

Is it the pleasure of the House that permission be granted to Shri Maha-deo Prasad Varma for remaining absent from all meetings of the house during the 94th Session of the Rajya Sabha?

(No. Hon Member dissented)

MR, CHAIRMAN: Permission to remain absent is granted.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER ORDINANCE, 1975

II. THE PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER BILL, 1976

SHRI KRISHAN KANT (Har-yana): Sir, with your permission, I beg to move the following Resolution:—

"That this House# disapproves the Prevention of Publication of Objectionable Matter Ordinance, 1975 (No. 28 of 1975) promulgated by the President on the 8th December, 1975 "

Mr. Chairman. Sir, this Bill is the most fatal blow in the triple tragedy to the freedom of the press. The Statement of Objects and Reasons accuses the Indian press of using the printed medium in undesirable ways for spreading hatred, for character assassination and undermining the people's morale and tastes. It is a blanket criticism of the Indian press for which it is proposed to be controlled through this black Bill.

Let us examine who is responsible for the present crisis in the country. Has the press created the crisis or is the Government responsible for the situation? It has been mentioned by the Government that the press has not, been playing a proper and constructive role in the development processes of the country and too much space has been devoted to news and

comments on political issues and controversies. Sir, I agree. My charge against the press is that it has not been sufficiently vigilant on the socio-economic front.

The press has been very accommodative to the Government and soft to it. In this country the poverty-line has increased from 40 to 66 per cent. Unemployment has grown with every Plan. The number of illiterates in the country is much more than it was at the time of independence. The dropout at the school level is now 60 to 70 per cent. The constitutional mandate of giving compulsory primary education to all the citizens of India has not been implemented even after three decades. The value of the rupee has been reduced to a quarter and thereby its purchasing power has been reduced. The Indian press has not been functioning; in such a way as to educate the people of India as to why all this has happened. Still, everything goes on. The Indian Press has not properly informed the masses as to why the ten-point programme has not been implemented, what are the forces standing in the way of implementation of the programme and how lack of political will. On the part of the ruling party has stood in the way of implementation of certain basic socio-economic programmes and removal of poverty for which the people gave us a ready mandate. Sir, when the ten-point programme was formulated and accepted in 1967, it was promised that by the year of grace 1975, the minimum basic needs of the people would be fulfilled. That year has passed. What did the people of India see in that year? Clamping of Emergency so that the distress and restlessness of the people could now grow. Sir, how can they question the *bona fides*! Had it been any other democratic country, the Press would have created a parallel machinery of investigation, as we see from the reports of many countries, and brought out reports on each one of the programmes by sending correspondents to the villages and towns in every

[Shri Krishan Kant]

nook and corner of the country and exposed the basic lacunae in regard to the implementation of the programme. Now, take the case of house sites. How many have been actually given house sites? In regard to land reforms, how much has been implemented on the ground and how much given on paper and in the reports of the Planning Commission? How much implementation still remains? There are many other things like this. Sir, the thirteen-point programme formulated at Narora was to be implemented by the end of February, 1975. That date has passed. Had the Press in India investigated it, sent their economic correspondents throughout the country and found out why it had not been implemented? Surely it would not have allowed the Government to sleep over it.

Sir, the Press has been too comfortable and soft to the Government. These soft and pliant newspapers and correspondents are being accused of creating this crisis. A bad workman quarrels with his tools. Sir, we have all, including the Ministers here, spoken against the monopoly Press after the Press Commission gave its report in 1954. But for the last 22 years, no decision has been taken. Who is responsible for it? Sir, the monopoly Press is certainly bad because of its links with the monopoly industry and the monopoly business. But when the monopoly Press, the monopoly business and the monopoly Government are inter-linked, it becomes a vicious thing and suffocating for the citizens of India. Don't we know that Shri K. K. Birla and the Federation of Indian Chambers of Commerce and Industry were the first to go to the Prime Minister's house to express their support to the twenty-point programme? The 'Hindustan Times' is supporting the Government and probably they are helping in the publication of a youth congress paper.

If the Press had been vigilant, they would have appointed an investigating agency and made efforts to analyse

the replies and statements of Ministers during the last two decades. I had once analysed and reported to the previous Chairman of the Rajya Sabha how Ministers—not my friend, Mr. Shukla; I know he is very scrupulous—were giving wrong replies and taking the House for a ride. Mrs. Alva the then Deputy Chairman knew how were they evading certain truths coming out. The newspapers did not appoint investigating agencies and help in the improvement of the functioning of Parliament. This has happened in other countries.

