The question was put and the motion was adopted.

SHRJMATI SUSHILA ROHATGI : Sir, with your permission I move :

"That the amendment made by the Lok Sabha in the Bill be agreed to".

T/ie question was put and fhe motion was adopted.

MR. CHAIRMAN: Yes, Mr. Bhupesh Gupta. You can take your time now.

I. STATUTORY RESOLUTION DISAP PROVING THE PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) REPEAL ORDINAN-CE, 1975 (NO. 25 OF 1975) PROMUL-GATED BY THE PRESIDENT ON THE 8TH DECEMBER, 1975

II. THE PARLIAMENTARY PROCEED INGS (PROTECTION OF PUBLICA TION) REPEAL BILL, 1976

SHRI BHUPESH GUPTA (West Bengal) : Sir. I move the Resolution.

SHRI T. N. SINGH (Uttar Prodesh): May I raise one point, Sir ? Sir. the other day when I was referring to the question of the proceedings of Parliament being reported, you had- said that if any complaint is brought to your notice you would look into it. I have now to bring to your notice a complaint. The thing is that though we walked out yesterday but still no mention is made about it in the proceedings. You have said that yon would look into any such cpmplainis. If you had not said, I would not have mentioned it but since you had said therefore I am drawing your attention to it.

MR. CHAIRMAN : Yes, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : Sir. It has been your misfortune to witness the spectacle of an old member in the House a great and dear friend of Feroze Gandhi, moving a Resolution such as the one I am reading out :

"That this House disapproves the Pai-liamentary Proceedings (Protection of Publication) Repeal Ordinance, 1975 (No. 25 of 1975) promulgated by the President on the 8th December. 1975."

Sir, I tried my best to impress upon t'he Government, if nothing else, in the name of or in the memory of Feroze Gandhi, not to push through, this Bill because I felt that in this particular Act which is sought to oe repealed now ana has oeen negated already in the Lok Sabha, we witnessed and would have been witnessing in tha years IO come, the contribution that our late friend Feroze Gandhi made to the working of the parliamentary system, to the immunities and rights of the Members, to the dignity and honour of our work and for the protection of our role to the people at large In the larger national interest, for the good of the nation and for the decencies of our public life. Today we are here called upon to bury that memory ourselves with our own hands which during his life-time we all together built and the Bill that was passed twenty years ago was conceived by him. drafted by him, piloted by him and pushed through by him amidst declarations not only of the members of both sides of the House but of all progressive jour-nalists including eminent editors of our country. I am sure,' Sir, if you look back to your diary, and if you had made an entry there, you would find that your reaction to that measure was sympathetic and understanding. But, Sir, it is not for me to recall your memories that go back to twenty years. But it is tragic, Sir. and painful for us in this Parliament to see that these measures are to be negated by a Government such as this. Sir, I believe, Mr. V. C. Shukla was also a friend and an admirer of Feroze Gandhi and Mr. V. C. Shukla was then younger in age, perhaps, brighter in many respects. I have very great personal affection for him even now. But it pains me that today when the man is no more, to whom many of our Congress friends in those days went for guidance and help and assistance, his creation, one Bill he sponsored and got passed in Parliament to bear his name that here is Feroze Gandhi's Act, is sought to be assassinated in this very House by people who used to be his friends and would. I believe, still cherish his memory.

Sir. coming to this measure, as you know, the parliamentary proceedings were not protected when they were reported in the paper. How this measure came, I think, some hon. Members here may remember; others being new or, perhaps, not very conversant with this aspect of the work of Parliament, do not have the facts in their minds. Sir here I should like to point out to you that this law,

[Shri Bhupesh Gupta] Feroze Gandhi's Act, did not come all of a sudden. It had its background. Sir, first of all, when the Press Commission was meeting in 1952, the journalists of the country made representations to the Press Commission that they were facing difficulties in reporting parliamentary proceedings because the taw of defamation always hung over their heads like the Damocles sword.

That is why they thought that some changes were needed and impressed upon the Press Commission to make recommendations to that effect. The Press Commission did make certain recommendations and suggestions to that effect. All they said was that the practice followed in the British Paliarment, in the House of Commons, should be followed in our country. This was one aspect of the background.

Then. Sir, another interesting thing happened. In this House, there was one question asked—we were there at that time— and that question related to some coal wagons which were bound for the Government ordnance factories in Modi Nagar. These coal wagons were diverted and delivery of coal was taken by some local industrialist. This resulted in a serious coal shortage at that time and many things came to light. The name of the industry which took the illegal delivery was mentioned in this House and. I believe, in the other House also. The PTI sought to report it. But this was not done on the ground that if that was reported, the Modi Nagar industrialist would file a case of defamation. The Press Trust of India was helpless because it had naturally no other proof than what the Government itself and the Railway Minister had stated in Parliament. Therefore, Sir, the Modi Nagar industrialist who stole the coal got away and when Parliament mentioned it, they saw to it, because of their power, money, wealth and the fact that the lawyers were at their command, that these were not published. This naturally angered Parliament and created concern among Members of Parliament because the people did noi know and on such an occasion it was necessary to make the names of such antisocial elements public.

Then, Sir, there was another instance. After the murder of Gandhi, in the Lok Sabha, Prime Minister Jawaha-rlal Nehru-made a reference to Mr. B. D. Savaikar's connection with Gandhiji's murder. As you know, when Pandit Jawaharlal Nehru spoke, he spoke not only sincerely on such matters, but with sufficient knowledge and authority as well. What happened ? Immediately after PTI circulated Nehru's speech, Mr. Savarkar gave a legal notice of defamation to the PTI. But the notice was waived on an under-taking being given by the PTI that it published Mr. Savarkar's statement. That is how Nehru's statement was made the subject-matter of legal action and the PTI for having committed the crime of publishing Nehru's statement made in a Parliament, in all seriousness and absolutely *bona fide,* had tO' publish Mr. Savarkar's statement also.

Then, Sir, I come to the third instance. In the Lok Sabha. Feroze Gandhi brought out the famous Bharat Insurance case of Dalmia which ultimately ended in the nationalisation of the life insurance business. In this House, and in the other House, we were fighting for the nation! i-sation of privately-owned life insurance companies and many factual data and other things were brought to the notice of the House by naming the individuals responsible for defalcation, manipulation and swindle of the savings of the community. Sir, the revelations led to a situation when Shri Ram Krishan Dalmia found himself in Jail. Such was the case made out. Sir, the Government accepted the exposures made by Feroze Gandhi and others in the two Houses of Parliament.

Sir, Mr. Chairman Deshmukh. the then Finance Minister of the country, I think, complimented Mr. Feroze Gandhi for having brought these things to the notice and the publication of which was equally welcome and helped the people. Sir, today after all that, Dalmia's name cannot be published even if the crime is bigger. Surely, they are very very happy. Now. this is the background. It was after these experiences that the Federation of Working Journalists could not publish articles reciting the examples of America, France or other European countries. It was emphasized that the parliamentary proceedings were to project the wishes of the public, the people outside and not only for the press itself but also for others. Therefore..

they stressed on it that they wanted protection to be given against the proceedings in the court which was specially exempted under article 499 of the Indian Penal Code. Under such circumstances, Feroze Gandhi introduced the Bill in the Lok Sabha in 1956, exactly on the 23rd of March. Sir, let us, when we bury his memory, at least remember his word by way of an epitaph to what we are doing. Sir, Feroze Gandhi moved this Bill and said :

> "I am conscious that I stand in special need of the indulgence of the House because I am aware that the great privilege which has fallen upon me of presenting the Bill to the House arises from no merit or talent that I possess but from the engaging whimsicalities of our parliamentary machinery. I am not the sort of back-bench Member who enjoys having thrust upon him the duty of somewhat tedious exposition from a script. I am rather the sort who enjoys descending upon the House at rather infrequent intervals—the sort of backbencher who existed in more spacious days—to castigate a mischievous Minister and then retreating for several months. I am afraid, therefore, that it tails to me to request the indulgence of the House while I fulfil the very great privilege and duty of moving *thi*< second reading. This is not what I have to say. These are the words of Mr. N. H. Lever who moved the Defamation Amendment Act, 1952 in the British House of Commons. He too like me, Sir—I am sorry, Madam—was a private member."

Persaps Madam occupied the Chair and the world 'Madam' brings a feeling of some emotion to m_v mind too. Shri S. S. More said : Let us make a convention to call t'he Chair' as 'Sir,'. And Mr. Feroze Gandhi continued :

> "Like myself too was a private Member and that shows that where matters of libel, slander and defamation are concerned, probably the private Members are usually summoned in all Parliaments. Madam, I am in need of greater indulgence of the House than Mr. Lever was for I am not a lawyer.
>
> This information may also help to ra;se my stock in the Treasury Benches"

And now the Treasury Benches never listen to the sentiments expressed by us. What has happened to the Treasury Benches in Mich matters, I do not know.

Shri Gadgil said : Half a dozen of them are lawyers. And then Mr. Feroz Gandhi continued .

> "I would like to express my thanks to the Law Minister for 'all the help that he has so kindly given me in drafting the Bill. I would also like to thank the Federation of Working Journalists and, all friends who have helped me and, if I may say so, inspired me to bring the Bill before the House."

