council and laying down ethics, I do not understand what is meant by ethics. The ethics of the monopoly houses and their standards will be to publish news to mislead the public against the working people. It has been done in the last 30 years and even the entire independence struggle has been wrongly described. There are two trends of political movement in this country, one on the line of Mahatma Gandhi, on the line of nonviolence and the other on the line of revolution from the days of Khudi Ram and Netaji Subhas Chan-der Bose. The country knows that the independence was brought on the lines of non-violence. The entire

press has been manipulated, the entire history has been correctly written. Country has achieved freedom due to revolutionary movement and fight of INA of Netaji Bose. What is that regarding the working classes, those people who are workers, who are labourers, who are journalists, who are have-nots in this country? Their cases will not be heard. What about ethics? So, I have given an amendment.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Your amendment is quite clear.

SHRI AMAR PROSAD CHAKRABORTY: I will not develop it more. It is particularly a measure of exploiting the weaker people by the capitalists. In the 'ethics' I have added sub-clause (c). As there is no time, I conclude. Thank you very much.

श्री महादेव प्रसाद वर्मा : मान्यवर, जिस समय यह बिल सामने आया, मुझे याद आ गया प्रेस की फ्रीडम की बात हो रही है। सन् 1929-30 में वावू विष्णु राव पराङ्कर, गणेश शंकर विद्यार्थी, रामानन्द चटर्जी, सी० वाई० चिन्तामणि लीडर के किसी ने उनको प्रेस स्वतन्त्रता की बात नहीं की और उस समय उनकी वाणी में, उनकी लेखनी में आग निकल रही थी। देश की आजादी की भावना जल रही थी। अंग्रेजों ने और अंग्रेजी हुकूमत ने लाख प्रयास किया लेकिन कलम बन्द नहीं हुई। प्रेस जलत हुआ। नुकसान हुआ, पत्रकार जेलों में गये। लाठी-डण्डे खाए। लेकिन उन्होंने उस मशाल को जलते हुए देश के सामने रखा और तीस वर्ष की आजादी के बाद एक मामूली धक्का लगा और एक भी प्रेसपेट, एक भी प्रेस, एक भी समाचार-पत्र खड़ा नहीं रह सका। क्यों? इसके पिछे कारण है। जिस समय वह आजादी की लड़ाई चल रही थी। एक मशाल जल रही थी। देश के आगे एक आग जल रही थी जिसके यह पत्रकार

[श्री महदेव प्रसाद वर्मा]

मशालची थे आगे ले जाने वाले और जब वह मशाल आगे से हट गई वह ज्वाला हट गई। जहाँ वह राजनीति की सत्ता, सत्ता की राजनीति सामने आ गई, तो गिरावट लाजमी है जिस का फल हम आज भोग रहे हैं। देश के सर्वांगीण उत्थान की भावना के लोप हो जाने के बाद दूसरा कोई चारा नहीं था कि जन-जीवन के साथ पत्रकार जीवन भी प्रैस भी उन्नति करें। इस बिल द्वारा उस को उठाने का एक प्रयास है। एक पहला कदम है। अन्तिम कदम नहीं है। मैं नहीं मानता हूँ कि यह पूरा जवाब दे देगा क्योंकि पूरा जवाब और कहीं है लेकिन तीन नियंत्रणों से, तीन खामियों से बचने का एक सत्प्रयास हुआ प्रैस को पूंजीपति का खतरा है, सरकार का खतरा है और स्वयं प्रैस को प्रैस से खतरा है, यलो जर्नलिज्म जिसको कहते हैं उसको लेकर। तो 3 खतरे इस के सामने हैं। इस बिल के द्वारा इन तीनों खतरों को शमन करने की कोशिश की गयी है।

कुछ मित्रों का, माननीय सदस्यों का, कहना है कि गवर्नमेंट भी मदद क्यों नहीं देती है? प्रैस के ऊपर टैक्स के वे खिलाफ हैं। प्रैस की सहायता तब तक नहीं हो सकती है जब तक गवर्नमेंट का एक पैसा भी उसके ऊपर जाता है और जब तक किसी भी रूप में उसका नियंत्रण होगा, चाहे वह पार्लियामेंट के सामने अकाउंटेबिलिटी हो चाहे वह गवर्नमेंट की तरफ से किसी भी तरह का पैसा जाता हो। आप उस कौंसिल को स्वतंत्रता नहीं दे पाएंगे। उसकी आवाज को दबा हुआ पायेंगे इसलिए प्रयास वह होना चाहिए कि जो भी सरकार मदद दे रही है वह भी धीरे-धीरे, स्टेप बाई स्टेप उसको खींच लें और इस प्रैस कौंसिल को अरने पैर पर खड़ा होने दें।

दूसरा खतरा जो पूंजीपतियों का है वह है आज हमारा प्रैस उसके अंदर दबा हुआ है। इस में दो राय नहीं है। लेकिन उसको

ऊपर निकालने का रास्ता यह नहीं है कि गवर्नमेंट सब प्रैस को अपने हाथ में ले ले। यह तो रूस और चीन का तरीका होगा और इससे फ्रीडम आफ द प्रैस टिकेगी नहीं। इसलिए दोनों खतरों को कम करने के लिए हमें प्रयास करना होगा जिससे जन भावना को उद्धेलित कर सकेंगे और इस प्रकार के पत्रकार पैदा कर सकेंगे जो देश के उत्थान की तरफ देश को दिशा देंगे। जितने ही पत्रकार इस तरह के हम पैदा कर सकेंगे इतनी ही हम प्रैस को फ्रीडम दे सकेंगे उतना ही पूंजीपतियों के चंगुल से उसको बचा सकेंगे।

इस विधेयक के द्वारा जो प्रयास किया गया है मैं फिर इसको सराहनीय बताता हूँ। एक कोड ऑफ कांडक्ट भी बनाएगी यह प्रैस कौंसिल एक थोड़ी सी उस में जरूरत मालूम रहती है कि प्रैस कौंसिल ही कोड आफ कांडक्ट बनाएगी और प्रैस कौंसिल ही उसको देखेगा। मेरा खयाल है कि कोड आफ कांडक्ट बनाने के लिए कोई और बड़ा दायरा होना चाहिए। केवल प्रैस कौंसिल ही उसके लिए कारगर होगा यह नामुमकिन है क्योंकि यह कोड आफ कांडक्ट जो प्रैस से संबंधित है यह केवल प्रैस में संबंधित नहीं है। यह सारे देश के जन जीवन से संबंधित है। प्रैस की गिरावट जो होगी वह देश की गिरावट होगी। प्रैस का उत्थान जो होगा वह देश का उत्थान होगा। इसलिए उसके कोड आफ कांडक्ट को देखने के लिए कोई और वाइडर सर्किल हो जाएगा तो बेहतर होगा। हाँ, यह बात जरूर है कि कोड आफ कांडक्ट को वाकायदा चालू करने के लिए और लागू करने के लिए काफी ध्यान देना पड़ेगा क्योंकि एक तरफ हमारे माननीय कल्प नाथ जी को शिकायत है कि अब अखबार गंदी गालियां बकते रहते हैं। उल्टा-पुल्टा प्रचार करते हैं। दूसरी तरफ उन्हीं का कहना है कि प्रैस को फ्रीडम होनी चाहिए। दोनों का तालमेल बैठाना आसान

काम नहीं है। यह बात जरूर है कि प्रेस स्वतंत्र होगा तो मनमानी कुछ करेगा और ऐसी भी बात कर सकता है जो देश के लिए घातक है, जो देश के जन जीवन के लिए घातक है और उसको आपने नियंत्रित करने की कोशिश की तो अच्छी से अच्छी आवाज भी दब जाएगी। इन दोनों का सामंजस्य कैसे बैठेगा, यह सोचने की बात है। इसको बैठाने की कोशिश तो की गई है इसलिए मैं इस प्रयास को सराहनीय कह रहा हूँ। लेकिन यह कोशिश अंतिम नहीं होनी चाहिए। हमारे दिमाग के सामने होना चाहिए कि फुल फ्रीडम आफ प्रेस को न कोई गवर्नमेंट दे सकती है न छीन सकती है।

“नाभिर्पंको न संस्कारः सिंहस्य
क्रियते मृगेः”