Sir, I would like the Government of India to appoint an enquiry commission to examine the charges against the Indian Press. Only such an investigation will satisfy the people. Mere repetition of charges ad infinitum will not help and will not make the people believe. Such an investigation will expose the real culprits, whether they belong to the opposition parties or the ruling party or the Press. Sir, do you think that had the Indian Press been vigilant enough to expose the failure of the Government to implement its policies, this Government would have survived? It is for such a pliant press you have brought this draconian Bill so that they do not utter a single word not to the taste of the Government.

Now coming to the Bill, the hon. Minister, while speaking in the Lok Sabha, was trying to get support from the Rajaji Act of 1951, the failure of the Press Council and the Press Commission. All these supports are false supports—I will just come to them—and do not stand the test of scrutiny. The crutches of the Rajaji Act and the Press Commission will not help.

The Press Commission report had emphasised "The essentially temporary purpose of an enactment like the Press Objectionable Matter Act (Rajaji Bill)." The report of the Press Commission, in para 1201 says about the Rajaji Act: "The Act is essentially of a temporary nature. Whether it would

Another point he has referred to is the report of the Press Commission and how they were also supporting Raja'ji's Bill. It is clear that the majority report did not relish the 1951 Act. It is interesting to note that four of the most distinguished members of the Press Commission recorded their minute of dissent to even faintly worded acquiescence in the Act. Those venerable members were Acharya Narendra Dev, Mr. Chalapathi Rau, Mr. A. D. Mani and Mr. Jaipal Singh. In para 1147 of the report they wrote: "The press is opposed to the Press Objectionable Matter Act on grounds of principle." On grounds of principle not anything else, mark it. "The Act provides for the demand of security, a provision unknown to the law of any other country, it is preventive in its effect and it is a special law applicable to the press whose freedom of expression is a part of the general freedom of expression. To the extent this Act is said to be temporary, the press finds that the Government has made out no case for even the temporary existence of this kind of special law."

Now, Sir, my dear friend, Shri Shukla's case for the Prevention of Objectionable Matter Bill as part of the permanent law of the land is still weaker. Sir, even a person of Rajaji's stature was rather apologetic while

Sir, the present Bill before this House is a combination of the features embodied in the Press (Emergency Powers) Act, 1931 enacted by the British Government, Press Objectionable Matters Act, 1951 and the State enactments like the Punjab Special Powers (Press) Act, 1956 with an expanded definition of "Objectionable matter" as set out in section 3 of the Bill. In some aspects it has gone much beyond that and copied the colonial Government's enactment of the last century. The Bill as before the House is much more draconian than any of its previous Acts.

The inclusion of the following additional items in the list of "Objectionable matter" as defined in the 1951 Act vastly widens the scope of action against the press. Clause 3 of the Bill states:

"(a) which are likely to—

(i) bring into hatred or contempt
or excite, disaffection to-

[Shri Krishan Kant]

ward_s the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder; or

* * *

(v) cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity."

Then there is the defamatory clause of the President of India, the Vice-President, the Prime Minister or the Governor of a State. It is clear that they are so vaguely worded that it may permit considerable abuse if the enforcing authorities do not take a liberal view regarding the role of the press.

I am not able to appreciate why any executive authority should be included. The President of the United States and the Prime Minister in Britain do not enjoy this immunity. Defamation of every elected representative is bad. But any person who is elected to the executive position has to face the House and fury of the People. As the great Blake Odgers said, I quote:

"All public men must be prepared to face public scrutiny at the bar of the public." The more vulnerable action a public man is entitled to take, the more scrutiny he has to be put to. That is the democratic principle."

This is not a new principle. Persona in the highest authority have to be more careful because they are apt to make mistakes. Here I will like to quote William Penn who wrote in 1701:

"There is an excess of vanity that is apt to creep in upon the people in power... who think nothing taller than themselves but the trees... They would... at their turn... be much more discreet and tractable,

and fit for Government. In the meantime pray help them not to destroy themselves."

Sir, this has been said three centuries back. May I refer to the recent history—Sam Rayburn, House Speaker and Senior Leader of the Democratic Party in 1945? He told Harry Truman, who became suddenly President after the death of President Roosevelt:

"Harry, now that you are the President of the United States, and there is great power of U.S. Presidency behind you, all kinds of people will gather around you and they will try that no other opinion but theirs reaches you, no other influence but theirs approaches you, and Harry, they will try to make you believe that you are the wisest man on earth, but remember Harry, you are not and you know you are not."

SHRI N. G. GORAY (Maharashtra) He will hauled up under MISA now.