In this connection, before 1 proceed further to quote his speech—because that will also be my speech today—I may remind you. I know it for a fact—and unfortunately he is not there to bear me out—that he met Prime Minister Jawahar-lal Nehru, had long discussions with him, and Jawaharlal Nehru was fully convinced. If I remember aright, he once told me that Panditji was quite enthusiastic about this Bill; there would be no difficulty. Then, Sir, the problem arose oT convincing Shri Govind Ballabh Pant, the then Home Minister of the country. Sir, these are very interesting stories. Then Feroze Gandhi went to Shri Govind Ballabh Pant and Govind Ballabh Pant, the Home Minister then, also gave his O.K. The Law Minister was then asked to help him in drafting the Bill, a fact which Feroze Gandhi gratefully noted in his speech.

Now, Sir, to quote Shri Feroze Gandhi again : "The Bill is a simple one. It seeks to privilege the publication of proceedings of Legislatures and confers on those who desire *to* publish our proceedings immunity from all legal action. The privilege which it sought in the Bill is not an absolute privilege, it is a qualified privilege. The Federation of Working Journalists and the All India Newspaper Editors' Conference have also demanded the freedom to report the proceedings of Legislatures without fear of any legal action. The Commission on the Press has also re-

IShri Bhupesh Gupta] commended the amendment of Section 499 of the Indian Penal Code to that effect. For the success of our parliamentary form of Government and democracy, and so that the will of the people shall prevail, it is necessary that our people should know what transpires in this House. This is not your House, or my House, ft is the House of the people. About 500 of us represent the desires and aspirations of 36 crores of our people. It is on their behalf that we speak and function in this Chamber. These people have a right to know what their chosen representatives say and do. Anything that stands in the way must be removed." Then he continued : "The extent to which democracy has succeeded can be judged by the extent to which we have successfully compelled the Government to function in the full limelight of publicity". . . "Sir. you know Fe-roze Gandhi's relations wTth the Prime Minister of the country at that time.". . . The entire machinery of Parliament is geared to that effect. Our objective today is a socialist society and it is here that we run into the first hurdle. The newspaper which is the means of conveying and giving expression to onr ideas belongs to a sector of economy called the private sector. The second and perhaps the bigg'.r obstacle is the law of libel or defamation. The law of libel hangs like the sword of Damocles over the head of every editor and correspondent and keeps impressing on him how precarious his existence is. Any newspaper which today publishes the proceedings of our legislatures does so at considerable risk and throws itself open to both civil and criminal action. The law of libel operates like a kind of silent censor..." Now we have not a silent censor but we have a talkative censor and a very active one. "... and in a way prevents people from knowing[1] that which they have a right to know." Sir, this is how Feroze Gandhi moved th$_e$ Bill.

Finally, Sir, since I cannot quote everything from his long speech, I would like the Members, even after the session is over to go indeed into what Feroze Gandhi said in the course of his long speech. I must congratulate him today again. Well, that congratulation will naturally be pas-thumous. Perhaps he will not get Bharat Ratna award. But surely a friendly and affectionate word of gratitude and congratulation will be well placed for a friend no more with us on such an occasion as this, so challenging and forbidding. His enthusiasm was not only well informed, well argued and convincing, but also it had the passion of democracy, the spirit of democracy, and an attempt to elevate the stature and dignity of our Parliament, while conscious of the fact that the press— a section of it—was in the grips of the monopolists. Remember every section of democracy which he wanted to be unfettered.

In that speech, many other things have been >said. It is not possible to quote them here. Then I should like to say that towards the conclusion of the speech, he appealed passionately for the. acceptance of his measure. And before voting took place, Mr. H. V. Pataskar^.the then Law Minister of the Union Government, got up. He commended the Bill for the acceptance of the House. What did he say ?—

> "I think it is a very gooa" Bill with a very good objective".

This is what he said, and many other good things he said, and he complimented Mr. Feroze Gandhi. In this House, who moved the Bill ? Dr. P. S. Subbarayan, another great friend of Jawaharlal Nehru, who was to become the Cabinet Minister and who held the post for number of years, moved this Bill in this House on May 11, 1956. He said—

> "Originally it was intended to apply this to all the legislatures. I even now feel that it would have been correct to have included all legislatures because these legislative assemblies are al^o miniature parliaments and they transact quite a lot of business which is of interest to the public. But that apart, Sir, I feel that this is a very salutary measure and should be passed into law."

And it was passed into law.

Sir, I find that I was one of those who got up from the Opposition Benches because I was occupying the same place at

that time. 1 got up to support him and we gave our full support, as all others did 'Sir, it would not be proper for me to quote my own spee:b—it is not necessary—because I have not come here to remind you what I said; I have come here Co remind you what Mr. Feroze Gandhi said, and what we are doing today to his memory. Forget what I said. But 1 would like to say in this connection thai every Member—here are the proceedings "before me—from the Congress side and from the Opposition side rose one after another to voice their full-throated and energetic and enthusiastic support to the Bill, acclaiming the initiative and effort Mr. Feroze Gandhi had made over this matter.

SHRI N. G. GORAY (Maharashtra) : Today's Congress is not Jawaharlal Nehru's Congress.

SHRI BHUPESH GUPTA. Well, that is another matter. I am not going to discuss it because after all, Sir, I am not writing history here today; I am just discussing the Bill that is before us.

What was the Biil?*The Bill was not so bad as it is sometimes made out. I have got the original Bill which was passed. In that Bill, there ar$_e$ two provisions, section 3(1) and (2). Section 3(1) made the provision that no publication shall have protection if the publication is proved to have been made with malice. That is to sa-y, under section 3 of Mr. Feroze Gandhi's Act, malicious publication was not given any protection.

Then, section 3(2) reads—

> "Nothing in sub-section (ll shall be construed as protecting the publication of any matter, the publication of which is not for the public good."

This was another provision. Now, Sir, the original Act which we arc now burying has two safeguards. Firstly, the publication must not be malicious if it is to get protection.

And publication must be for public good to get protection. If anyone can show that the publication is malicious, well. he wins and no protection is given to the paper. If anyone even shows that the publication is not for public good, he wins and the press has to suffer. Now even that is not tolerated. Sir, what will happen now ? Let us discuss the consequences of this Bill. I have given the background. Twenty years have passed since that law was enacted. What has happened to the country ? What is our balance-sheet ? Is the balance-sheet to be drawn by what happened during the last two years Or so or by the actions of some stray individuals here or some sections of reaction there, or is it drawn otherwise by taking inlo account all the plus points and minus points, the credit side and the debit side, in order to understand where we stand ? Sir. what happened ? Recount. During the past 20 years, in this House and in the other House, since the Bill was passed, how many exposures in public interest have been made ? Would there be any Vivian Bose Enquiry Committee report published, even if it had been laid on the Table of the House if there had been no Feroze Gandhi Act ? I should like to know. It would not have been possible for the Vivian Bose Enquiry Committee report, which was made available to Parliament, to be published in the newspapers because Dalmia had enough money to threaten de-t amatory action and prevent publication. What would have happened to the Mun-dfara case which led to the appointment of the Chagla Commission, the report of which was again published ? Sir, many r>f tbe disclosures made courageously by Feroze Gandhi himself in the Lok Sabha in 1957 and in later years would not have seen the light of day, as far as the public is concerned, had there been no protection given by the Act lie had conceived and piloted and got passed. What would have happened to the Amin:hand Pyarelal case where again exposures were made of malpractices and so on, which got published in public interest ? Aminchand Pyarelal, too. had a lot of money to prevent any such publication by the press. What would nave happened *to* many Birla exposures in this House, including tbe exposure which we made from these benches showing that-on the eve of devaluation, he got scent of it and earned by illegal transactions, by his own bank, the United Commercial Bank and his concern, the Hindusthan Motors, one million pounds sterling, de-

fShri Bhupesh Gupta]

priving the treasury of that amount, which has resulted in the ordering of an enquiry and which the Government itself has admitted ? Would Birla's name have been published at that time ? What would have happened to the reports of various enquiry committees which went into the charges of corruption against Ministers ? Today, Sir, we have got charges against the D.M.K. Ministry. May I know, after this Bill, which paper will dare to publish the charges and allegations that I may make, standing here against D.M.K. Ministers who have been overthrown and ousted from power ? Nobody will dare publish it because there will be always the threat of a defamation suit. Sir, you know very well the case of Bihar corruption, the charges of corruption against Ministers. We discussed it in this House and it was published in the papers, and as a result, an enquiry commission was appointed under the Commissions of Enquiry Act. What would have happened to those proceedings in Parliament and th$_e$ Commission's report insofar their publication in the press is concerned ? What would have happened to the enquiry against Biju Patnaik ? A Cabinet sub-committee was appointed and it gav$_e$ its report, and the report was placed on the Table of the House. Names and numbers were given some of which were published. Do you think such a thing is possible now ? No. Even Government documents branding corrupt people as corrupt, corrupt Ministers as corrupt, mentioning monopolists, and others for their crimes, economic and other offences, will not be published. What is the guarantee ? No guarantee. For example, if I were to take th$_e$ names of Hajii Mastan, Bakhia and other smugglers and mention them here, can their names be published No. The smugglers, too, have lawyers at their command and money at their command. Thev can go to the courts of law and stop the publication of these names. To who are you giving protection ? To th$_e$ corrupt officials, smugglers and others. There was an enquiry commission to go into the pipeline scandal. The names of the officers were given and they were sM published in the papers. Government appointed an enquiry commission to £o intQ the pipeline scandal. Would that have been possible if there was no protection given to the press ? People are entitled to know when on the basis of evidence accepted by the Government we, responsible Members of Parliament, bring charges against organisations and individuals in the public interest and for public good in order to protect our national assets and national interests. Now will they know the names (fiat we bring in here ? No. Now there will not be any publications of these names because the law of defamation is there. Sir. I can cite many instances. In this very House we had exposed the CIA agents by naming them. Toda$_V$' Government itself is talking about CIA activities in the country, about destabilisation and tools and agents of destabilisation. Is it not our right to expose them and mention them bv names as many of us have done in thi$_s$ House ? Now these mimes cannot be published in the newspapers because the law of defamation will be there. Why this thing ? Why ? I cannot understand. You go through these volumes and see for yourself the services the Parliament and its Members, on that side and this side, have done in exposing corruption, in exposing the anti-national elements and exposing all kinds of economic offences. Todav if I &av that some Americans are going about in this city carrying on disruptive and subversive activities to bring about destablisation, I am not entitled to get their names published in the newspapers, even if I am able to convince the Government and the Government accept mv contention. This is the position. How many CIA agents have been named here ? What is the guarantee now that these Americans will not com; and do certain things. Many things have taken place and you have caught red-handed some of the people for defalcating public funds, and evading income-tax and this was possible because their names were published. If I give another example. Wes-tinghouse and Mr. Drobot were, named and Government took action against them. These names will not be published hereafter because Westinghouse has the same right as a citizen to go to the court of law and file a defamation suit against any newspaper publishing that name. Is it right ? Harijans have been murdered bv landlords in Tamil Nadu and other places and we have named those landlords. Government have accepted our statement. But these names cannot be published now because thev are honourable men protected by Mr. Sukla's burial