विक्रमोपाजित राज्यस्य स्वयमेव
मृगेन्द्रता।”

सिंह को कोई तिलक नहीं करता है। अपने विक्रम से वह अपनी आजादी हासिल करता है और जंगल का राजा बना रहता है। प्रेस को आप पाल नहीं सकते। प्रेस को आजादी आप के देने से नहीं मिलेगी। प्रेस अपनी आजादी स्वयं पैदा करेगा, लेकिन वह पैदा तब कर सकता है जब विष्णु पराड़कर और गणेश शंकर विद्यार्थी की ज्वाला हो और वह आजादी के लिये जलती रहे। इस तरह के पत्रकार आप पैदा कर दें तो प्रेस न गवर्नमेंट के नियंत्रण में रह सकता है और न गवर्नमेंट को उसे गाड़ करने की जरूरत है और न आप को उसे कोई कोड आफ कंडक्ट देने की जरूरत है। वह वातावरण आप पैदा कर सकें तो सही मायने में कहा जा सकता है कि आप ने देश की और प्रेस की सेवा की है और उस समय प्रेस देश का टार्च बियरर हो जायगा। लेकिन आज सत्ता की राजनीति की

दौड़ लग गयी है। आप को शिकायत होगी, हर पार्टी को, हर ग्रूप को, हर वर्ग को शिकायत होगी और हर कोई देश की राजनीति पर हावी होने का प्रयास करेगा और उस हावी होने के प्रयास में प्रेस का बहुत बड़ा हाथ होता है इस लिये वह कोशिश करेगा जायज या नाजायज, अपने स्वार्थ साधन के लिए, चाहे उस से देश का नुकसान ही क्यों न होता हो। इस लिये मैं फिर अंतमें कहता हूँ कि माननीय मंत्री जी ने और जनता पार्टी से एक सराहनीय कदम उठाया है। इन खतरों से प्रेस को बचाने के लिये और देश को बचाने के लिये। यह कदम अंतिम नहीं है, लेकिन एक अच्छा कदम है। वन स्टेप फारवर्ड। इतना ही समझ कर इस को आप को डील करना है, लेकिन दृष्टिकोण हमारा हमेशा विशाल रहेगा। हम जन जीवन को, देश की समस्याओं को जितना ही राष्ट्रीय स्तर पर उठा सकेंगे उतना ही प्रेस को भी आप उस रूप में उठा सकेंगे, वरना अकेले प्रेस पर यह नहीं चल पायेगा।

सूचना और प्रसारण मंत्री (श्री लाल कृष्ण आडवाणी) : उपसभाध्यक्ष जी, जिन माननीय सदस्यों ने इस बहस में भाग लिया है, मैं उन सब का बहुत आभारी हूँ। मुझे इस बात का विशेष संतोष है कि इस विधेयक के मोटे सिद्धांतों से, इस की रचना से प्रायः सब लोगों ने सहमति प्रकट की है। मैं यह मानता हूँ कि यह इस सरकार द्वारा प्रेस की आजादी के संबंध में दिए हुए अभिवचनों की पूर्ति में लिया हुआ एक और महत्वपूर्ण कदम है। यहां प्रेस की आजादी को कुंठित करने के जो साधन रहे हैं 1975 में, 1976 में और 1977 के आरम्भ तक, वह सेंसरशिप के रूप में बहुत

[श्री लाल कृष्ण अडवानी]

परिचित हुए। सब लोग जानते हैं कि सेंसरशिप के लिए कोई नया कानून बनाने की आवश्यकता नहीं पड़ी। इमरजेंसी पहले भी थी। 26 जून, 1975 को नयी इमरजेंसी जारी हुई। डिफेंस आफ इंडिया रूल्स के अंतर्गत सरकार को अधिकार था कि प्रेस के ऊपर वह सेंसरशिप लागू कर दे और उस सेंसरशिप आदेशों के अधीन हिन्दुस्तान की प्रेस की आजादी बहुत मात्रा में छीन ली गयी। लेकिन बहुत चिन्ता की बात तब पैदा हुई जब नये नए कानून बनाये जाने लगे, जिन कानूनों का इमरजेंसी से कोई संबंध नहीं था। एक कानून था प्रिवेंशन आफ पब्लिकेशन आफ आब्जक्शननेबिल मैटर ऐक्ट। वह कानून पारित किया गया। दूसरा कानून था पार्लियामेंटरी प्रोसीडिन्स इम्प्यूनिटी रिपील ऐक्ट। जो फीरोज गांधी बिल के नाम से प्रसिद्ध बिल था, जिस के द्वारा संसदीय कार्यवाही को कवर करने में पत्रकारों को कुछ इम्प्यूनिटी दी गयी थी वह इम्प्यूनिटी खत्म गर दी गयी थी उस रिपील बिल के द्वारा और तीसरा कानून जो उस काल में पारित हुआ वह था प्रेस कौंसिल रिपील बिल यह तीन नये कानून, जिन का इमरजेंसी से संबंध नहीं था। इमरजेंसी के दौरान में लाये गये, क्योंकि इमरजेंसी के दौरान प्रेस के बारे में, प्रेस की रचना के बारे में, प्रेस के उपयोग के बारे में प्रेस की भूमिका के बारे में, उस की आजादी के बारे में एक नयी कल्पना प्रचलित करने की कोशिश की गयी।

प्रेस की आजादी का मतलब है रिस्पॉन्सिबिलिटी। शायद किसी ने लोवेल को कोट किया प्रेस की रिस्पॉन्सिबिलिटी की चर्चा करते हुए कि प्रेस की आजादी को कायम करने का जो उद्देश्य होता है उससे ऐसा लगता है कि आजादी और उत्तरदायित्व दोनों साथ साथ जाने चाहिए। लेकिन इनमें से अगर किसी के ऊपर भी बहुत ज्यादा बल दिया, जैसे आजादी पर बल दिया तो उसमें से

स्वतंत्रता पैदा होता है, लाइसेंस पैदा होता है। अगर वहां भी रिस्पॉन्सिबिलिटी पैदा हुई और उस पर बल दिया तो आजादी छिन जाने का खतरा होता है। अगर इन दोनों में से एक को चुनना हो तो फिर उनमें से हम आजादी को चुनेंगे जैसे कि नेहरू जी ने कहा था—

"Even if it is responsibility, does not matter; but I would not, on that account, be willing to be a party to curbing the press freedom."

तो ये तीन कानून इस प्रकार के पारित हुए उस काल में और जिस समय नई सरकार आई तो आरम्भ से लेकर हमारा संकल्प रहा और हमने विश्वास दिलाया देश को और संसद् को कि हम इन कानूनों को बदल देंगे। प्रिवेंशन आफ पब्लिकेशन आफ आब्जक्शननेबिल मैटर ऐक्ट है और बाकी जो दो रिपील ऐक्ट हैं उनको खत्म करके उनके स्थान पर पूर्व स्थिति फिर से स्थापित करेंगे। पहले दो कानून 1977 में ही पास हो गये दोनों संसद के सदनों द्वारा और यह तीसरा कानून जिस को हमने प्रवर समिति के सुपुर्द किया था, वह प्रवर समिति की रिपोर्ट के आधार पर आज राज्य सभा द्वारा पारित करने जा रहे हैं।

श्रीमन्, जैसा मैंने पहले कहा, सबसे बड़ा समाधान मेरे लिये यह नहीं है कि यह कानून पास हो रहे हैं। मेरे लिए सबसे बड़े समाधान की बात यह है कि ये कानून सर्व-सम्मति से पास हो रहे हैं क्योंकि इनके द्वारा यह बात प्रमाणित होती है कि प्रेस की आजादी और उसके प्रति निष्ठा यह किसी एक पार्टी की निष्ठा नहीं है, यह सारे देश की निष्ठा है और उस पर एक राष्ट्रीय मतैक्य है। बीच का काल, मैं उस को विकृति मानता हूँ और इसीलिए मुझे इस बात की प्रसन्नता है कि जब उस काल के लिए जो उत्तरदायी लोग थे वे भी इन प्रेस कानूनों का समर्थन करते हैं चाहे वह एक दूसरे को सुनाते रहते

हैं, वह आर० के० मिश्रा को सुनाते हैं, आर० के० मिश्रा उनको सुनाते हैं कि उस समय उन्होंने क्या कहा था। लेकिन यह बात सही है कि उस काल और उस काल में की गई प्रेस के संबंध में चीजों की विकृति थी जिसका राष्ट्रीय मतैक्य या राष्ट्रीय सहमति से कोई सम्बन्ध नहीं था। जिस समय हम प्रवर समिति में विचार करने बैठे तो वहां पर व्यापक सहमति थी। कहीं मतभेद था ही नहीं। अगर मतभेद के लिए डिस्सेंटी नोट दिये हैं तो वह पढ़कर देखिये।

(Interruptions)

मैं उसका उल्लेख कर रहा हूँ। मैं चाहता हूँ कि जितने लोग कोड आफ कंडक्ट के बारे में बोले हैं वह समझे ही नहीं। जिन्होंने डिस्सेंटींग नोट दिये हैं वह समझे हैं। लेकिन उन्होंने वहां पर भी कहा कि हम को मजबूर होकर देना पड़ेगा।
Cutting across the party lines absolutely. There was no party at all. Only it was journalists versus non-journalists.