SHRI KRISHAN KANT: Sir, the stronger the position the greater the curbs and checks and balances are there in a democratic system. The curbs which you are providing, are nothing but a part of the feudal concept.

Now, coming to Chapter II of the Bill, it is modelled on the Punjab Special Powers (Press) Act of 1956 which was enacted at a time when feelings were running high as a result of the Punjabi Suba agitation. The Supreme Court in the case of Virender vs. Punjab Government, had upheld this provision on the plea: "the prevailing circumstances which led to the passing of the Punjab Act, the urgency and extent of the evil of communal antagonism and hatred which must be combated and prevented." Sir, it must be remembered that in spite of this, Punjabi Suba was formed. Section 5 provides that the Central Government or a competent authority can direct that any matter relating to a particular subject or class of subjects may not be published for

a period of two months. Apparently there is no bar on continuing the censorship for successive two months period by issuing fresh orders. Sir, this is a provision which puts pre-censorship on a permanent basis on the Statute Book of India. Mr. Setalvad's remarks on the judgment of the Supreme Court which I quoted are very interesting. Mr. Setalvad said: "It was somewhat disheartening to see the Court upholding a conferment of such a power that its exercise was left solely to the subjective determination of the Executive."

And, Sir, there is no provision in Chapter II for appeal against it to any court. Section 6 or section 7 provides only that the Executive will give orders and the Executive will review the representation-appeal from Caesar to Caesar. Significantly, defiance of pre-censorship order will invite immediate punishment in the form of a closure of the printing press for the specified period. This punishment is to be meted out even without trying the offender. After trial if he is convicted, he will be liable for imprisonment up to one year at a time and a fine of Rs. 1,000, or both. Sir, closure of the press even without bringing up the matter before the court means the "preventive detention" of the printing press. It may be noted that the Executive has the power to prohibit the publication of any matter relating to a specific subject or group of subjects and not just an "objectionable matter".

Sir, another feature of this Bill is very retrograde. Under section 11 of the 1951 Act, the Government could declare certain publication forfeited of a State Government or of the Attorney-General of India. In the case of the Government of India Section 19 of the Bill dispenses with the salutary safeguard of the certificate by the highest law officer of the Government concerned before exercising the drastic power of forfeiting a newspaper or book or other document.

Now, coming to Chapter III regarding Printing and Publication of Objectionable Matter, to prevent the publication of objectionable matter, the method devised is to demand security from the press, publisher and editor. Shri Chalapati Rau wrote in the *National Herald*: "The main objection will be to the security provision which are an effective form of hitting but which are not found in any other country called democratic and which was considered and denounced as an obnoxious feature of the British administration". And we are adopting that obnoxious feature.

Sir, the Bill which has been brought forward by my dear friend Shri Shukla adds the institution of editor also for the demand of security. He can be punished, penalised or done anything. Earlier, I think, only the printer and publisher were covered under this.

Then, Sir, as I was referring earlier whereas the redress provided in the 1951 Act. Rajaji was judicial tribunal, namely, the Session Judge assisted by a jury consisting of persons "who by reason of their journalistic experience or their connection with printing presses or newspapers or of their experience in public affairs are qualified to serve as jurors" in cases of such magnitude, plus the right of direct appeal to the High Court, the tribunal provided in the Bill is that of a Government official not below the rank of a Deputy Secretary. From his decision an appeal lies to the Central Government alone in the first instance and to the High Court only from the Central Government's decisions. It is not difficult to appreciate that the appeal to the High Court can be rendered duly futile by the Government's delaying its decision in the appeal—which it can do for as long as 60 days. In a vast majority of cases, the first act of warning or demand of security may be enough to frighten the keeper of a printing press or a publisher into submission to authority.

[Shri Krishan Kant]

Considering that the ascertainment of what constitutes an objectionable matter is a legal matter, why are you giving powers, judicial powers, to the bureaucracy to decide about it? This is a very obnoxious provision.

Sir, another point is, this Bill gives no specific guidelines for fixing the security amount. There is only a vague injunction that it should be fixed—quoting the words of the Bill— "with due regard to the circumstances of the case and shall not be excessive." The way a small Urdu daily of Srinagar was forced to close down soon after the emergency was proclaimed by demanding a security of Rs. 10,000, does not show that the amount fixed will always be reasonable.

Sir, about this Bill, the Indian Federation of Working Journalists, which is supporting the emergency, said:

"It should, however, be emphasised that merely because a law is constitutional, it does not necessarily become acceptable or one that can be said to be conducive to the health of the nation."