of the Feroze Gandhi Act. Why this ? If some people commit rape on Harijan women, I cannot disclose those names because these names are to be protected and Parliamentary immunity will not be extended to the newspapers. Such names should be known to the people outside. I can give several instances, if T start giving instances, I will ha\e to ask you to have a special session and give me at least three days to speak at lenath when I shall give you instances galore to show to you what services this Parliament and all of us together—we do not claim any monopoly and *Mw* Feroze Gandhi, after all, did not belong to the opposition side—have done. He belonged to the other side and we have done together many things.

Sir, some time ago, in Parliament also, we made a demand for taking action againfl the monopolists. The Birla Memorandum was submitted and we raised the issue and we brought it to the notice of the Government. We also brought to the notice of the Government many cases of Income-Tax evasion on account of which 151 Income-Tax cases of the Birlas have been reopened. Today, if 1 say that the Birlas are tax evaders and give such voluminous evidence afyj convincing material which the Government would find acceptable, even then the names of the Birlas cannot be published because Mr. Birla will go ten the court to sue the paper for the publication of this on the ground that it is defamatory because there is room for defence in the law relating to defamation. But what can be done if what is published is true ? I can accuse anybody here and I can accuse the Government. We are all agreed on this. I can do it and it will be in the proceedings. But the country will not know because the Publication of that is barred. This is what is happening. Naturally, Sir, the monopolists are the happiest lot today. They are the happiest people now. The monopolists and others will be happier now. You are taking away something which has, by and large, served the national interests although I admit that it has been abused bv some sections of the Press. I would come to that point also. Sir. His case will be that it is being abused bv them. Sir;- when has any right or any privilege not been abused by the reactionary, counter-revolutionary, antisocial and anti-national elements? I should like to know this. Always tney nave misused the rights and previleges given to them' We have some rights and some priveleges in Parliament. I can speak as much as I like and anybody can speak as much as he likes easily and under article 105 of the Constitution it is a privilege and it is a right given *Jo* us. But it does happen also that such a right is abused even bv some Members of Parliament sometimes by their making all kinds of allegations, absolutely *nuila fide* and false. Does it mean that on account of that article 105 of the Constitution is to be amended to take awav that right of ours, that privilege of the Members of Parliament, in this manner ? Sir, you will never suggest this kind of a thing. Therefore, I say that this kind of character assassination has taken place through the> Press. I agree. But which are the papers which have done this thing? These papers ar6 those which the late S'hri Feroze Gandhi spoke against even while moving his Bill, the monopoly Press and the reactionary Press, which have seized upon the speeches and the statements made in the Houses of Parliament in order to give publicity to them, to help the campaign of destahlisation or the counter-revolutionary or fascist campaigns. Go to the monopoly Press and go through the papers. You will see that whatever has been said against the Communist Party, tor example, in Parliament by our Jana Sangh friends, by our Swatantra Party friends and others in the past, have been given big headlines by those papers. Sir, we have been the victims and sufferers of this kind of misuse of parliamentary reporting. But. whatever we h;i\e said against them, against the Jatta Sangh and against others, has not received the same publicity in the jute Press. Therefore, we have suffered on that account also. But that does not meare that we should abolish the entire right itself.

Sir. it is true that some people, most irresponsibly, for political purposes, for purposes abominable and deplorable, have indulged in character assassination. Day after day I heard the late Mr. L. N. Mishra being assailed in the House and that got a lot of publicity in the Press, in the reactionary Press, but not in the Press with which people like us are connected. Have you, Sir, seen anything written against you in our Press ? No. We do not indulge in such character assassination.

SHRI DWHENUKALAL SEN GUPTA <West Bengal) : Sir. if somebody says that the movement led by Shri Jayaprakash Narayan is reactionary or counter-revolutionary, is it not character assassination ? 12 NOON

SHRI BHUPESH GUPTA : I did not mention any name Therefore. I say that Mr. L. N. Mishra has been . . .

MR. CHAIRMAN : I think you have taken more time.

SHRI BHUPESH GUPTA ; Let us take it. We are losing something valuable.... *(Interruptions).* If you go through the papers of the last two or three years, everyihing said against us has been given a lot of publicity, while everything said against our rightist friends, the total 'revolution-wallahs' and others has been blacked out. . (*Time Bell rings)*

MR. CHAIRMAN : You will again have 1he right to reply.

SHRI BHUPESH GUPTA : Right of reply can spill it to the next month... *(Interruptions).* Sir. I think this thing has mainly persuaded the Government. We dissociate with this character assassination. You have been here, Sir Have you ever heard us making say statement?...

SHRI KALI MUKHERJEE (West Bengal), : You have expertise in that. Don't think that. ...

SHRI BHUPESH GUPTA : No. When we spoke about the adts of Maharani of j Gwalior, no publicity was given in the capi- > talist press. When we spoke about Gayatri Devi of Jaipur about her gold and other things, one ton of which was seized, no publicity in the bourgeois press, or there was just a minor reference to it. We know this thing. Sir, everything said against the Soviet Union, for example, the most friendly country, received the widest publicity in the jute monopoly press. *Bui* when we said something against the U.S.A. about Vietnam and many other things, no publicity, or very scarce publicity, was given. But the moment one word is said against the Soviet Union or other friendly socialist countries, it becomes a box news, banner-line, front- ' page story of some of the newspapers. Please I do not use this argument of mine in your favour only. You use also other arguments that 1 am giving. . . *(Time Bel! rings).* I will not deny that abuse is taking place. We are sorry for it. We are ashamed of it. One of our great colleagues, a dear friend, as I have already mentioned, Jias become a victim of th» character assassination campaign. I have in mind Mr. L. N. Mishra. Sir. that we shaU never, never forget. But all the other corruption charges that we had made, real charges, substantiated by lh? police searches and others against those people, Maharanis, ex-Mabaranis and Rajas, thev were given practically no attention at all in the bourgeois, reactionary press. Therefore, Sir...

MR. CHAIRMAN : Please conclude.

SHRI BHUPESH GUPTA : Then, I suggest that there are ways of dealing with it., apart from the Feroze Gandhi Act. Sir, you as Chairman can always direct as to what should not be published. Even if something is parliamentary, it is absolutely in your power to direct, in public interest, that this should not be published; and I am sure you will exercise your best judgment in public interest, and absolutely *bona fide.* You hav> also to-rely on som_e of the rules. If the rules are bad and have loopholes, let us sit together and discuss. Apart from the discretionary powers of the Chairman, let us have rules in order to prevent such publicity. It is not necessary on that account to descend upon the Feroze Gandhi Act °r the Repealing Act. Sir. this is another point I should like to make.

Sir, w_e are very $sorr_v$ about it. The Prevention of Publication of Objectionable Matter Bill will be discussed. Press censorship is there and other laWg have been changed. And now, these proceedings so. Sir, by and large, our newspapers, small ones, which are not controlled by mojiopo-lists and bin business houses, have given a good account of themselves. 1 am not mentioning Motherland and others. They were pastmasters in character assassination and other scurrilous publication. As far as obscene publications and other things are con^-cerned, we do not discuss them. There is enough law in the country to deal with these publications. We do not discuss sex here so that its publication becomes pornography.

Sir, protection has to be viewed froiw a larger political and moral angle. This Parliament is strong enough to look after itself. It is not necessary to withhold the protection that We gave ourselves unanimously in both the Houses. This is what I would like to say in this connection.