The code of conduct has come to be associated with certain things, has come to be associated with the Emergency and all that happened to the press during the Emergency; and, therefore, we are opposed to a code of conduct.

इसीलिए कोड आफ कंडक्ट शब्द निकाल दीजिए तो क्या बिगड़ता है। बाकी सब चीजें कही गई हैं। मेरे लिए दुविधा की बात है क्योंकि मैं मंत्री होने के साथ साथ पत्रकार भी हूँ और उनके दृष्टिकोण से मुझे सहानुभूति भी थी लेकिन मैंने वहां पर कहा कि मैं कोड आफ कंडक्ट को गलत नहीं मानता हूँ।

लेकिन कोड आफ कंडक्ट के साथ जो एसोसिएशन हो गया है उस एसोसिएशन

के कारण मेरे मन में एक चिन्ता ज़रूर पैदा होती है विशेषकर पत्रकार के नाते। मैं समझाना चाहूंगा इस बात को क्योंकि प्रायः यहां पर जितने लोग बोले वह समझने लगे कि प्रेस काउंसिल बैठकर लिखेगी कोड आफ कंडक्ट को।

"Thu shall do this; thou shall not do that."

एक, तो, तीन, चार, पांच, छह करके कोडिफाई करेगी कि क्या क्या प्रेस को करना चाहिए।

लेकिन ऐसी कल्पना नहीं है इसमें। अगर आप देखेंगे तो शायद आपको ताज़्जुब होगा कि यह कल्पना पिछली प्रेस कौंसिल ने की थी। जो पहली कौंसिल बनी थी उसने यह कहा था 'फार्मुलेटिंग कोड आफ कंडक्ट'। फार्मुलेटिंग कोड आफ कंडक्ट का मतलब था एक-दो-तीन-चार यानी प्रेस कोई ऐसी भाषा में न लिखेगी, ऐसा समाचार नहीं छापेगी, वैसा काम नहीं करेगी। लेकिन 1965 में जब प्रेस कौंसिल बनी तब सरकार ने इस पर विचार किया और सरकार को लगा कि हम को इस प्रकार का कोई कोड आफ कंडक्ट जिसमें रिजिडरी हो, नहीं बनाना चाहिए। इसलिये जिस समय यह विधेयक बन रहा था उस वक्त प्रेस कौंसिल को फार्मुलेटिंग कोड आफ कंडक्ट न कह कर बिल्ड-अप कोड आफ कंडक्ट कहा गया। आज भी जो विधेयक है उसमें ये शब्द प्रयोग में हैं। उसकी व्याख्या प्रेस कौंसिल ने आगे चल कर की है जिसमें उन्होंने कहा, मैं कोट करता हूँ प्रेस कौंसिल की 1973 की रिपोर्ट में से

"The Council also found that attempts at framing an exhaustive code for professional bodies of journalists in various countries including our own, had either proved futile or resulted in the mere enunciation of certain basic principles only in general terms

that have not proved helpful when it comes to applying it to individual cases. If these principles are reduced into a kind of code of conduct of journalistic propriety by the Council, they would have a tendency to attain a degree of rigidity which might give rise to differing interpretations. It must be borne in mind that flexibility is essential to meeting the needs of specific situations varying from case to case, which the Council may have to consider in the course of its activities. Thus, the Council has taken the view that it is neither necessary nor desirable and not even feasible to draw up a comprehensive code, but that it would be better and more useful to build up (I underline the words, 'build up') in course of time a body of case law gathered from the principles formulated in its adjudications in the several concrete cases coming up before it."

इसको उन्होंने कोड आफ कंडक्ट कहा है। यह कोड आफ कंडक्ट की कल्पना है। मुझे याद है जब वहां पर चर्चा हुई तो सब सदस्यों ने कहा कि इस बात को फिर से दोहरा दीजिए कि कोड आफ कंडक्ट का अर्थ इस विधेयक में इतना ही है। इस में यह नहीं है कि डूज एंड डॉट्स प्रेस्क्राइब करता है। केमिज अडजुडिकेशन के आधार पर कहा था कि कोड आफ कंडक्ट बनता है और इसमें किसी को कोई आपत्ति नहीं हो सकती। इसी के कारण मैं समझता हूँ उन्होंने कहा था कि हम डिसेंट नोट देंगे और अपनी बात कहेंगे। मैंने कहा जरूर कहिये अगर कोई दिक्कत की बात है तो। जनरल अप्रिसिएशन जो था वह यह था

a code of conduct is built up in course of time as a result of case laws.

SHRI K. K. MADHAVAN: May I point out that the passage read out by the Hon. Minister contradicts himself and the Bill itself?

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Let him conclude.

SHRI LAKSHMANA MAHAPATRO: Supposing you do not mention it in the functions of the Council, how will it affect? Can it not be built up?

SHRI LAL K. ADVANI: I can tell you

बहुत सारे सदस्यों ने यहां पर चर्चा करते हुए पिछले 15 महीनों में जो प्रेस की आजादी रखी है उसके परिणामस्वरूप स्वच्छन्दता बनी हुई है, इस बात को कहा। वुई स्टार्ट विद विटथल गाडगिल और आर० के० मिश्र। दोनों ने इसका उल्लेख किया। हमेशा दो वर्ग होते हैं एक पत्रकार वर्ग और दूसरा पाठक वर्ग। प्रेस के बारे में मोचते हुए हमेशा प्रेस की कल्पना करनी चाहिये और पाठकों की कल्पना करनी चाहिये। पाठक वर्ग में यह कल्पना है कि आजादी से काम हो। आजादी का मतलब है कि जो कुछ भी लिखो। मैं ऐसा नहीं मानता। हिन्दुस्तान की प्रेस बाकी दुनिया के प्रेस से ज्यादा स्वच्छन्द है। लाइसेंसिंग उसमें है और इंस्पेक्टिविलिटी के साथ लिखता है ऐसा मैं नहीं मानता। इसके साथ कुछ अलीमेंट्स होते हैं और हमेशा होते हैं। पाठकों में यह फीलिंग है और इसी फीलिंग को देखते हुए इसे सेलेक्ट कमेटी के पास भेजा गया। मैं यह बताना चाहता हूँ कि यह चीज पहले भी विधेयक में थी आज भी है। हम कोई नई चीज नहीं लाए हैं। प्रेस कमीशन ने उसको रिकमेंड किया है कि कोड आफ कंडक्ट को फार्मुलेट करना चाहिये।

पिछली सरकार ने भी उसको उपयुक्त समझा था और इस नई सरकार ने भी उसको उपयुक्त समझा है और इसलिये इसको इन्ट्रोड्यूस किया है। उसको निकालने का अर्थ यह होगा कि आप यह कह रहे हैं कि उनका कोई कोड आफ कंडक्ट नहीं होना चाहिए।

श्री कल्प नाथ राय : श्री पी० जी० मा

बनकर ने जो नोट ग्राम डिसेन्ट दिया है, क्या ग्राम बता सकते हैं कि उसमें क्या लिखा है ?