Sir, this Bill is not conducive to the health of the nation. They should have realised it. Can this Bill bring health to the press? Before bringing this Bill, did you consult any of the journalists? Of course, in three minutes the Cabinet passed this Bill. Did you consult anybody; any of the editors and professional organisations who even support the emergency? Is this the functioning of democracy? Will it make for a democratic society?

It completely extinguishes free debate and hence extinguishes free and open society. A free press is a *sine qua non* of a free society. A free and open society and a press in fetters are contradiction in terms. The political process in a free society can achieve full glory only with a press which is independent and free. This is the most

important pillar; that is why it is called the Fourth Estate.

The freedom of the press in any society corresponds, I agree, to the ideology or the ideals of that society. In the American society, the highest and the mightiest could not escape himself and Nixon had to bow before the press and the judiciary because the American Constitution First Amendment says "Congress shall make no law abridging the freedom of speech or of the press."

What have been our ideals? I will quote what Jawaharlal Nehru said after independence, not before.

"To my mind, the freedom of the press is not just a slogan from the larger point of view, but it is an essential attribute of the democratic process. I have no doubt that even if the Government dislikes the liberties taken by the press and considers them dangerous, it is wrong to interfere with the freedom of the press. By imposing restrictions, you do not change anything. You merely suppress the public manifestation of certain things, thereby causing the idea and thought underlying them to spread further."

Jawaharlal Nehru continues:

"Therefore, I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press."

This was said by Jawaharlal Nehru after independence. Mr. Shukla said that things have changed qualitatively. I do not agree. The change is in the philosophy, in the ideology, in the approach that you have now propounded. Gandhiji had given the guidelines on January 12, 1922. The Minister was talking yesterday about mistakes and wrong statements and all that appearing in the Indian press. Probably that is very relevant now

and that is why I had to search it out. Gandhiji said:

"Liberty of speech means that it is unassailed even when the speech hurts. Liberty of the press can be said to be truly respected only when the press can comment in the severest terms upon and even misrepresent matters."

Therefore, the present Government is afraid of the truth and that shows its opposition to democratic approach and spirit.

That is why the stance of the press in a democratic State is generally termed as an adversary stance. The Indian Press Commission also referred to the necessity of various points of view and dissent, when they were opposing Rajaji's Bill. Here it may be necessary, because of the words used against the Indian press, to quote from the judgment in a case of *New York Times v. the U.S.* A New York judge, District Judge M.I. Gurfien, delivering his judgment said:

"A cantankerous press, an obstinate press, an obliquitous press must be suffered by those in authority in order to preserve the even greater values of the freedom of expression.

Sir, I would now look at the question from another aspect. The total circulation of Indian newspapers is about 9 million for a population of 60 crores. This comes to 14 or 15 per thousand whereas, in advanced countries like East Germany, Britain, Japan and Sweden it is 500 per 1,000. Here the Government controls the radio and the entire mass media through which the Government viewpoints reach every home in the country or, to be precise 75 per cent of the population. You are not tolerant even to the printed word reaching 15 per 1,000 of the population.

Sir, the Indian press has been considered sober, sedate and responsible throughout the world. May I quote Mrs. Gandhi who sometime back had said about our press?

"Even a casual visitor to India notices the freedom and vitality of our press. We should always defend the freedom of the press because free Press is a basic guarantee of democracy and, as Churchill called it, the unsleeping guardian of every other right that free men prize."

This is what Mrs. Gandhi had said, about our press. About the same Indian press, the International Press Institute has recently said:

"The future of the press has been put in a melting pot."

If we put our seal of approval in this august House to this draconian Bill today, we can say that the future of Indian press has moved from the melting pot to the grotesque cast.

You are afraid that Indian press has become irresponsible and needs to be tightened. You do not want the crises in the Indian society to be reported. You do not want the tensions in the minds of the people and in the streets of India to be reported. The same discussion on whether we should close the press and the media is going on throughout the world. And every country decides according to its ideology and concept of democracy. I have got here with me the U.K. Press Gazette of January 26, 1976, where this discussion has taken place under the heading:

Is it better to frighten a few with a gun or alarm the masses with rumours?

Here the issue in question was that urban terrorism was going on in Britain and the T.V. was being used by the terrorists. Some alternatives were provided. After going through the alternatives, the well-known historian Dr. Eric Hobsbawm said:

"The short answer is that the alternative to full and instant knowledge in full and fearful rumour."

[Shri Krishan Kant]

When you close the press, you open the society to irresponsible rumour. Regarding rumour this historian had said:

"Anyone who was with the U.K. forces overseas at the time of V-I Flying Bombs and more particularly V2 rocket attacks on Britain's cities will know that rumour generated entirely by the shroud of official secrecy got closer to smashing troop morale than anything done by the visible enemy across the no-man's land."