Sir, 1 feel very sorry for this thing. I feel very sorry for a variety of reasons. Sometimes, I have a little emotional feeling. But, to be emotional in such matters is not perhaps necessary. I know it very well. Mr. Shukla will not pay any attention to my emotion. But let him give some attention to my arguments. Mr. Feroze Gandhi wanted this law to apply to the proceedings of the State Legislatures also. Then, he restricted it on the advice of some people. Parliament functions before the eyes of the nation. Our audience is not only those who sit here or occupy the galleries. Our audience is the whole country. Let the people judge us by what we say here. If we make bad allegations and suspicious allegations, people will punish us. If we make good allegations in the national interest, for public good, for protecting what is good in public life, for exposing monopolists, landlords and corrupt and degraded elements in our public life and bring it to the notice to the House the scandals that defame our. country more than any defamation, that should be known to more people. Ultimately, it is the people who are the masters or this Parliament. How can we take away that thing from the people ? It is said that the proceedings will be there. I know they will be recorded. People do not read the proceedings. They go by the newspapers several millions of which circulate. They go by the reports given by the All India Radio and other things. They will be denied the right to be informed of what goes on here. They have a right to pronounce their verdict and judgment on our behaviour. They have a right to know who arc anti-social, who are corrupt and who should be taken care of by the people and against whom people should be vigilant. If something is said about somebody, that will not be published any more because that person can go to the court of law and sue the paper for' defamation. *{Time bell rings).* You have made allegations, very rightly, against some of the Opposition Leaders here and that would not be published. Sir, in this very House. I brought to your predecessor's notice how Mr. Morarji Desai, for example, was holding shares in an industrial concern and withdrawing that money for investment in his son's concern. At the same time, he was advising the people to save money by introducing compulsory deposits and other things. Will that be published will not Mr. Kanti Desai, the illustrious son of Morarji Desai, having been protected by the measure you are passing, go to the court of law and prevent us from bringing all these things to the public notice.

MR. CHAIRMAN : Now, you take your seat.

SHRI BHUPESH GUPTA : Therefore, Sir, what you are doing you must know. Even a Minister is not free. If the Ministers statement says that some is a smuggler, even that will not be published.

1 am sorry, Sir, 1 have taken your time. 1 am conscious of it. But there conies a time in parliamentary life when truth has to be told. And every word I have uttered, every word I have said is based on factual data, including the proceedings of the. House.

Sir. this is a shameful act, a shameful and self-denying Ordinance. It is meant to take away something good. The fact that some people had misused docs not mean that we should throw the baby with the bath-water. Sir. it was open to us to have mutual counsel and discuss how we could meet the situation of character assassination by changing the rules, and by even Dg more powers necessary to the Chaii. That course we have not taken. Behind the back of Parliament, when Parliament was going to meet, an Ordinance was hurriedly issued, thereby committing a *fait accompli.* which will compell the Congress Members to do nothing but endorse and vote for it. Therefore, I appealed to them, even when this thing was under discussion ‘n lh; Lok Sabha to reconsider this measure, not to bring this to the House, and to let it lapse. But the Government has thought that it must go its own way. S;r, all 1, say is that this is not showing respect to Parliament. Sir, we are all sorry and the measure will be celebrated by the Tatas

[Shri Bhupesh Gupta] and Birlas, by the Goenkas and Dulmias. by the tribe of smugglers, financiers, corrupt officials and oppressive landlords, those who lynched the Harijans and raped Harijan women, and those who carry on depredation of all kinds in our public life. The measure will be celebrated by th? agents of the CIA and the CIA operators in this country whose names we announce here or mention here wouid not sec the light of the day. As far as the people are concerned, Sir, it is a blow, not to the Press, but to our dignity, to our honour, to the respect of Parliament, to the stature J to which Parliament was raised by Feroze Gandhi. It is a blow not only to the present but to the future as well because to sharpen the struggle, it will be very, very necessary for us to expose all antisocial, fascist, corrupt, rightist elements, and these elements in our economic and social life who live on the fat of the land by their blatant plunder, by their corruption, by their injustices and uncountable calumny. These people will be under the protection of the Repeal Act and will be defied the chance of having to face public exposure. Sir, they will celebrate and we all will be sorry. Thank you, Sir.

The question was proposed.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA): Sir, I beg to move: "That the Bill to repeal the Parliamentary Proceedings (Protection of Publication) Act, 1956, as passed by the Lok Sabha be taken into consideration."

Sir, there seems to be some misunderstanding in the minds of hon. Members about the scope of this repealing Bill Here, I must make it clear that this repealing Bill does not bar publication of any proceedings of Parliament. Any newspaper and every newspaper can publish every word said in this hon. House about any person. Hon. Members are protected by article 105 of the Constitution, ;,*ul* anything said by them is not accountable in a court of law. Therefore, the right of the Members to expose monopoly houses, expose scandals or any othei malpractices h completely unhindered or completely unaffected by this repeal. Now, the point thai has been raised is that such exposures .and other things apart from being heard by the hon. Members and the members Of trie Government should also be known U> the public. As far as public knowledge is concerned, in genuine exposures like the one Feroze Gandhi has made during his life-time and the hon. Member has made during his long and glorious tenure as a Member of this House, these things can still be carried in the newspapers without any difficulty. The newspapers have en uncanny sense of knowing wnai is truth and what is not truth in a general sense and whenever they have published wrong and malicious and false accusations hurled in the House against the Members of this House, like Shri L. N. Mishra, or the Members of *the* other House or non-Members who are occupying eminent positions in the life of this nation, in most of the cases they ha\e deliberately done so. But the responsible sec-lion of the press, as Mr, Gapia will concede, refrained from giving prominence to such accusations because this section fell that although they had immunity from defamatory proceedings under the common law of the land still they thought that these charges that have been made against the people holding high offices, including the President of India, the Vice-President of India, the Prime Minister of India and various other high dignitaries were flung the people holding high offices, including completely without any sense of responsibility and most of the time with malice. Although the Act which we seek to repeal today provides against the publication with malice but the charges made with malice were not protected if the charges were made in the House with malice and it was known that the charges were made with malice. The Act provides against any such reporting done with intention to malign but the newspapers could easily go before the court and say that hey did not do so with intention to malign anybody, that these charges were made in the House and that they have faithfully and substantially and correctly reported the proceedings of the House. The result was character assassination and difficulties of all kinds and false charges were hurled in a planned manner against people who were doing public duty. It became such a racket that it became impossible for people to carry on with their normal avocation, normal work. Some people who wanted to take these matters to courts could not do so because

the consideration mentioned as a safeguard in the Act which we want to repeal says that it should be without malice, the reporting shoufld be without malice. Now, this is a subjective thing and this cannot really be proved in a court of law by them. Therefore, the people who were defamed or whose honour was defiled could not take any protection under the common law of the land. This in turn Uarted a vicious movement in the country. You would be surprised if 1 indicate to you what was happening. There was a systematic campaign going on for the last so many years. Some hon. Members along with certain journalists would sit together and decide that if certain charges were hurled against the Members or non-members and without the sanction or permission of the presiding officers and against all rules of procedure of the Houses they would git banner headlines and they would get full coverage in the press and this used to happen. Somebody would get up in the Zero Hour and level completely false, motivated charges and malicious charges and very constructive speeches made by hon. Members of the Houses would be tucked away in a corner or not reported at all and these false charges, baseless and malicious charges which were anti-national and completely against any national interest would be played up by the jute press.

Mr. Gupta, while speaking, has given a *great* justification for this repeal. He himself stated several instances when speeches made by him and by other hon. Members with constructive intentions were blacked out by the jute press or the monopoly press, whatever you may term it, and they published all kinds of things which had no relevance to public interest and which had no relevance to the problems of the country, problems of the people. They were played up with a certain scheme, certain design and a certain manner so that they could fulfil the ulterior motives. These were completely motivated and it was a false reporting done not by the parliamentary correspondents or anything but the papers would completely kill or inhibit healthy debates. Members who wanted to make constructive suggestions and constructive criticism, who wanted to raise the level of debates in the Houses of Parliament, were discouraged from doing so because they never found any mention in most of the papers of the country. The people who brought sensational charges, false charges and charges which were completely unfounded on facts, found big spaces devoted to them. So there was more and more a counter tendency developing in Parliament amongst the Members to get on to the sensational kind of speaking, not bothering about the facts, not bothering about the national interest, not bothering about the dignity of the Presiding Officer or the dignity of the House and this was the thing which we have witnessed for so many I am quite sure, Sir, having had the privilege of knowing Mr. Feroze Gandhi, if he were alive today, he would have himself seen the qualitative and quantitative difference that has taken place in the last 1(1 years. . .

DR. K. M VI HEW KURIAN (Kerala): He would have been in jail.

SHRI VIDYA CHARAN SHUKLA : He would have himself moved for the repeal of the Act. The Bill which he had brought forward and which was enacted by Parliament was done with high hopes of the Members being restrained, Members exercising selfrestraint, Members exercising various kinds of ethics but all these hopes were completely belied. I must say, Sir, that these hopes were belied and lots of Members of Parliament, majority of the Members of Parliament, spoke in a I anguished manner that the entire parliamentary proceedings are being misdirected by slandered reporting and reporting with such motives which are not in the best interest of the country. . .

SHRI N. G. GORAY : What is the reporting now ?