श्री लाल कृष्ण आडवाणी : मैंने उसको देखा है ।

SHRI LAKSHMANA MAHAPATRO: He cannot explain it. He says, "The previous Government wanted it, we want it and therefore we do it." What is the meaning?

श्री लाल कृष्ण आडवाणी : श्रीमन् माननीय सदस्य जानते हैं कि प्रैस कौंसिल की रचना प्रेस आयोग की रिक्मेन्डेशन में से निकली है । यह बात सब को मालूम है । माननीय सदस्य यह भी जानते हैं कि प्रेस आयोग की बेसिक रिक्मेन्डेशन यह थी कि प्रैस कौंसिल का क्या नाम होना चाहिए । उसमें एक बात यह भी थी कि एक कोड ऑफ कंडक्ट बनाया जाय अब इससे डिपारचर करके कोड ऑफ कंडक्ट की जो कठिनाइयाँ थीं उनको खत्म कर दिया गया है ।

PROF. SOURENDRA BHATTACHARJEE: It is the language of the law which prevails, not the interpretation that has been given by you today.

SHRI LAL K. ADVANI: I fully understand, and I would say that "to build up a code of conduct" can have no other interpretation except the one that I am giving. If it were "to lay down a code of conduct", if it were "to formulate a code of conduct", then perhaps what you say would have had weight. But when I say, and when I have put it specifically as "to build up a code of conduct", there can be no interpretation except the one that I have given.

DR. V. P. DUTT (Nominated): This will be a question of interpretation of "build up" in the English language. I will come to that when I move my amendment.

श्री लाल कृष्ण आडवाणी : इसके अलावा बाकी किसी चीज पर कोई भारी मतभेद नहीं था । मैंने जैसा बताया है, इस विषय पर काफी चर्चा हुई कि चेयरमैन का नामांकन किस प्रकार से हो । मूल बिल में यह प्रस्ताव किया गया था कि इसका नामांकन चीफ जस्टिस द्वारा किया जाय । लेकिन इस संबंध में सेलेक्ट कमेटी में जितनी चर्चा हुई उसके परिणाम-स्वरूप जो नतीजा निकला उसको बिल में शामिल कर लिया गया है । मुझे बाद में यह देखकर खुशी हुई कि सन् 1973 में जो एम० पी० की कमेटी प्रैस कौंसिल पर विचार करने के लिए बनी थी उसमें लगभग वही मुझाव दिए गए थे जिनका जिक्र बिल में किया गया है । उस कमेटी में दोनों सदनों के काफी बरिष्ठ सदस्य थे ।

SHRI LAKSHMANA MAHAPATRO: Advisory committee.

SHRI LAL K. ADVANI: Yes, an advisory committee of Members of Parliament consisting of Mr. Anand-rao Patil, Mr. C. L. Chandrakar, Mr. D. C. Goswami, Mr. B. S. Murthy...

SHRI K. K. MADHAVAN: Sir, with you, kind permission...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You have already spoken.

SHRI K. K. MADHAVAN: Here is a very glaring contradiction.

THE VICE-CHAIRMAN, (SHRI SHYAM LAL YADAV): You have already pointed out. Please let him reply.

SHRI K. K. MADHAVAN: Clause 13 says...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Kindly resume your seat.

SHRI K. K. MADHAVAN: "...to help the newspapers and news agencies to maintain their standards. But only to built up code of Conduct..."

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You have already spoken for a sufficient time. Please resume your seat.

SHRI LAL K. ADVANI: I was mentioning the composition of the committee. Mr. K. P. Unnikrishnan, Mr. P. M. Sayeed, Mr. Somnath Chatterjee, Mr. A. B. Vajpayee, Mr. Era Sezhiyan, Mr. Vikram Mahajan, Mr. Bhupesh Gupta, Mr. V. N. Gadgil, Mr. T. N. Singh, Mr. Harsh Deo Malaviya, Mr. Krishna Kriplani and Mr. Krishan Kant. Such an eminently representative body unanimously—almost all of them—agreed on this point, namely, that this nominating panel should comprise the Lok Sabha Speaker, the Rajya Sabha Chairman, the Chief Justice of the Supreme Court and two members elected from among the members of the Press Council. Instead of that, the formula that we have adopted is, the Lok Sabha Speaker, the Rajya Sabha Chairman and one member elected from amongst the members of the Press Council, so that it is a nominating panel of three. They suggested a nominating panel of five. This is a panel of three. That proposal was not accepted by the earlier Government and the earlier Government preferred continuing with the nominating panel of the Rajya Sabha Chairman, the Lok Sabha Speaker and the Chief Justice of the Supreme Court. It is remarkable that on the 21st of June, 1975, this committee's report was accepted by the earlier Government and the Cabinet formally decided that an amendment Bill on the basis of this report should be moved in Parliament. But instead of the amendment Bill being moved and the Press Council being strengthened as was proposed by this committee, on the 26th of June, 1975, Emergency was proclaimed. And shortly after that the Government came to the conclusion that the Press Council was of no use and the Press Council should be wound up. So by an ordinance the Press Council Act was repealed.

SHRI KALP NATH RAI: About the Bill.

SHRI LAL K. ADVANI: The Press Council Act was repealed. Sir, many other points have been raised. और उनमें से बहुत सारे मुद्दे ऐसे हैं जिनका प्रेस कौंसिल विधेयक से कोई सम्बन्ध नहीं है लेकिन प्रेस के फंक्शनिंग से उनका सम्बन्ध जरूर है और इसलिए इस बात पर मैं समझता हूँ कि सदस्यों का बल देना उपयुक्त है, उचित है। देश के अन्दर केवल सरकारी नियंत्रण से प्रेस को मुक्त करना यह आजादी के लिए गारन्टी करना पर्याप्त नहीं है। यह कोई आश्वस्ति नहीं है। आज प्रेस की ओनर-शिप प्रेस का मालिकियत जिस रूप की है उसके बारे में श्री आर० के० मिश्र जी ने बिल्कुल सही कहा है कि विदेशों में बहुत से लोकतंत्रीय देशों में press is an industry by itself. press is of an industry by itself, press is owned by industry.

खासकर के जो बड़े पत्र हैं और इस पहले को ख्याल में रख कर के कि क्या बाइबल अल्टर-नेटिव हो सकता है उस चीज पर विचार करने के लिए प्रेस कमीशन बनाया गया। मैं मानता हूँ कि पिछले प्रेस कमीशन ने मोटे मोटे दिशा निर्देश जरूर दिए हैं। लेकिन यह कहा जा सकता है कि

a viable alternative to press ownership has been presented.

ऐसा इसमें मुझे नहीं दिखाई देता और इस लिए मुझे अनुभव हुआ। सेकिंड प्रेस कमीशन पब्लिकयुलरी आफ्टर लैप्स आफ 25 इससे इन 25 सालों में यह जाहिर है कि प्रेस को बहुत सारे अनुभव हुए हैं। देश के अन्दर प्रेस का विकास भी बहुत हुआ। जब पहला प्रेस कमीशन बैठा था उस समय प्रायः अंग्रेजों के काल का जो प्रेस वर्किंग था वही प्रमुख रूप से था लेकिन आज स्वतंत्र भारत में प्रेस की आजादी किस प्रकार से काम करती रही

है प्रौ. मालिक उस पर किस प्रकार से अपना अंकुश लगाते रहे हैं और उनकी स्वाधीनता के लिए क्या हो सकता है और फिर उसका जो रि-स्ट्रक्चरिंग और रि-पर्टन करना है वह किस रूप में हो सकता है ऐसे सारे मुद्दों पर विचार करने के लिए प्रैस कमीशन की नियुक्ति हुई। मैं प्रतीक्षा करता हूँ कि उसके जो प्रावधान हमारे सामने आ गए हैं उसके अनुसार इस दिशा में बहुत ही दूरगामी कदम उठाये जा सकेंगे।

SHRI KALRAJ MISHRA (Uttar Pradesh): Government can appoint a Press Commission.

SHRI LAL K. ADVANI: We have announced it; we have announced it already.