(Time bell rings)

I will take only ten minutes more.

MR. CHAIRMAN: You have taken thirty-two minutes.

SHRI KRISHAN KANT: The other point is about the code of conduct and very pertinent to the new code evolved through Govt, help now. May I here quote another thing? There was an investigation into corruption in parts of CID in the *Times*, London. When first published, the members of the House of Commons and others damned it as intrusion in privacy trial by newspapers, a most dubious affair. But after the prosecution the Judge who finally dismissed the appeal by the two detectives said:

"The *Time's* reporters have rendered a great public service."

This is what it comes to. Sir, but for the press and the judiciary, the Pentagon papers would not have seen the light of day and the heinous crimes committed in Vietnam would not have been available to the world. The same is the case with Crossman Diaries.

The freedom to investigate and to speak out is of the greatest interest to society. By putting these curbs on the press, you are putting fear into them and because of this fear they

will not write fearlessly as Indian press has been doing so far. Don't we know that this fear complex is even creeping into the minds of the highest judiciary in the country? You must have read in the papers the question put by a Judge of the Supreme Court to Shri Shanti Bhushan while trying cases under MIS A. He asked: If we accept your interpretation, will there not be friction with the establishment?

And, Sir, Shri Shanti Bhushan said:

"My Lord, we are standing at the cross-roads of history and this honourable Court has to decide whether it prefers friction or democracy. This Court has been given the greatest opportunity to stand by democracy against dictatorship"

This is how the fear has seeped into our society. By bringing forward this Bill, what are you doing today except that you are demoralising the whole nation? I would request you to kindly realise that an independent and free Press is not only an essentiality for the society, but also for the Government because no democratic government can run without it. Sir, may I quote here what Mr. Walter Lippman said which is very relevant in the present situation? I am quoting him:

"Without criticism and reliable and intelligent reporting, a government cannot govern for there is no adequate way in which it can keep itself informed about what the people of the country are thinking and doing and wanting. The most elaborate government intelligence service is an insufficient provider of the knowledge which the government must have in order to legislate well and to administer public affairs."

Then, Sir, he goes on to say:

"Where there is a turbulent and pluralistic electorate, the rulers, the official bureaucracy, and the legislature will be in the dark, they will not know where they are and what

they are doing, if they are deprived of the competitive reporting and competing editorial commentaries and also the forum in which spokesmen of the various shades of opinion have a free say. This is what a free Press is supposed to provide."

Sir, when you close the Press, when you close the process, you do not close the supply line of information, the supply line of the Opposition, but you are closing the channel of information to the Government, to yourself, and that is the mistake that Mujib made. When he closed the Press, he closed the channels of information to him-self. Kindly do not make that mistake which Mujib made.

Sir, you are putting censorship on "the Statute Book and you are making it a permanent law of the land. How super-fluous and useless it is? Here, Sir, may I quote what Mr. Edgar "Wallace, the famous British writer wrote on the 10th July, 1930 when the then British Government imposed the Press censorship in India? He said:

"A censorship has been established in India because, naturally, censorship is the most powerful weapon that bureaucracy can wield....Not Mr. Shukla or the Prime Minister—"it hides their mistakes; it perverts the truth; and it is a stupid and senseless thing. It is the face-saver of officialdom. It qualifies rank failures for honour; it represents incompetent men as men of genius; and it is the first and foremost alarm sign of political panic. You are putting your present political panic on a permanent basis in the Statute Book. "A censorship is a Liar's Charter and hides nothing from the enemy."

Sir, I am coming to the last point which I may be permitted to make India has been the seat of parliamentary democracy and it has been the citadel of parliamentary democracy and it has shown the way to achieve

freedom to many Asian and African countries. But, Sir, is it not an irony that India, the citadel of parliamentary democracy in the midst of the growing darkness of dictatorship in Asia and Africa is now following these countries of Asia and Africa instead of giving them a lead in establishing democracy? The situation in Asia and Africa is like this. Out of the 42 nations of the OAU, 13 countries are under dictatorships and an equal number or more than that is having one-party rule. At this time, Sir, it is an irony that we are following these African nations where there are dictatorships and where there is one party rule. Sir, I would like to quote from the speech of Alhaji Baba-tunde Jose, Chairman and Managing and Editorial Director of "The Daily Times of Nigeria" which he made to the Royal African Society in London. He has said:

"One irony of the present predicament in which the African Press finds itself is that the African newspapers which were vigorously in the vanguard of the nationalist struggle for independence now have relatively less freedom to publish under indigenous African Governments they helped to found than they did under White colonialists."