SHRI VIDYA CHARAN SHUKLA : When Mr. Feroze Gandhi brought up charges of corruption, when Mr. Bhupesh Ciupla brought up charges of corruption against newspapers which reported not because the charges were correct but because they felt that these charges having been made, were established, it was not such an easy thing for anybody to go to a court of law only to scare the newspaper. If the person against whom true charges or partially true charges had been made in the I House goes to the court of law in a suit

[Shri Vidya Chftran Shuklal for defamation, we know what happens to the suit for defamation in courts of law. Most cf the people who go in such suits to the courts of law. regret it later on. If he is completely hundred per cent not guilty, then of course he will get due redress from the court but if he is partially guilty or substantially guilty of the charges that had been brought against him in the House and published in the newspaper, first of all he will dare not go to the court for any defamation suit and if he does, he will come out in a worse form. He will definitely come out of the suit of defamation in a very, very bad form and he will get the beating that he deserves. But if an innocent man is soughk to be maligned by a conspiracy, then how does that man seek the protection that a common citizen has today ? Sir, by giving any immunity to such publication or even to hon. Members of the House, the common citizen of the country by implication denies himself a certain right under the common law. For the hon. Members of Parliament, it is a justified immunity because when they discharge their duties as elected representatives of the people, they should have no inhibitions in their minds, no fear in their minds and they should be able to put forward whatever they know or feel in a proper and systematic manner. Bud when it comes to reporting, the newspapers must be able to, and should, exercise enough discretion to determine what should be reported and what should not be reported. It would be very naive for anybody to say that the experienced journalists and editors cannot, and do not, make a difference between charges and reports which are politically motivated and reports and charges which are genuine. They have been able to make such distinctions and I am sure they will be able to make distinctions of this nature in future also. The ies» ponsible section of the Press has been exposing malpractices without any fear and even after the repealment of this Act takes place, I am certain that whenever such matters of public interest come up, which *prima facie* appear to be true or which appear not to be false, they will certainly get prominence in the newspapers. The newspapers, as I explained earlier, have no restrictions whatsoever. I am talking of the normal times when (here is no censorship. They have no restrictions and every word can be reported. But newspapers will have to accept the responsibility for reporting. They cannot take the plea that like Members of Parliament, they also enjoy the. same immunity granted under article 105. The immunity granted to hon. Members is confined only to what they say inside the House. This immunity is not available to hon. Members outside the-House. If Mr Bhupesh Gupta or any other hon. Member goes out and says the same thing that is said here, he would not be protected under this immunity. If somebody wants to haul him up in the court of law under section 499 of the Indian Penal Code, he can do so. But newspapers printing anything cannot be hauled up. They" enjoy the immunity always. The immunity which is available to hon. Members only inside the House, when they are speaking on the floor of the House, is dable to the newspapers everywhere. This is available to the district newspapers the yellow journals and so on which are published in thousands all over the country. They can pick and choose and they can take extracts completely out of context and give them prominent headings and prominent display in their newspapers. They can go scot free because nobody can take any action against them. When we are saying these things, we are thinking of that section of irresponsible Press which has been systematically misusing it to the national detriment. Therefore, the high hopes about the ability of the Press for self-restraint, self-discipline and the code of ethics which the Press Commission had indicated were completely belied, not only in our experience, but in the experience of Parliament as well. Therefore, I can assure the House that the repeal of this Act, when it ultimately takes place, will not inhibit Ihe reporting of the proceedings of the House. It will, on the other hand, encourage people to raise the level of debate. It will encourage healthy criticisms and it will encourage a high level of debate. Those people who were thriving on scandal-mongering and sensation-monger-ing, will be completely discouraged because will not find sensational, scandalous and false charges for reporting in the Press. But, if Members like Mr. Bhupesh Gupta or the late Feroze Gandhi or any other, . .

SHRI BHUPESH GUPTA : After the law is repealed, you do not come into the picture. Will you ask Mr. K. K. Birla to give an assurance in writing ?

SHRI VIDYA CHARAN SHUKLA : When Mr. Bhupesh Gupta was out for a moment, I was mentioning to the House that bringing forward a defamation case is not a joke and anybody who files a defa mation case only to hide his fault always gets a heating in the court of law. You, as a lawyer, can recall the provisions of section 499 of the Indian Penal Code. It protects the person and it also protects the newspapers. They can say things which are.... 'I *i A*

SHRI BHUPESH GUPTA : Did it ever occur to you...

SHRI VIDYA CHARAN SHUKLA : Sir, I am not yielding. The hon. Member has the right of reply and, therefore, he must not get impatient. He can reply to all the points. Let him make notes and revert back to those points rather than replying to them on the spur of the moment.

I was saying that the people who are defamed, the people who are charged with defamation, have got certain rights under the I.P.C. If the charge is proved to be true, then the defamation charge fails. If the charge is proved to be made in the public interest and without malice, then also the charge of defamation fails. So, the newspapers need not be unduly afraid of defamation suits coming up. If any charge that is undo in the House is properly read and picked up by the newspapers and reported, the newspaper need not have any inhibition. I can assure the hon. Members that whenever any genuine charges are made, like Feroze Gandhi made against the Bharat Insurance or the charges against Mundhara were made in the House and we have seen in the last 20 years various charges were made in a responsible manner, they were all picked up by a responsible section of the press but look at the other side of the picture of character assassination, of deliberate maligning of the national leadership for ulterior political motive to destroy the fabric of parliamentary democracy, to destroy the credibility of the Government, not because they thought that it was in the interest of the people but because they thought that it was in their narrow interest to destroy image of a particular leader of the nation or a person holding an important position. Take the example of Shri L. N. Mishra, which the hon. Member l#s quoted and which can be quoted very often. He was a person who was completely innocent of the charges that were hurled against him day in and day out and it came to such a position where an atmosphere was created and he was assassinated, but for the fact that he was so systematically defamed and his character was assassinated in both the Houses of Parliament and it was systematically taken up by the jute press, by the monopoly press with ulterior motive, I do not think a situation would have been created in the country where a political assassination of this magnitude could have taken place. Now, this is the instance which Mr. Gupta himself has quoted and we want to prevent such things in future. So, the newspapers will have no problem in reporting as long as they are willing to accept the responsibility under the common law of the land. The common law of the land, the right of the citizen must be protected and as long as a citizen has the right to go to the court, that right the newspapers must accept. The only exception that has been made by the Constitution and which must stay is the amenity granted to the hon. Members of Parliament when they function inside the Parliament.

Sir, with this clarification I hope the hon. Members will see their wav that this will not affect the dignity of the House, this will not affect the privileges of the House, nor will it affect the dignity or the privilege of th$_e$ newspapers to report. This will affect only those people who are against Haji Mastan, the smuggler, who are against the blackmarketeers, who are against the people who are in.iulging in anti-social activities. So, all these antisocial activities, all these smugglers, black-marketeers can still be criticised in the House, they can still be reported. If somebody was anything against Haji Mastan here and it is reported in the newspaper, supposing the *Times of India* reports what you say about Haji Mastan tod.iy, will he go to the court after he is out of the police custody and say that he is not a smuggler *t*

SHRI SAUL KUMAR GANGULI : Unless he is proved to be so by the court of law. . .

SHRI VIDYA CHARAN SH"KLA : It is one thing to threaten, it is ;#other thing to face a defamation cnargc in the court. Even if the defendant, supposing the *Times of India* is the defendant, says that these are the charges that have been made against such and such complainant, the defamation suit will be dismissed with cost and there will not b; any prob'em for the newspapers lo carry such charges in their columns, provided the *prima facie* seems to be reasonable, justified and seems to be *prima facie* true. Then they have the complete protection but thev will have no protection for motivated and false charges which are made as a matter cf conspiracy. Sir, this Bill is sought to improve the tone of the public life, the tone of the parliamentary proceedings and to improve the functioning of the newspapers. Therefore, I commend this Bill lo the acceptance of the House.

The question was proposed.

SHRI R. NARASIMHA REDDY (Andhra Pradesh): Sir, we have heard with great care and attention the long speech of hon'ble Member, Shri Bhupesb Gupta. We have also heard the Minister. Sir, whatever Shri Gupta said about Feroze Gandhi and about the background in which the previous Act was passed, we all appreciate; and we have great respect for Feroze Gandhi. Now, the question is whether th$_e$ situation in which the Act was passed exists today or whether the situation has changed. Sir, I humbly submit that no law has a permanent validity. We cannot say just because a law was good er useful in a particular time and situation of the country, it will have validity for all time to come. I would have been happy if Mr. Bhupesh Gupta who gave such a long speech about the situation, aboui the conditions, about the necessities and compulsions which impelled Feroze Gandhi to bring in this Act and which made both Houses of Parliament then to pass the Act, had also spoken about the background in which this Repeal Ordinance has come.

Sir, we have been witnesses in this House—many times we have been silent witnesses—to the way this House has been used by certain Members to malign, to slander, to vilify, to speak patent falsehood, and then the next day in the newspapers we see these falsehoods setting banner headlines. Sir, what is the reaction of the people of this country to this ? The people, when they read all these slanderous attacks, come to the conclusion that Members of Parliament belonging to all parties

[Mr. Deputy Chairman, in the chair! are men of no character, no worth. What respect will the people have in this Parliament, what dignity will this Parliament have, if we speak utter falsehood, knowingly, deliberately maligning, and use vituperative language, and next day there is a section of the press which seems to give these things banner headlines ?

Sir, the Minister made a very good point which most of us had in mind. Anything constructive that is spoken in the House, any positive suggestion that is given in this House, the papers do not even mention. They do not mention even the name of the person. Even if the name is not mentioned, it does not matter much, but even the point is not mentioned. But when a particular Member uses grossly abusive language about a leading personality, the next day we find in the newspapers a bold, streamer headline. What is the reaction of the people ? Naturally there is a tendency to encourage people speaking sensationalism, speaking slander, speaking all kinds of things because that gets publicity. Unfortunately, there is a section of press in this country in which, as old adage goes, "if a dog bites a man, it is no news, but if a man bites a dog, it is a news". So, with that psychology, with that ulterior motive, certain section of the press had given publicity to all these things. The result was that the first thing that was damaged was the dignity and prestige of this august House. This is a sovereign House of this country and the dignity of this House must be maintained, and that is one of the important elements of maintainine parliamentary democracy. None of us here, either on this side or on that side, should do anything to bring down the dignity of this House, the decorum of this House. This is an important aspect which we should consider when we think of this Ordinance and this Bill and this Resolution.