प्रैस कौंसिल की संरचना के बारे में भी कुछ मत व्यक्त किए गए हैं। हमारे एक साथी ने यह कहा कि ऐसी व्यवस्था हो ताकि उसमें नान-जर्नलिस्ट का बहुमत हो जाय। तो श्रीमन् इस संदर्भ में वे कह रहे थे कि वहां पर मैनेजमेंट के जो लोग हैं और उनका बहुमत न हो जाय इसके लिए उनका सुझाव था कि अगर कोई व्यक्ति सम्पादक भी है और ओनर भी है तो उनको केवल ओनर में स्थान मिलना चाहिए। जब यह कहा गया तो उस समय मुझे लगा कि इसका ऐसा मतलब तो नहीं है जो बाकी लोग हैं उनको स्थान नहीं मिलना चाहिए जब कि प्रैस कमीशन की मूल कल्पना यही रही है कि 50 परसेन्ट से ज्यादा गैर-पत्रकार होने चाहिए। तो यह कल्पना है...

श्री कल्प नाथ राय : यहां मेजोरिटी जर्नलिस्ट की होनी चाहिए।

श्री लाल कृष्ण आडवाणी : यह तो अभी भी है। आपने अभी देखा होगा कि मैंने अभी एक संशोधन प्रस्तुत किया है। उस संशोधन के द्वारा इस बात को भी गारंटी की है। क्योंकि उसमें थोड़ी बहुत गुंजाइश थी। खासकर ए और बी के कम्पोजीशन वाले क्लॉज

में यह व्यवस्था की गई है कि अगर किसी एंडे पत्र का प्रतिनिधि 'ए' में आ जाये तो 'बी' में उसका कोई दूसरा व्यक्ति नहीं आ पायेगा और यदि 'बी' में आ जाये तो 'ए' में उसका दूसरा व्यक्ति नहीं आयेगा। यह इसलिए किया गया क्योंकि इसके बारे में संदेह व्यक्त किया गया था।

SHRI SURENDRA MOHANTY: Will you kindly pardon me? What is the sanction behind your Press Council?

SHRI LAL K. ADVANI: I will come to that. That is an important issue. That has been debated and discussed over and over again ever since the formation of the Press Council.

क्योंकि आपने उदाहरण दिया। एक तरफ तो आपका कहना था कि ट्यूबलैस बाडी है, उसकी कोई संरक्षण नहीं है। अगर कोई निर्णय करता है तो उसको कोई मानेगा या नहीं मानेगा इसकी कोई गारंटी नहीं है। अब यह दो स्कूल आफ थाट्स हैं। इनमें टकराव रहा है। उसमें एक मत यह रहा है कि प्युनिटिव अथॉर्टी दे दी जाए एक तरफ तो हमारे शायद माधवन जी ने कहा कि यह बहुत पावरफूल है। इसको इतनी अधिक पावर नहीं देनी चाहिए। यहां से किसी सदस्य ने कहा कि चेयरमैन को इतना अधिकार है कि वह फैसला कर लेगा कि...

श्री जी० सी० भट्टाचार्य: कौन सी कम्प्लेंट रिजेक्ट करनी है या नहीं करनी है, यह अकेले उन्हीं को अधिकार है...

SHRI LAL K. ADVANI: It is all powerful... Our Parliament which is supposed to be a sovereign body...

पार्लियामेंट में विजनेस कंडक्ट करने के लिए चेयरमैन को यह अधिकार है कि वह देखे कि यह मोशन इन-ऑर्डर है या नहीं है। अगर इन-ऑर्डर नहीं है तो उसको चेयरमैन रिजेक्ट कर देता है। उसमें मेजोरिटी या माइजोरिटी का सवाल नहीं है। आज मुझ भी चर्चा हो रही थी कि कौन सा काल अटेंशन

[Shri Lai K. Advani]

लगाना है, कान सा स्पेशल मेशन लगाना है, इसका निर्णय भी चेयरमैन करता है। इस तरह की सभी संस्थाओं में ठीक प्रकार से कार्य संचालन हो, इस दृष्टि से भी कुछ व्यवहारिक अधिकार चेयरमैन को देना परमावश्यक होता है।

SHRI G. C. BHATTACHARYA: The Chairman's ruling in the Rajya Sabha is not subject to article 14 of the Constitution. Therefore the Contention of minister is not correct. (Interruptions)

श्री लाल कृष्ण आडवाणी : मैं आपको बताऊँ कि पिछले प्रेस कौंसिल के . . .

SHRI K. K. MADHAVAN: This is a wrong analogy. The powers of the Chairman in this House are on procedural matters. There, in the Press Council the Chairman can prevent everything from the purview of the body.

श्री लाल कृष्ण आडवाणी : उपसभाध्यक्ष महोदय, प्रेस कौंसिल की जो पिछली वर्किंग है उसको भी कोई देखेगा तो उसको अनुभव होगा कि उसमें जो जो केसेज आएँ उन में बहुत सारे केसेज ऐसे हैं कि जो ट्रिवियल हैं, छोटे छोटे हैं और इसलिए प्रेस कौंसिल के लोग हमेशा यह कहते रहे और अब भी जब बनाने लगे हैं कि यह अधिकार होना चाहिए कि निर्णय कर सकें। अगर कोई ट्रिवियल लगे तो उसे छोड़ दिया जाए। इस तरह करके . . .

श्री जी० सी० भट्टाचार्य : अगर कोई मामला महत्वपूर्ण है तो चेयरमैन ही अकेले जज करेंगे कि यह महत्वपूर्ण है या ट्रिवियल है . . .

श्री लाल कृष्ण आडवाणी : जैसे हमारे मित्र वर्मा जी ने कहा कि अगर यह समझेंगे कि प्रेस कौंसिल बन जाएगी तो प्रेस की आजादी की गारंटी हो जाएगी यह बड़ी

भारी उम्मीद करना होगा। इससे निराशा होगी। दूसरी तरफ जब तक व्यूनिटिव अधिकार न दिया जाए तब तक ऐसी कोई चीज होगी ही नहीं। यह जो दूसरा एक्स्ट्रीम व्यू है तो हमारा बीच का रास्ता यह है कि इस प्रेस कौंसिल की सेल्फ डिस्प्लिन की व्यवस्था इंस्टीट्यूशनलाईज की गई है। उसको जो अधिकार प्राप्त हैं उस आधार पर, उसके स्टैचर के आधार पर काम के आधार पर होंगे अन्यथा यह व्यूनिटिव अधिकार दें तो उनका स्वरूप ही दूसरा होता। मैं एक बात कहना चाहता हूँ इस विषय में जब भी चर्चा हुई है चाहे 1965 में हुई हो जब पहले-पहले विधेयक बन रहा था, उसके बाद एडवाइजरी बाडी बनी थी या 1973 में हुई हो जब एम०पीज० की एडवाइजरी बाडी बनी या तीसरी बार जब हम सेलेक्ट कमेटी में गए तीनों जगह इस विषय पर चर्चा जरूर हुई लेकिन चर्चा होने के बाद हम लॉग सभी सर्वसम्मत इस निष्कर्ष पर पहुंचे कि इसको टीथ नहीं देना चाहिए और इसके जो अधिकार हैं वे अधिकार उसके स्टैट्स के कारण ही होने चाहिए। उसको एडमोनिश करने का अधिकार होना चाहिए, वार्न करने का अधिकार होना चाहिए पर विसी पर जमाना करने का अधिकार . . .

SHRI K. K. MADHAVAN: I want to draw you attention...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You please resume you seat...

SHRI K. K. MADHAVAN: He has arbitrary powers.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You cannot just get up and speak.

श्री लाल कृष्ण आडवाणी : यह सारे मुद्दे ऐसे हैं जिसमें जिस भी दृष्टि से देखें उसमें वजन जरूर होता है। जैसे सुरेन्द्र महन्ती जी ने बात कही।

SHRI SURENDRA MOHANTY: Sir, this is a fundamental matter. He says, the genesis of the Press Council was...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): He has followed your point. He will reply to that.

SHRI SURENDRA MOHANTY: This is an important matter.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): That is all right. You have explained your point. Let him reply now. He will reply now. Please let him reply.

SHRI SURENDRA MOHANTY: This is an important matter...

श्री लाल कृष्ण आडवाणी : हां बताइये ।

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): He knows it.