He says that they had more freedom under the White colonialists and imperialists than under their own Black African governments. Not only this. It looks as if we are following them and going to lose the freedom which we had during the British regime. Then, Sir, speaking about the conditions in his own country, he says like this:

"Although Nigeria has been under two military governments since January, 1966, with the country in a continued state of emergency, it is to the eternal credit of the military in the country that there has never been any censorship even throughout 30 months of Civil War."

[Shri Krishan Kant.] Kindly search your hearts. Is it not shame for Democratic India to function in a worse manner than the military regimes of Nigeria? Sir, it is a matter of heart searching. Is this the example that We are setting in the land of Gandhij i? This is the basic question today, when you are extinguishing freedom, extinguishing democracy and a free society that we have dreamt of. This is the basic question.

Let us not put a seal to this draconian law and join the dark areas and dark jungles.

The *question* was proposed.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA): Sir, I beg to move:

"That the Bill to provide against the printing and publishing of incitement to crime and other objectionable matter, as passed by the Lok Sabha, be taken into consideration."

Sir, it was quite interesting to hear the speech of the hon. Member, which was delivered in a typical Opposition manner. The only difference that we have found in this session is that the hon. Member has moved to his rightful place and is delivering his speech from the're.

I would like to point out one or two factual inaccuracies of the hon. Member for replying to the points that he made and also explain the salient features of the Bill that I have the honour to bring before this House.

Mr. Krishan Kant, while moving his Statutory Resolution, said that it was not right to say that the last Bill which was passed in 1951 was allowed to lapse after the Press Council Bill was moved before the House. I must put the record straight. Though the Press Council Bill came into existence only in 1956, the Press (Objectionable Matters) Act of 1951 was repealed only

after the Press Council Bill was introduced in Parliament. The Press.....

SHRI KRISHAN KANT: I never said, "repeal"; I said "lapse".

SHRI VIDYA CHARAN SHUKLA: These are not different...

SHRI KRISHAN KANT: For a period of two years it was not renewed^ it lapsed.

SHRI VIDYA CHARAN SHUKLA: He wanted to disconnect the Press Council Bill from the repealment. I want to say that his attempt to disconnect them is not correct, because the earlier Press (Objectionable Matters) Act was in fact repealed after the Press Council Bill was introduced in Parliament and, therefore, there is no connection between the two. And that connection which was seen earlier by the hon. House in 1956 is still here when we are repealing the Press Council Act and re-enacting this Press (Objectionable Matters) Act. So, these two things are relatable, today, and not unrelated, as the hon. Member tried to make out in his introductory speech.

Sir, the various matters that he brought in about non-implementation of various programmes, etc., will drag us into a long journey. These are not directly concerned with the matter before us, and, therefore, I am not going into all these matters. These can be replied to later on, if necessary.

Sir, there are Just two main points that I want to bring up here which the hon. Members should consider while going through the provisions of the Bill. First, this Bill only puts in a special law such reasonable restrictions as the Constitution allows in Article 19(2). Second this special law does not contain any provision which is not already contained in the common law of the land; it only reduces the scope of the general law.

ft makes this special law specific only to printed matters in such a manner that it can be administered properly .and its effect i-s not as general as it would be for criminals. In effect, this law distinguishes those who are engaged in printing and publishing of various things from ordinary criminals and various provisions that are included in this Bill before Us are already contained in the Criminal Procedure Code and the Indian Penal 'Code. But tho-se provisions are much more stringent in those laws than the provisions in this law that we are considering today. For instance. Sir, I - may point out section 3 of the proposed Bill. Sections 6, 7 and 8 of the Election Laws (Amendment) Act, 1969, provide for various kinds of penalties. Here, different kind-s of disaffection has been played up by the hon. Members. While describing disaffection, we have limited it only to such disaffection which intends to create public disorder. It is not a general disaffection. Any amount of disaffection can be spread against the Government by the printed medium as long as it does not lead to public disorder. Sir, with your permission, I read section 3. sub-section (a) (i) of the proposed Bill:

"In thi^ Act, the expression "objectionable matter" means any words, signs or visible representations which are likely to bring into hatred or contempt, or excite disaffection towards the Government established by law in India or in any State thereof and thereby cause o, tend to cause public disorder."

So, Sir, any attempt to cause disaffection is not banned or doe-s not involv_e violation of thi_s law. Only such disaffection which tends to create public disorder is covered under this law. Therefore, if somebody goes and says that this Government is not good and it should be replaced or this Government is guilty of certain omissions, they can certainly do all those things as lon_k as he does not excite -the mob or the crowd or the people to public disorder which is well defined under the various case laws.