I will tell you what is the reaction outside. Now, 1 am here. I utter a completely damaging, disparaging statement against a particular Member. At least that Member has got an opportunity to counter me, to reply to me here. But when I use the same thing against an eminent personality outside, what remedy has he got ? The ordinary law of the land gives him the remedy; he can sue me for defamation. Unfortunately, now the immunity given to the hon. Members of Parliament has been extended to the press—to all kinds of press—and so an outsider has no right, he cannot defend his honour, he cannot say that he is not what is represented here; he cannot vindicate his character. If his character is assassinated, he will have to simply look on. He cannot do, anything. This is another aspect of the situation.

When this Ordinance came and when the press was prevented from publishing, 1 immediately had the feeling that this is going to help Parliament elevate itself; this is going to help Parliament to come back once again to its original dignity. Though 1 was not a Member of Parliament nt that time, I had occasion to attend parliamentary sessions when Jawaharlal Nehru was a Member, when Feroze Gandhi was a Member, and I had occasion to hear the debates from the galleries. Th$_e$ type of the debates, the level of the debates, was entirely different. And when I came here as a Member, I was astonished to find that this House was being used for narrow party purposes, for narrow personal ends; the most slanderous words were used here. I was very much pained really to find the decorum of this House being lowered by ourselves.

Sir, democracy is not a mere word; democracy is not a mere slogan; democracy is an attitude towards life, it is a feeling. For democracy, the most essential thing is that you must have tolerance, you must have the spirit, you must have the patience to understand the opposite point of view. You must have the spirit to express things in a decent, decorous way. Without these things, democracy's function is not possible. We have seen the grossest intolerance; we have seen the grossest abuse in this House. These things go against the fundamental fibre of democracy, I maintain.

When we think of parliamentary democracy, when we want to maintain the system, we will have to maintain these values— not only we, but the most important thing is the so-called Fourth Estate, the press. The press has got a sacred responsibility of maintaining these values, of educating the people and of maintaining the dignity of this House. Instead of that, if the press takes advantage of the previous Act, misuses it, grossly abuses it and then creates outside a sense of despondency, frustration and disregard for the sovereign House, should this be tolerated ? This vs-ill have to be stopped. So, this is the essential point which will have to be considered. Sir, my friend, Mr. Bhupesh Gupta, said that hereafter we will not be able to bring out anything against corrupt men, against monopoly houses, against wrongdoers. What prevents us ? I do not think this repeal will prevent us. We have immunity. The Constitution has given us immunity. Even today, even after the passing of this Bill, Members of Parliament are immune under the Constitution. We can use this privilege. We can even misuse this privilege, we can even abuse this privilege. Even today we can do it. But the only thing that is done here is that if you misuse and abuse, the press will not publish it. Sir, this is very important. If the press does not publish my abuse and misuse, if the press does not publish my sensation mongering and my slander, it is a damper on my enthusiasm and I will thereafter slowly give it up, and I will trv to come out in a constructive way. This will certainly elevate the level of the debate. It is this publicity, this craze for publicity which I have found among many of us, this craze for the names appearing in the press in bold headlines, that encourages us to utilise this sovereign Parliament, to utilise this privilege, to go in for all kinds of sensation mongering. Then what prevents us from taking action ? I will give one instance. Suppose I come to know of a corrupt dealing of a particular industrialist or a particular big businessman and I come and tell this House about it, according to the information that I have. Is it gospel truth? Do I know all the facts ? On the basis of whatever information I have, I come and tell this House, but I cannot say that it is complete, gospel truth. I have known only one side of the picture. Is it justifiable, is

[Shri R. Narasimha Reddy]

it proper, that this particular statement of mine should get publicity outside ? If you want to take action, is it necessary that the papers should publish it ? When I come and give the information here, it is for the Minister concerned and the Ministry concerned to enquire into it. And if the information is found correct, then action will be taken aginst him ? What prevents us from discharging our duty ? How is it helped if it is published ? I cannot say that it is gospel truth. Whatever Mr. Bhupesh Gupta or I or other Members may say, can we say that it is gospel truth ? What is the machinery that we have in our hands to sav that it is the truth, we speak only truth and nothing but: truth. What we say here is hearsay. We hear a certain information and we present it in the House. It should not be published. In my view, it should not be given publicity because if it is not true, the poor man who is outside has absolutely no chance to defend himself against the untruth that we have uttered here. And this privilege is not necessary for the administration. The administration can take note of it and can certainly take action. *(Time bell rings).*

Finally, I would like to sav that the *sine qua non* of democracy, which all of j us are so intent on protecting, and more particularly of parliamentary democracy, is a responsible opposition and a responsive Government. Without a responsible opposition and a responsive Government, parliamentary democracy, cannot smoothly function. Sir, unfortunately, I am sorry to say. I have found the opposition, some sections of the opposition, being highly irresponsible. I have found certain opposition leaders whom it was a pleasure to hear. Listening to them was an education. But many of tbem were highly irresponsible. When the opposition behaves irresponsibly[1], the Government naturallly has a reaction and they cease to be responsive. Then the wheels of parliamentary democracy do not run smooth. If smooth running has got to be achieved, I am convinced that publicity for whatever we say here should not be given outside. Finally, whatever I may utter in this House, I cannot be prosecuted or proceeded against. But. if I go outside this House and say i the same thine. 1 can be proceeded against. But a paper, a weekly or daily or a small bit of pper which publishes what I say outside gets immunity while the Member of Parliament has no immunity. Therefore, from all these points of view, I oppose th$_e$ Resolution and support the Bill. ■

श्री ओ३म प्रकाश त्यागी (उत्तर प्रदेश) : उप-सभापति महोदय, अभी माननीय मंत्री महोदय ने इस विधेयक के संबंध में जो वक्तव्य दिया है उसको सुनकर मुझे बहुत आश्चर्य हुआ । मैं समझता हूं कि मंत्री महोदय अपने उत्तर में इस बात पर विस्तार से प्रकाश डालेंगे कि पाप कोई करे और दण्ड किसी और को मिले, यह कहां का न्याय है ? इस दृष्टि से यदि हम इस विधेयक पर विचार करें तो मुझे लगता है कि यह एक आश्चर्यजनक विधेयक है । इस विधेयक के अनुसार स्थिति यह है कि पाप या चोरी तो "ए" नामक व्यक्ति करे और दण्ड भुगतना पड़े "बी" नामक व्यक्ति को । इस प्रकार की व्यवस्था आप इस विधेयक में कर रहे हैं । यहां संसद् में अगर कुछ लोग ऊटपटांग बोल जाते हैं और समाचार-पत्र उस बात को प्रकाशित करते हैं तो उनके विरुद्ध डिफामेटरी केस चलेगा । उस हालत में स्थिति यह होगी कि अपराधी कोई और होगा और केस किसी दूसरे के खिलाफ चलाया जाएगा । यह सिद्धान्त आपने क्यों स्वीकार कर लिया, यह बात मेरी समझ में नहीं आती । संसद-सदस्य अगर अपनी सीमा से बाहर बोलते हैं या गलत बोलते हैं तो आपमें इतना साहस होना चाहिए कि संसद-सदस्यों के संबंध में आप कोई अन्य विधेयक लाने की चेष्टा करते । अगर आप यह चाहते हैं कि संसद्-सदस्यों को हाउस में बिलकुल बोलने न दिया जाय तो यह दूसरी बात है । लेकिन संसद्-सदस्यों को आप बोलने की अनुमति देकर और प्रेस पर प्रतिबन्ध लगाकर एक प्रकार से संसद्-सदस्यों को नपुंसक बना रहे हैं ।

श्री विद्या चरण शुक्ल : सरकार इस प्रकार का कोई प्रतिबन्ध नहीं लगा रही है ।

श्री ओ३म प्रकाश त्यागी : लेकिन आप प्रेस पर दबाव डाल रहे हैं। अगर कोई समाचार-पत्र किसी प्रकार का कोई समाचार छापता है तो उस पर अपमान करने का मुकद्मा चल सकता है। मैं चाहता हूं कि अगर आपमें साहस है तो आप इस बात को सीधे शब्दों में कहिये। मैं तो यह मानता हूं कि इस प्रकार का प्रावधान करके आप संसद्-सदस्यों को स्ट्रलाइज कर रहे हैं। यह विधेयक अभी पास नहीं हुआ है, इसलिये मैं मंत्री महोदय से यह पूछना चाहता हूं कि अभी तक सदन में संसद्-सदस्य जो कुछ बोलते रहे हैं वह समाचार पत्रों में क्यों नहीं आ रहा है। इस वक्त तो किसी प्रकार के किसी भय की बात नहीं है (Interruption) आपने सेंसर-शिप लगा रखा है और इस प्रकार का आर्डिनेन्स भी जारी कर रखा है। यही नहीं आपने सारी समाचार एजेंसियों को समाप्त कर एक सरकारी एजेंसी बना दी।

श्री विद्या चरण शुक्ल : यह सरकारी एजेंसी नहीं है।

श्री ओ३म प्रकाश त्यागी : आपने सारी एजेंसियों को समाप्त कर दिया और उसके बाद एक अलग से एजेंसी बना दी। यह बात मेरी समझ में नहीं आती कि जब आपके पास सेंसरशिप का अधिकार है और इमरजेन्सी का हथियार भी आपके पास है तो फिर इस विधेयक की आवश्यकता क्या है ?