SHRI SURENDRA MOHANTY: Sir, the Minister is willing to reply. Sir, the first Commission had recommended that we should consider that the regulation of the conduct of the Press in the matter of such an objectionable writing as I, 'oE~ieg^y permissible should also be the responsibility of the Press Council. If there are no teeth, how can these directives be made to be implemented? z^st afar

हे जिसको कोई ला, कोर्ट नहीं ला सकता है उसको प्रेस काउंसिल लायेगा, हमारा पूछना यही है ।

श्री लाल कृष्ण आडवाणी : आपने जो बात कही है । क्योंकि जो चीज लीगल पब्लिकेशन है, एक्शनबुक है वह आई० पी० सी० के अन्तर्गत आयेगी, कन्टेम्प्ट आफ ला के अन्तर्गत आयेगी, वह डिफिनीशन कोर्ट के अन्तर्गत आयेगी लेकिन कोई चीज लीगली पब्लिकेशन नहीं है आफेंसिव टेस्ट, वर्ग्विटी करैक्टर असैसिनेशन है, यह सारी चीजें हैं यह उसमें नहीं आती इसलिए इस पर जब भी विचार हुआ है, मैं आपको कोर्ट करके सुनाता हूँ, उन्होंने कहा, एक हाई पावर कमेटी

आफ एम० पीज०—

"On the question of the powers of the Press Council, various views were expressed. One view was that the Press should be given powers to enforce its decision including punitive powers. There was another view also that "Council's, verdict should stand on its own moral authority. Having taken into account the legal and constitutional implications in this regard, the Committee came to the conclusion that the present provision need not be altered."

This is categorical and this is unanimous also

इसमें डिसेंट नोट नहीं है । अभी मिलेक्ट कमेटी जो है व भी

On this point, there has always been unanimity amongst all those who have gone into the question in detail and examined the pros and cons. I do not say that there are no pros and cons to this question. This point also has its pros. On balance it always appeared that this view was the right view and this direction was the right direction. In fact, the main objection against the Code of Conduct provision has been that we are trying to make it a punitive body.

फिर तो आजादी कम हो जायेगी । इसलिए कोड आफ कन्डक्ट करिये, उसकी जो अथारिटी है, वह अथारिटी by virtue of its statutory authority, by virtue of its overall position, m

पर रहने दीजिए । उपसभाध्यक्ष जी, जो प्रमुख मद्दे थे इस प्रेस काउंसिल विधेयक के संबंध में उन प्रमुख मुद्दों का मैंने उत्तर दे दिया है । मैं आशा करता हूँ कि इस विधेयक को . .

श्री शिव चन्द्र झा : लेवी चार्ज के बारे में आप क्या कह रहे हैं ?

श्री लाल कृष्ण आडवाणी : हां वह चीज आती है। मैं इस बात से सहमत नहीं हूँ कि यह लेवी किसी प्रकार से प्रेस पर टैक्स है और एक बात मैं स्पष्ट करना चाहूँगा जिसमें इस संबंध में क्लेम करेंगे तो हमारी इच्छा यह है कि जो स्माल पेपर्स हैं, छोटे पेपर्स हैं जिनका सर्कुलेशन पांच हजार से कम है उनके ऊपर इसका बोझ न आये। सलैब बनाया जाय जिससे पांच हजार से ऊपर वाले पत्रों पर इसका बोझ पड़े। कुल मिलाकर हमने अंदाजा लगाया है, कुल मिलाकर इस प्रेस काउंसिल विधेयक पर एक साल में 6 लाख रुपया का खर्चा है जिसमें से लगभग आधा सरकार सब्सिडी ग्रांट इन एड के रूप में देगी और आधी व्यवस्था पत्रों को स्वयं करनी पड़ेगी। यह सिद्धांततः सभी पत्रकारों ने, पत्रों की संस्थाओं ने स्वीकार किया कि पत्रकार अगर इसमें फी के रूप में कन्ट्रीब्यूट करेंगे, योगदान देंगे तो उनको पार्टीसिपेशन का हिस्सा मिलेगा और जो बात पहादेव प्रसाद वर्मा ने कही वह महत्व की है कि सरकार इन संस्थाओं को अगर अनुदान के आधार पर चलायेगी तो आज नहीं तो कल मत में यह इच्छा पैदा होगी कि चलो इसके आधार पर कंट्रोल करो, नियंत्रण करो। इसलिए हम व्यवस्था ऐसी करना चाहते हैं कि आज नहीं हमेशा के लिए प्रेस की आजादी जितनी मात्रा में इसको इन्स्टीट्यूशनलाईज्ड प्रोटेक्शन दिया जा सकता है, संस्थागत सुरक्षा दी जा सकती है वह देने की कोशिश करें और प्रेस काउंसिल, यह प्रेस परिषद् विधेयक इस दिशा में उठाया गया एक महत्वपूर्ण कदम है। मैं अपेक्षा करता हूँ कि जिस प्रकार से प्रेस की आजादी को सुरक्षित करने के लिए पहले दो कानूनों को सर्वसम्मति से इस सदन का समर्थन मिला था और दूसरे सदन का भी मिला था, इस बार भी वे इसको सर्वसम्मति से पारित करेंगे।

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The question is:

"That the Bill to establish a Press Council for the purpose of preserving the freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): We shall now take up the clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3 (Rule of construction respecting enactments not extending to the States of Jammu and Kashmir and Sikkim.)

SHRI LAL K. ADVANI: Sir, I beg to move:

8. "That at page 2,—

(i) in lines 8-9, for the words 'States of Jammu and Kashmir and Sikkim shall, in relation to those States' the words 'State of Jammu and Kashmir or Sikkim shall, in relation to that State' be substituted.

(ii) in line 10, for the words 'those States' the words 'that State' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The question is:

"That, clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5—Composition of the Council.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Mr. Mahanti, are you moving your amendment?

SHRI BHAIKAB CHANDRA MAHANTI (Orissa): Obviously, the intention behind this Bill is to make the Press Council, when it becomes law, an effective and to be effective it should be workable body. I thought that 28 members will make it an unwieldy, not a workable, body. If the hon. Minister thinks otherwise and if the Joint Select Committee has agreed on this, I have no objection to the original clause, that is, 28 members.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Are you moving your amendments?

SHRI BHAIKAB CHANDRA MAHANTI: I am not moving my amendments.

SHRI LAL K. ADVANI: Sir, I beg to move;

2. "That at page 3, for lines 14 to 17, the following be substituted namely:-

'Provided further that the nominations under clause (a) and clause (h) shall be so made that among the persons nominated there is not more than one person interested in any newspaper or group of newspapers under the same control or management.'"

SHRI LAL K. ADVANI: Sir, I beg to move:

3. "That at page 3, after line 35, the following proviso shall be inserted, namely:—

'Provided that where there is no association of persons of the category referred to in the said clause (c), the panels of names shall be invited from such news agencies as may be notified.'"

दोनों के बारे में अपने मुख्य उत्तर में मैंने एक्सप्लेनशन दिया ही था।

The questions were proposed.

SHRI LAKSHMANA MAHAPATRO: Is it only a drafting improvement?

SHRI LAL K. ADVANI: It is just trying to make it clear so that chain papers are not represented either in 'A' or 'B'.

KHRI LAKSHMANA MAHAPATRO: Right.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The question is:

2. "That at page 3, for lines 14 to 17, the following be substituted namely:—

'Provided further that the nominations under clause (a) and clause (bi shall be so made that among the persons nominated there is not more than one person interested in any newspaper or group of newspapers under the same control or management.'"

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The question is:

3. "That at page 3, after line 35, the following proviso be inserted, namely:—

'Provided that where there is no association of persons of the category referred to in the said clause (c), the panels of names shall be invited from such news agencies as may be notified as aforesaid.'"

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Clause 7—Conditions of service of Members

SHRI BHAIRAB CHANDRA MAHANTI: Sir, I beg to move:

4. "That at page 4, lines 32-33, for the words 'the meetings of the Council' the words 'the meetings of the Council and of the Committees' be substituted."

The question was proposed.

SHRI BHAIRAB CHANDRA MAHANTI: Sir, I have moved this amendment. The relevance of it is clear when you read clause &. It says...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You need not read the whole thing. The amendment is clear.