Sir, regarding the second provision, I would say that nobody in his proper senses or the people who have got the interest of She country at heart would object to it. Clause 3(a)(ii) says that if anybody say_s anything which is likely to incite any person to interfere with the production, supply or distribution of food or other essential commodities or essential services, this would also be objectionable. Here, Sir, some hon. Members have raised objections that this is likely to interfere with normal trade union activities, that it is likely to create problems for organising strikes, etc. Sir, there are two points which the hon. Members should consider before they jump to such conclusions. First of all, no commodity is covered by this Act unless it is declared to be essential. There i_s a special law about it known as the Essential Commodities Act. Those commodities and services which are declared to be essential for the society are protected even today under the existing Act. Organising strikes to prevent distribution or supply of such essential commodities is illegal. No such strike which interferes with the supply of essential commodities or - services is legal even today. And whatever is illegal, if that is objectionable, how can one argue about this that what i_s illegal cannot be termed as objectionable? Certainly what is illegal is objectionable. And, therefore, we have included that provision here that whatever is illegal today will be objectionable. But it will not interfere with, the normal trade union activities. For collective bargaining, if a strike is organise^ and if it i_s not a strike which will disrupt the supply of essential commodities or essential services, it cer-tainlv will not co-me under the mischief of this Act. And, therefore, the fear that is being expressed that this is likely to interfere with the normal trade union activities, may I, with your permission. Sir, put it at rest? And this provision in the Bill will certainly not come in the way of normal trade union activities. If strikes have t_o be organised for bargaining purposes or for the purpose

[Shri Vidya Charan Shukla.] of the workers getting their dues and other things, that certainly will not come in the picture as long as it is not an essential service or an essential commodity.

Sir, the third provision is that any matter will be considered objectionable if it is likely to "seduce any member of the Armed Forces or the Forces charged with the maintenance of public order from big allegiance or his duty or prejudice the recruiting of persons to serve in any such Force or prejudice the discipline of any such Force." Now, Sir, I do not understand how can anybody take...

DR. K. MATHEW KURIAN (Kerala):
You are repeating your Lok Sabha speech.

SHRI VIDYA CHARAN SHUKLA: The hon. doctor should be a little more knowledgeable. I am not repeating the Lok Sabha speech. I am only explaining the provisions of the law. If he takes the trouble of reading the Bill which is under consideration, he will spare himself unnecessary interjections here. I am only reading from the Bill which is before the House.

Sir, the next provision is that any matter will be considered objectionable if it promotes disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities. The next provision says if it "causes fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity. Now, Sir, you, as a lawyer know that this provision already existed in the Criminal Procedure Code. Whereas we have restricted here to a certain fine and to a maximum punishment of two years, the Criminal Procedure Code provides for a punishment which can extend to life imprisonment. Sir, the restriction that we have made in this law reduces the impact of the

punishment. This section which we have more or less lifted from the Criminal Procedure Code for the purposes of printed matter in effect reduces and distinguishes people who are engaged in printing business or publishing business from ordinary criminals who are dealt with under the Criminal Procedure Code. After that, Sir, the next provision is "to incite any person or any class or community of persons to commit murder, mischief or any other offence; or which are defamatory of the President of India, the Vice-President of India, the Prime Minister, the Speaker of the House of the People or the Governor of a State; or which are grossly indecent, or are scurrilous or obscene or intended for blackmail." Now, Sir, I do not know how any person can take objection to classification of printed matter into these categories. These categories are not meant for any restrictions on the normal working of a press or even normally of any kind of printed matter. It cannot be said that normal journalism is going to be affected by such a thing. The provisions that I have read out are not part of normal journalism. This kind of journalism or printed matter which is printed for purposes of sedition or purposes of inciting people to violence or for creating public disorder cannot be called normal journalism. Those people who have their heart for healthy journalism and who want to promote healthy journalism in the country shall certainly not be affected by the provisions of this Act.

SHRI BHUPESH GUPTA (West Bengal):
Nothing is affected.