गृह मंत्रालय कार्मिक और प्रशासनिक सुधार विभाग तथा संसदीय कार्य विभाग में राज्य मंत्री श्री ओ३म मेहता : किसी तरह की कोई समाचार एजेंसी हमारे पास नहीं है।

श्री ओ३म प्रकाश त्यागी : मेहता जी, आप इस बात को संसार के सामने छिपा नहीं सकते कि आपने तमाम समाचार एजेंसियों को समाप्त करके एक अर्ध-सरकारी "समाचार" नामक संस्था बना दी है।

श्री ओ३म मेहता : मैं तो यह समझता हूं कि इस तरह से समाचार एजेंसियों के फंक्शनिंग को ठीक किया गया है।

श्री ओ३म प्रकाश त्यागी : आपने तो अब एक सरकारी एजेंसी बना दी है और उसके अन्तर्गत जो समाचार सरकार देगी वही छपेंगे। ऐसी स्थिति में मैं मंत्री महोदय से प्रार्थना करना चाहता हूं कि उनको इस बात को अच्छी तरह से जान लेना चाहिए कि प्रजातंत्र के अन्दर सरकार और विरोधी दल, इन दोनों के कुछ कर्त्तव्य होते हैं।

श्री ओ३म मेहता : यह बात आप अब समझ रहे हैं।

श्री ओ३म प्रकाश त्यागी : लेकिन आप इसको भूलते जा रहे हैं। आप प्रजातंत्र को छोड़कर तानाशाही की ओर जा रहे हैं और मैं यह साफ कहना चाहता हूं कि तानाशाही हमारे लिए कोई खतरा हो या न हो, लेकिन विदेशों के अन्दर तानाशाही के जो कुपरिणाम तानाशाही और तानाशाहों को भुगतने पड़े हैं उससे आप बच नहीं सकेंगे। थोड़ा सुनने की कोशिश कीजिए। यहां पर जो संसद्-सदस्य आए है वे जनता के प्रतिनिधि हैं और उनके कुछ कर्त्तव्य होते हैं। एक तो यह कि वे जनता और राष्ट्र के हितों की यहां रक्षा करें और दूसरा यह कि अगर शासक दल के अंदर या सरकार के अंदर कोई भ्रष्टाचार, अनाचार या दुराचार होता हो, वह चाहे सरकार का कोई मंत्री कर रहा है या शासन तंत्र में कोई व्यक्ति कर रहा है या फिर कोई व्यापारी अथवा इसी प्रकार के वर्ग का कोई भी आदमी

[श्री ओ३म प्रकाश त्यागी]

अनाचार, भ्रष्टाचार या जन-विरोधी काम कर रहा है, तो उसका पर्दाफाश करें। यह संसद् सदस्यों का कर्त्तव्य हो जाता है ताकि वे अपने कर्त्तव्यों का पालन कर सकें और उसके द्वारा प्रजातंत्र की रक्षा हो सके।

मैं यहां कहना चाहूंगा कि प्रजातंत्र की रक्षा के लिए यह बहुत महत्वपूर्ण है कि विरोधी दल सशक्त हो और विरोधी दल को अपने विचार व्यक्त करने की पूर्ण स्वतंत्रता हो; उन के विचारों की अभिव्यक्ति संसद् में भी हो और संसद् के बाहर भी हो। आपने ससद् के बाहर की अभिव्यक्ति को तो बिलकुल रोक दिया है। संसद में भी आप सिर्फ बोलते रहिए क्योंकि आपने जो प्रतिबंध लगा दिया है उसका परिणाम यह हुआ है कि सदस्य सेन्ट्रल हाल में बैठे काफी पी रहे हैं; कह रहे हैं क्या लाभ है यहां बोलने का, एक लाइन आ जाएगी कि फलां आदमी बोला और उसका नाम भी आएगा कि नहीं आएगा; तो फिर बेकार यहां परिश्रम करने का फायदा क्या है, किस लिए तैयारी कर के आओ?

दूसरी बात मैं यह कहना चाहूंगा कि जब संसद् सदस्यों के आरोपों का समाचारपत्रों म प्रकाशन नहीं होगा, तो जनता कैसे परिचित होगी कि सरकार सही रास्ते पर जा रही है या नहीं? देश में क्या भ्रष्टाचार या दुराचार हो रहा है? देश का शासनतंत्र किस रूप में चल रहा है, पूरा राष्ट्र प्रगति की ओर जा रहा है या अवनति की ओर जा रहा है, इसका परिचय जनता को किस प्रकार से मिलेगा? संसद् सदस्य जनता के प्रतिनिधि हैं, उनके प्रति उत्तरदायी हैं, उनके जो विचार यहां व्यक्त होते हैं जनता को यह जानने को मिले कि वे हमारे प्रतिनिधि क्या बोल रहे हैं? उपसभापति महोदय बहुत से देशों में इस प्रकार के अधिकार हैं कि अगर जनता के प्रतिनिधि अपने कर्त्तव्य का पालन संसद् में या संसद् से बाहर नहीं करते तो उनको बीच में भी वापस बुला लिया जाता है, उनको त्यागपत्र देने पर विवश किया जाता है और उनके स्थान पर दूसरा चुनाव होता है। लेकिन यहां 5-6 साल के लिए हमको सीट मिल गई है, अब चाहें हम अपने कर्त्तव्य का पालन करें या न करें लेकिन थोड़ा बहुत जो संसद् में काम चल रहा था, यहां हम कुछ कहते सुनते थे, वह भी अगर समाचारपत्रों में आना समाप्त हो जाएगा, तो उसके मानी यह हैं कि हमने जनता को इस बात से कि उनके अपने प्रतिनिधि क्या कर रहे हैं और कह रहे हैं, उन्होंने क्या कर्त्तव्य का पालन किया, विमुख कर दिया है।

अगली बात मैं जानना चाहूंगा कि सरकार के घोटालों का भी किस तरीके से पर्दाफाश किया जाएगा? आप कह रहे हैं ऐसी बात नहीं है, समाचारपत्र प्रकाशित भी कर सकते हैं, लेकिन उनको इस बात के लिए तैयार रहना होगा कि अगर केस चले तो वे साबित कर सकें। मैं आपसे एक प्रश्न करूंगा कि आपने अब तक जितने तस्कर व्यापारियों को गिरफ्तार किया है? लेकिन तस्कर व्यापारी कह रहे हैं कि अगर तस्करी व्यापार, स्मगलिंग हमने किया है तो क्या आप में साहस है केस चलाने का? आप केस क्यों नहीं चला रहे हैं। मेरा प्रश्न है: आपने चार्ज लगाया है, और जिस पर चार्ज लगाया है वह कह रहा है चार्ज साबित करो; आप नहीं कर सके तो क्या इसके मानी यह हैं कि इसमें भी घोटाला है? घोटाले को साबित करने वाली बात गलत है, या तो आप इंक्वायरी कीजिए; हमारी जानकारी मिली है हमने आपके सामने

पेश कर दी है, समाचार पत्रों में आ गया। अगर आप नहीं करेंगे तो जनता आपसे— जहां मिनिस्टर दौरे पर जाएंगे वहां पूछेंगी आपसे, कि फलां घोटाले की बात आई है, फलां मिनिस्टर के खिलाफ़ करप्शन के चार्जेज हैं। आपने जांच की है या नहीं, यह चीज जनता आप से पूछेगी। इसलिए यह जनता के हित में ही है *(Interruption)*

1 P. M.

MR. DEPUTY CHAIRMAN : No cross talk, please. You Please address me.

श्री ओ३म् प्रकाश त्यागी : उप-सभापति जी, तो मैं यह कह रहा हूं कि यह जनता के हित में बहुत आवश्यक है कि यहां पर जो अभिव्यक्ति जनता के प्रतिनिधियों द्वारा की जाती है, संसद् में की जाती है उनका प्रकाशन समाचार-पत्रों में हो और इसका दायित्व समाचारपत्रों पर न हो। अगर इस तरह की व्यवस्था होगी तो वह जनता के हित में ही नहीं है बल्कि देश के हित में भी है और प्रजातंत्र के हित में भी है। अगर आप सचमुच में प्रजातंत्र पर विश्वास करते हैं, तो इस विधेयक को आपको वापस ले लेना चाहिए।

उप-सभापति जी, अगली बात मैं यह निवेदन करना चाहता हूं कि सरकार जो यह विधेयक लाई है उसका कुपरिणाम बहुत भयावह होगा। इसका सब से बड़ा कुपरिणाम तो यह होगा कि देश में भ्रष्टाचार, अनाचार, दुराचार बढ़ता रहेगा। मिनिस्टरों द्वारा और सरकार द्वारा जो बड़े-बड़े घोटाले किए जाएंगे, जनता द्वारा जो चार्जेज लगाए जाएंगे, वे सब समाचार-पत्रों में तो आएंगे नहीं। इसका परिणाम यह होगा कि देश में भ्रष्टाचार, दुराचार को बढ़ावा मिलता चला जाएगा। जो कोई पाप करता है उसके सामने दो ही भय होते हैं और इन दोनों भयों से बचकर वह पाप करता है। एक तो वह जनता के दृष्टि से छिप कर पाप करता है ताकि वह जनता में अपमानित न हो। दूसरा वह जो भी पाप करता है वह सरकार के डण्डे से बचकर पाप करता है। इस तरह से इन दोनों चीजों से बचकर वह पाप करता है और जब पाप करता है तो वह इन दोनों चीजों का ध्यान रखता है ताकि इन से अपने आप को बचा ले। अगर हम कोई घोटाले की ओर संकेत करते तो क्या आपके मन में यह आ सकेगा कि आप उसके खिलाफ़ एक्शन लें? आपके मन में इस तरह की भावना कभी नहीं आएंगी और न आप किसी तरह का ऐक्शन ही ले सकेंगे। *(Interruption)*