श्री लाल कृष्ण आडवाणी : नहीं, अगर वो कमेटीज बनेंगी तो स्वाभाविक रूप से उसमें लागू होगा। वैसे मैं एक बात बता दूँ कि कौन्सिल को यह भी अधिकार है कि इसी क्लॉज के अन्तर्गत कमेटी बनाए। जो बाहर के लोग हैं इसमें, अगर उनको भी यही अधिकार देने या इमाल्युमेन्ट्स देने की बात कहेंगे, तो नहीं होगी। इसलिये for all practical purpose अगर कमेटी बनती है और कौन्सिल के सदस्यों की बनती है, तो उनको निश्चित रूप से दिया जायगा।

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Do you press your amendment? He has replied to your amendment.

श्री लाल कृष्ण आडवाणी : मेरा निवेदन है कि आप इसे वापिस ले लें क्योंकि आप जिस उद्देश्य को प्रस्तुत कर रहे हैं, उसका इसमें समावेश है।

SHRI BHAIRAB CHANDRA MAHANTI: Sir, I withdraw my amendment.

•For text of Amendment, vide col 279 *supra*.

*Amendment (No. 4) was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 12 toere added to the Bill.

Clause 13 (*Objects and Functions of the Council*)

DR. V. P. DUTT: Sir, I move:

5. "That at page 5, lines 35 and 36 be deleted."

(*The amendment also stood in the name of Shri Rishi Kumar Mishra.*)

SHRI AMARPROSAD CHAKRABORTY: Sir, I move:

7. "That at page 5, after line 40, the following be inserted namely:—

'(cc) to ensure on that part of newspapers, news agencies and journalists, the spirit and courage of exercising their rights and performing their duties without any fear, particularly in the matter of exposing the exploitation of the poor people by the capitalists;'

The questions were proposed.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Dr. Dutt. Please be brief.

DR. V. P. DUTT: Mr. Vice-Chair-man, Sir, please do not guillotine us. You realise that when you are speaking how you feel when you are guillotined by the Chair. Please give us a few minutes time to explain our point of view.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Yes, make your point.

DR. V. P. DUTT: Sir, I should like to tell the hon. Minister the talk I have had with very well-known journalists today. I asked half a dozen of them separately what their views about the Press Council Bill are, and what they thought of what we are trying to do. I must tell you that I was most surprised with the answer. All of them said the same thing to me that they have not bothered to read it, they do not know exactly what it is because the previous Press Council was ineffective, virtually helpless, and this Press Council is also going to be equally ineffective and helpless. Why? In fact, if you ask them this question, an honest question, they will themselves tell you that the Press has never really been free—it was not free yesterday and it is not free today—and that, generally speaking, they write what they are expected to write. There are, of course, distinctions. I do not want to take the extreme position. But I am telling what the feeling is. They write what they are expected to write. What they are expected to write is what their owners want them to write, and they are intelligent and educated enough to know what their owners want them to write. Therefore, they are not taking this whole thing seriously. Unfortunately, my hon. friend, the hon. Minister, Mr. Advani—I have great respect for him—I must say, is doing exactly what every Minister for Information and Broadcasting has done since independence. And I am blaming every Government. I am blaming the Congress Government and I am blaming this Government that none of them has the courage to take up the real issue, the question of making the press really free. All of them tried to postpone the issue, to evade the issue, to get it postponed through the appointment of a Commission. After all, what do you want to know about concentration of ownership in the press which you do not know already? What do you want to know about the economics which you do not know already? What do you want to know about diffusion which you do not know al-

ready? You asked the Press Council also to go into this question of the freedom of the press. I know that it is embarrassing. I know that it is embarrassing because no Minister for Information and Broadcasting has really been able to handle this question. And as long as the power of the money bag remains, as long as the power of the jute bag remains, as long as the power of the gunny bag remains, the press cannot really be free. And you know the examples and, therefore, what you have done also is to postpone it. I do not blame you because every Government has been chary, fearful of touching what they think is a dynamite, the ownership by private industry. However, I would like to say that even then, we should have a relatively limited free press than to have a no free press at all. That is why, I moved my amendment about the code of conduct. Why have I moved this amendment? After all, when you are talking about the Press Council Bill today, you are also talking in the context of the 1970's, that is the context of 1978. You are not talking in the context of 1956 or 1952. You are talking in the context of the experience that we have gathered and gained today. You said that there is a difference between formulation and building up of a code of conduct. The previous Press Councils and many other committees have said that there should be some kind of a code of conduct and you say that instead of formulating we are asking them to build up. Now, I would like to ask this House, really speaking, can there be such a difference between formulating and building up? Who is going to build up? After all, the same persons who, you said, are not now going to formulate. They were earlier expected to formulate. "Now they will not formulate but they will build up. But the suspicion remains in the press circles and even in the non-press circles that this may be the thin end of the wedge.

In fact, I know that there are the problems of what has been called the yellow journalism. I know there are

[Dr. V. P. Dutt]

problems of irresponsible writing. In fact, let me say that I myself have been the victim of vicious writing in the press, even in responsible press more than once. But, yet I think it is much better that we give them the freedom than try to impose something on them which would not work. That suspicion would be used either by the vested interests or by the Government in order to control the press. Why is it that all the press people are against this? After all, that also should be taken into consideration. You said the two representatives who opposed, who have given their minutes of dissent have said that they had to do it because they were representing the feelings of the press. Now, I put it to you, hon. Minister, if this is the feeling, if this is the suspicion, then what is the need for insisting on it? You say, there may be apprehension that if this sentence is deleted from it, then it would be taken to mean that there would be no curb on irresponsibility. I do not see how, because you yourself say that you are not going to impose anything, that there will be this building up, which means a gradual consensus to be evolved. If that is so, what is the check on irresponsibility? You are only feeding suspicions. (*Time bell rings*). After all, the press also feels whether it is formulation or whether it is building up, if it is meant seriously then it would lead to imposition, and, if it is not meant seriously, then there is no need to have it. That is my submission to you.

Sir, I would like to make one more submission to you. But please do not think that I am irrelevant. (*Time bell rings*). I would like to submit to you that the time has come when you should seriously consider, the House should seriously consider, both the Houses should seriously consider and the press should seriously consider whether or not, in order to make the press really feel independent, we can have constitutional guarantees for the freedom of the press and also constitutional guarantees guarantee-

ing delinking and diffusion, without which freedom of the press has no meaning. Therefore, kindly do consider the question of constitutional guarantees for delinking and diffusion of ownership of the press and, in the mean time, I would request you, because these suspicions have arisen, not to insist on keeping it because thereby you would only be feeding suspicions.

SHRI AMARPROSAD CHAKRABORTY: Sir, from my experience as the President of a journalists trade union, I have given this amendment. For the last few years and now—we both are the directors of another paper taken up by the Government—our experience is that whenever there is a movement of the working journalists, i.e., of the weaker section, the news about the people who are greatly connected or basically connected with this struggle, is not published at the visible or the invisible direction of the higher-ups. That is the most sorrowful thing. So, Sir, I

7 P.M.

apprehend that so far as the weaker sections are concerned, this code of conduct and this building up of these codes will not be followed to protect the weaker sections, and I have given this amendment with that end in view. Though the Council is given the power but still the weaker sections in view, I have given this amendment and I need not speak much on this issue.

SHRI LAL K. ADVANI: Sir...

SHRI LAKSHMANA MAHAPATRO: Let him agree to delete it.

SHRI LAL K. ADVANI: Sir, I have briefly referred in my reply to the issue of the code of conduct. Mr. Dutt has raised it again and I was listening again and again to some interruptions from the other side about Shri P. G. Mavalankar having appended the note of dissent.

SHRI KALP NATH RAI: Yes, I said it.

SHRI LAL K. ADVANI: You are right. He appended it on the specific point. He was not there when we discussed this matter and I notice that even in his dissent note what he says amounts to what the approach of the Government and of the majority of the Members of the Select Committee was, namely;

"In my view, the idea of a code of conduct, valuable and useful in itself, should best be allowed to evolve and emerge steadily and pragmatically on the basis of overall experience gained by all those concerned rather than priority consideration on construction of a code of conduct by the Press Council at a given time."

So, it is only when he was not there. If he had followed what I had said—and I repeated here—that the intention is not that the Press Council at a given time should sit down to formulate a code of conduct, the ten commandments, or the twelve commandments or the twenty commandments, whatever it decides... (Interruptions).