श्री ओ३म् मेहता : सरकार के डण्डे से कोई नहीं बच सकता है।

श्री ओ३म् प्रकाश त्यागी : सरकार के डन्डे से मैं यह समझता हूं कि जनता का डन्डा बहुत ख़तरनाक होता है। अगर कोई आदमी चाहे वह कितना ही बड़ा आदमी क्यों न हो, अगर वह जनता की दृष्टि से गिर जाता है तो फिर उसका कोई मूल्य नहीं रह जाता है। हर आदमी चाहे वह चोर हो, डाकू हो, उसको पहले अपने सम्मान का ख्याल रहता है।

श्री ओ३म् मेहता : मध्य प्रदेश के जो डाकू हैं वह तो ज़ोरों से कहते हैं कि हम डाकू हैं। *(Interruption)*

श्री ओ३म् प्रकाश त्यागी : मेरा आप से यह कहना है कि आपने जिन तस्करों को गिरफ्तार किया है, क्या उनमें से कोई यह कहता है कि हम तस्कर हैं।

श्री कामेश्वर सिंह (बिहार) : यही कारण है कि विरोधी दल वाले जनता की नजरों से गिर गए हैं। *(Interruption)*

श्री ओ३म् प्रकाश त्यागी : मैं यह कह रहा था कि आपने इससे भ्रष्टाचार को ही बढ़ावा दिया है क्योंकि आप जनता को

[श्री ओम प्रकाश त्यागी]

इस विधेयक के द्वारा कुछ भी परिचित होने नहीं देंगे और इस तरह से सरकार को बेलगाम बना देंगे। जब भ्रष्टाचारी मंत्रियों का किसी तरह से अपमान नहीं होगा तो वे बेलगाम हो जायेंगे। इसलिए मेरे कहने का मतलब यह है कि अगर आप प्रजातंत्र को सही रास्ते पर चलाना चाहते हैं, तो उसके लिए बेलगामों के ऊपर आप अवश्य रोक लगाइए और इस तरह का रोक विरोधी दल वाले ही लगा सकते हैं। विरोधी पार्टियां ही सरकार को बुरे रास्ते पर जाने से सचेत करती हैं और इसलिए मैं आप से प्रार्थना करना चाहता हूं कि आप एक बात याद रख लीजिए और वह बात यह है कि संसार में मित्र कौन है और शत्रु कौन है? सब से बड़ा मित्र तो वही है, जो आलोचक है। सब से बड़ा दुश्मन वह है, जो चाटुकार है अर्थात् जो चापलूसी करता है। इस लिए मैं यह कहना चाहता हूं कि आप चापलूसी को बढ़ावा देने के लिए यह विधेयक लाए हैं। आपके जो आलोचक हैं, जो आपके सच्चे मित्र हैं, जो आपकी दृष्टि में घोटाले की तरफ़ संकेत करते हैं, उन सब पर आप इस विधेयक द्वारा प्रतिबंध लगा रहे हैं। इस तरह से आप इस विधेयक द्वारा अपने शत्रुओं को ही बढ़ावा दे रहे हैं, मित्रों को नहीं, जबकि वास्तव में विरोधी दल वाले ही आपके मित्र हैं।

उपाध्यक्ष महोदय, (Time bell rings) यह विधेयक बड़ा ही महत्वपूर्ण है और इस पर भी आप घंटी बजा रहे हैं। मैं जल्दी ही समाप्त करूंगा। दूसरी बात मैं कहना चाहता हूं कि इस विधेयक के द्वारा प्रजातंत्र को भी खतरा है, इस से हम प्रजातंत्र को ख़तरे में डालेंगे और जनता और राष्ट्र दोनों के हित ख़तरे में पड़ जाएंगे। मैं उदाहरण के लिए कहना चाहता हूं कि समाचार पत्र आप के कदमों कितने भयभीत हो गए हैं। आप यहां एक विधेयक बोनस के बारे में लाए और उस पर यहां कल भी वाक आउट हुआ। आप तमाम समाचार पत्रों को उठा कर देख लीजिए, क्या किसी में है वाक आउट की ख़बर। वाक आउट की ख़बर में तो कोई ख़तरनाक चीज नहीं है। मैं शुक्ला साहब से ही पूछना चाहता हूं कि आपने इसे सेंसर क्यों किया। अगर इस तरह के इन्नोसेंट वाक आउट को भी आप सेंसर कर सकते हैं तो फिर समाचारपत्र में आयेगा क्या, इसकी आप कल्पना कर सकते हैं। मेरा विचार ऐसा है कि सरकार जब इमरजेंसी लाई थी तो उसने कुछ चार्जेज लगाए थे कि यह गड़बड़ हो रही है, वहां फासिज्म आ रहा है और मैं समझता था कि उस समय सरकार को सचमुच में ख़तरा महसूस हो रहा था। लेकिन एक के बाद एक जो आपके कदम आ रहे हैं उनसे साफ जाहिर हो रहा है कि आप तानाशाही की ओर अपने को लिए जा रहे हैं। यह देश के लिए बड़ा ख़तरा है। पहले आप इमरजेंसी लाए, उसके बाद आपने जुडिशियरी का गला घोटा, आपने कमिटेड जुडिशियरी बना डाली उसके बाद फंडामेंटल राइटस ख़त्म कर दिए, फिर आप सेंसरशिप ले आए, और इस विधेयक के द्वारा आपने संसद सदस्यों के विचारों पर भी प्रतिबंध लगा दिया। तमाम समाचार एजेंसियों की समाप्त कर दिया ताकि विचारों का कंपिटीशन न हो सके। पं० नेहरू ने इस बात को कहा था कि अगर देश में सही विचारों की जानकारी लानी है और विचारों और ज्ञान की वृद्धि करनी है तो समाचार एजेंसियों में कंपिटीशन चालू करो। मैं कहना चाहता हूं कि आपने एक प्रेस काउंसिल बनाई थी और आप कहने के लिए वालंटियरी अनुशासन पद्धति को मानते हैं, लेकिन आप ने उस को समाप्त कर दिया और यह वर्तमान विधेयक जो आज आया है वह हमारे विचारों को जनता तक पहुंचने में बड़ा

बाधक होगा। हमारे देश में जो समाचार-पत्र हैं वे ज्यादातर बड़े घरानों के हैं। केवल कुछ स्वतंत्र हैं। बड़े घरानों के खिलाफ़ भूपेश जी बोले। कुछ समाचार पत्र कुछ न्यूज को ब्लैक आउट करते हैं, कुछ दूसरी तरह की न्यूज को ब्लैक आउट करते हैं। अगर मैं ने प्रजातंत्र के पक्ष में कोई बात कही तो जो बाहर के सहायता प्राप्त पत्र हैं वे उसको ब्लैक आउट कर देते हैं। इस प्रकार स्वतंत्र प्रेस इस देश में बहुत कम हैं जो स्वतंत्रता से समाचार छापते हैं। लेकिन आपने जो उनकी बची खुची स्वतंत्रता थी उस पर भी आप ने इस विधेयक के द्वारा प्रतिबंध लगा दिया है। मैं कहना चाहता हूं कि आप इस विधेयक को वापस लें और वाणी और लेखनी दोनों पर प्रतिबंध लगा कर प्रजातंत्र को ख़तरे में डालने की कोशिश न करें और देश को तानाशाही की ओर न ले जाएं। मेरी आप से देश के हित में प्रार्थना है और आशा है कि आप मेरी इस प्रार्थना पर ध्यान देंगे। इन शब्दों के साथ मैं आप के इस रेजोल्यूशन का घोर विरोध करता हूं।

STATEMENT BY MINISTER Re. APPOINTMENT OF A COMMISSION OF INQUIRY TO INQUIRE INTO ALLEGATIONS AGAINST THE FORMER CHIEF MINISTER AND SOME MINISTERS OF TAMIL NADU

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : Sir. as the House is aware, allegations of corruption, favouritism, administrative and financial improprieties and abuse of official position, were being received against the \jrstwhile Ministry of Tamil Nadu for some time. In November, 1972, Shri M. G. Ramachandran, M.L.A. of Tamil Nadu had presented a memorandum of allegations to the President and later Shri Mr. Kalyanasundaram, M.P. and some olhers, presented another memorandum of allegations lo the President followed by a further communication from Shri M. Kalyanasundaram.

' These memorandum contained in all, 54 allegations 27 of these were aginst Shri Karunanidhi personally and 13 aganist other State Ministers. The remaining 14 allegations were of .general nature relating largely to abuse of power by th* D.M K. Party in that State.

In accordance with the settled procedure, w_e had asked for the comments of Shri Karunanidhi on these allegations and later also referred to him, for comments, the rejoinders received from the memoralists. The comments received from him, though copious in volume, were not sufficiently informative on various aspects which necessitated seeking clarification on some points. Even the clarifications which were received later, were not entirely satisfactory.

While the matter relating to these allegations was under examination, further reports were received from different reliable sources that acts of administrative and financial impropriety, corruption, misuse of authority, etc. bv State Ministers, were continuing, citing certain specific instances. One such memorandum of allegations dated 1st December, 1975 was received from Shri K. Manoharan. M.P. and Shri G. Viswanathan. M.P.

The Governor of Tamil Nadu also, in his report to the President dated the 29th lanuary, 1976 recommended that a Hish-Powered Commission should be appointed to inquire into the several serious allegations against the Ministry and the Ministers involved.

Accordingly, it was decided that all [1] these matters should be inquired into bv I an independent, impartial body. A noti-; fication has been issued today appointing ; *a* Commission of Inquiry under section 3 ; of the Commissions of Inquiry Act. 1952, [1] to inquire into allegations against the former Chief Minister and some Ministers of Tamil Nadu. Shri Justice R. S. Sarkaria. Judge of the Supreme Court of India, has been appointed to head the