SHRI KALP NATH RAI: Please read through the letter.

SHRI K. K. MADHAVAN: Sir, it is not the intention here but the letter of the law that counts...

(Interruptions)

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Please don't stand up every time.

SHRI LAL K. ADVANI: It is in that context that the Joint Select Committee was of that opinion that is this was the majority view in the Joint Select Committee in the given context of things, because the code of conduct came to be associated with something that happened during the emergency which was obnoxious no doubt, because at that time, the proposal was to legislate a code of conduct by law, not by the Press Council, but the Government itself was to

lay down a code of ethics for the journalists which is something obnoxious. Here, neither the Government wants to lay down a code of ethics nor the Press Council is asked to lay down the code of ethics. The Press Council is asked to function in a manner, to take decisions in a manner that over the course of time, a code of conduct is evolved for the journalists. So, I do not think there can be any objection to this particular provision. I would, therefore, request Shri Duttji and Shri Chakrabartyji to withdraw the amendments.

श्री कमलापति त्रिपाठी : श्रीमन्, मैं यह प्रश्न करना चाहता था कि ज्वाइंट सेलेक्ट कमेटी में आपके कहने से ऐसा मालूम होता है कि जो पत्रकार थे उन सब की यह राय थी कि कोड आफ कंडक्ट का मामला, आचार संहिता का मामला इसमें न रखा जाए। क्या यह बात सही है कि सारे पत्रकारों की यह राय थी ?

श्री लाल कृष्ण आडवाणी : मैं यह नहीं कह सकता कि सब पत्रकारों की थी लेकिन मुझे याद है कि दो तीन लोगों की स्पैसिफिक तर पर यह राय थी। मैंने वहां पर भी यह भी कहा था कि जो भी मत होगा उसके अनुसार होगा क्योंकि मेरी दोहरी स्थिति थी। मैं पत्रकार भी हूँ और यह जो आपके मन में जो बात है उसको मैं ऐंप्रिणियेट भी करता हूँ, लेकिन मैंने साथ-साथ यह भी बता दिया था कि आज के संदर्भ में इसको काट देने का अर्थ यह होगा कि कोड आफ कंडक्ट की जरूरत नहीं है पत्रकारों की। इसमें कोई राजनीतिक पक्ष का सवाल नहीं था। सब लोगों ने बहुत आग्रह किया।

श्री कमलापति त्रिपाठी : आपने अभी कहा कि पुरानी गवर्नमेंट कोई कोड आफ कंडक्ट कानून बनाने जा रही थी। यह हो सकता है पुरानी गवर्नमेंट का विचार रहा हो लेकिन उसने कोड आफ कंडक्ट पर कोई

[श्री कमलापति त्रिपाठी]

कानून नहीं बनाया और न यहां पेश किया। उस समय भी यह राय थी कि कोड आफ कंडक्ट बनाने का मतलब यह है कि प्रेस की फ्रीडम पूरी तरह से खत्म कर दी जाए। मगर यह शंका आज भी लोगों की है। यह शंका आज भी अगर है तो इस शंका का निवारण करने के लिये यह तरीका है कि यदि पत्रकार कहते हैं कि इसको न रखा जाए तो उनकी बात आपको मान लेनी चाहिये। मेरा यह मुझाव है।

मान्यवर, आडवाणी साहब पत्रकार रहे हैं और मैं निवेदन करना चाहता हूं कि सौभाग्य से मुझे भी पत्रकारिता करने का अवसर मिला। जैसे आडवाणी जी पत्रकार हैं वैसे ही मैं भी करीब 20-22 वर्ष तक पत्रकार रहा हूं। मेरी समझ में आता है कि कोड आफ कंडक्ट आप से आप पैदा कर लेता है पत्रकार। और आज भी कोई न कोई कोड आफ कंडक्ट है। कोई न कोई कोड आफ कंडक्ट है पत्रकारों में जिसके अनुसार वह आचरण करता रहता है। कुछ मोटी बातें होती हैं जिसे पत्रकार जानता है। इस वक्त को अगर आप इमरजेंसी से तुलना करने हैं तो इसमें लोगों को संदेह हो रहा है इसलिये कोड आफ कंडक्ट को इसमें से निकाल देना अच्छा होगा क्योंकि यह पत्रकार की इच्छा है।

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Now, amendment No. 5 to Clause 13. Dr. Dutt do you press it.

DR. V. P. DUTT: Yes.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The question is:

5. "That at page 5, lines 35 and 36 be deleted."

Those in favour may please say 'Ayes'.

SOME HON. MEMBERS: 'Ayes'.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Those in favour may please say 'Noes'.

SOME HON. MEMBERS: 'Noes'.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): I think the 'Noes' have it.

SOME HON. MEMBERS: No, Sir. The 'Ayes' have it.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Then, Division.

SHRI KAMLAPATI TRIPATHI: Sir, I think, no division is needed. The Chair may kindly rescind that decision.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Does the House agree to this?

HON. MEMBERS: Yes.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): No, I will again put the question.

5. The question is:

"That at page 5, lines 35 and 36 be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Now we take up amendment No. 7 to clause 13. Mr. Chakraborty, do you press it?

SHRI AMARPROSAD CHAKRABORTY: Sir, since the hon. Minister has assured, I withdraw the amendment.

**The amendment (No. 7) was, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV). The question is:

"That clause 13 stand part of the Bill."

The motion was adopted. Clause 13 was added to the Bill. Clauses 14 to 24 were added to the Bill. Clause 25—power to make rules. THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Now we take up clause 25. There is one amendment. Mr. Mahanti, do you move it? SHRI BHAIRAB CHANDRA MAHANTI: No. Clauses 25 to 27 were added to the

Bill. Clause 1, the Enacting Formula and the Title were added to the Bill. SHRI LAL K. ADVANI: Sir, I move, "That the Bill, as amended, be passed." The question was proposed.

SHRI LAKSHMANA MAHAPATRO: Sir,...

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): I do not allow you. You have spoken earlier on the Bill. The Member who has already spoken in the first reading cannot speak, that is the procedure. (Interruptions) How can you speak? It is already very late. You have already spoken. You please resume your seat.

The questions is:

"That the Bill, as amended, be passed." The motion was adopted.

PAPERS LAID ON THE TABLE

I. The Prime Minister's letter asking for the resignation of the Minister of Home Affairs and Chaudhary Charan Singh's reply thereto.

II. The Prime Minister's letter asking for the resignation of the Minister of Health and Family Welfare and Shri Rajnariain's reply thereto.

III. The letters of resignation addressed to the Prime Minister by Shri Ram Kinkar, Shri Janeshwar

Mishra, Shri Jagbir Singh and Shri Narsingh, Minister of State.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Sir, on behalf of the Prime Minister, I beg to lay on the Table of the House a copy each of the following communications:

I. The Prime Minister's letter dated June 29, 1978 asking for the resignation of the Minister of Home Affairs and Chaudhary Charan Singh's reply dated June 30, 1978.
II. The Prime Minister's letter dated June 29, 1978 asking for the resignation of the Minister of Health and Family Welfare and Shri Raj Narain's reply dated June 30, 1978.
III. The letters of resignation addressed to the Prime (Minister *suo motu* by the following Ministers of State:

(i) Minister of State in the Ministry of Works and Housing, Shri Ram Kinkar;

(ii) Minister of State in the Ministry of Petroleum and Chemicals and Fertilizers, Shri Janeshwar Mishra;

(iii) Minister of State in the Ministry of Information and Broadcasting, Shri Jagbir Singh; and

(iv) Minister of State in the Ministry of Law, Justice and Company Affairs, Shri Narsingh.

[Placed in Library. See No. LT-2582/78 for I to III]

SHRI LAKSHMANA MAHAPATRO (Orissa): Why this partiality? Tomorrow it is 9th and on 10th it is being discussed. Why is it being laid at the fag end of the day?

उपसभ्यक्ष (श्री श्यामलाल यादव) :
अब सदन की कार्यवाही कल प्रातः 11 बजे तक के लिये स्थगित की जाती है।

The House adjourned at eleven minutes past seven of the clock till eleven of the clock on Tuesday, the 8th August, 1978.