SHRI VIDYA CHARAN SHUKLA: Sir, if anybody, any hon. Member of this House takes the trouble of comparing the provisions of the proposed Bill with the code of conduct that was drawn up by the editors in the All-India Newspaper Editors Conference and later on endorsed by the Central Committee of Editors and others, he will find that that code incorporates almost the same thing or even more

than what we have provided in this Bill and they say that any journalist shall not do these things. All these things are barred. The only difference is that what they sought to implement in a voluntary manner we are putting in a statutory fashion and that is all. I am making an open offer to the hon. Members to try and see if they can show to me anything in the code of ethics or the code of conduct that has been drawn by the editors much before the emergency was promulgated—it was about four years back or about three years back, I am speaking subject to correction but it was certainly much before the emergency was promulgated in the country—and if there is anything contrary to this in that code or anything which is less than this then I am prepared to look into it and I am prepared to accept the amendments that the hon. Members may move. My point is that the voluntary code of ethics that has been drawn up by eminent journalists of the country who are more zealous about press freedom than anybody else has been worked upon here and the same thing has been put in this Bill and nothing worse than that has been put. Therefore, it is not right for anybody to say that this is eroding press freedom.

SHRI ABU ABRAHAM (Nominated): Is it true that the code of conduct drafted by the sub-committee of the A.I.N.E.C. has been treated as confidential? Has it been published? How can we compare?

SHRI VIDYA CHARAN SHUKLA: The All-India Newspaper Editors Conference draft was published three years back and later that draft was taken up by the Central Committee of Editors because the Central Committee of Editors consisted mostly of those who were members of the Standing Committee of the All-India Newspaper Editors Conference and they set up a small group to consider the matter. That is, of course, available to anybody, including the Members of Parliament, and they can have

a look at it. It is not confidential or secret and that can be compared with this. I have made an offer and said that if there is anything which is contrary to that in this Bill, I am certainly prepared to have a second look at the provisions of this Bill that I have brought before the House. But, if the hon. Members only want to make high-sounding speeches and cry wolf when there is no wolf and there is no danger to the freedom of the press, it is not fair. There is certainly danger of scurrilous writing and unhealthy yellow journalism. Now, this is going to affect such people who always made it a habit to resort to pressure tactics, coercive tactics, inciting people to violence, inciting people to disorder and thereby trying to gain some political advantage. They were not interested in journalism, they were not interested in healthy growth, they were not interested in implementation of plans, they were not interested in the progress of the country, they were not interested in peace and tranquillity, they were not interested in any trade union activities; they were purely interested in creating disharmony, lack of tranquillity and disorder in the country. Only such sections are affected and only they will be the persons who will come under the mischief of this Act.

SHRI BHUPESH GUPTA: air, our Party published a little pamphlet. I will show it to you just now. In this pamphlet workers were asked to go on a peaceful hunger strike. Notice has been served by the District Magistrate: Why the press should not be confiscated? (Interruption) I would like to show you these things. It may convince my elder brother.

12 Noon

SHRI VIDYA CHARAN SHUKLA: Certainly, Mr. Bhupesh Gupta is welcome to show it.

We have made provisions that in case somebody erroneously determines a particular matter to be objectionable, there are provisions in the Act which say that an appeal can be made within a certain time first to the

[Shri Vidya Charan Shukla.]

Appellate Authority and then they can go to the High Court and Supreme Court and we have made provisions in favour of the appellant and not in favour of the Appellate Authority, that in case an appeal is not disposed of within a certain time which is stipulated in the Bill, the original order against which the appeal has been made, will be deemed to have lapsed. This is the provision that we have made so that nobody can drag on the proceedings beyond a certain time and they must come to a decision before that deadline expires.

Before I go to that subject, Sir, I would like to mention here the provisions in article 19(2) of the Constitution on which we have based the definition of objectionable matter in this Act. The provision of article 19(2) which safeguards freedom of expression etc., in our country, says that the law can impose reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. So, Sir, these are "the provisions that we have made in this Act and these are the provisions which satisfy the requirements of the fundamental freedom as enshrined in the Constitution.

I have to make one more submission, Sir. This is regarding the permanency of this Act. This is sought to be a permanent Act. It is not going to be an Act which is going to replace any of the emergent provisions of the Constitution or the D.I.R. or anything like that, because we believe that this is the provision which is necessary for making the public life healthy in this country. It is again the same thing that happens in Parliament, like the people who make all kinds of unhealthy speeches, indulge in disorderly conduct and get publi-

city in public life and outside the country. People who wanted to make news, resorted to all kinds of anti-national, anti-social and anti community acts they indulged in all kinds of inflammatory acts and that was played up by such sections of the press, particularly district and divisional and regional press and some times the press which is erroneously called the national press, the big papers, for certain political purposes and to create disorder and an atmosphere of disaffection which led to disorder. All this is to be controlled or completely eliminated by the provisions of this Act. And here, Sir, the objection that is taken that we are seeking to fetter the press, is not correct. If the hon. Members see the provisions, particularly the Explanation, they would know that the normal criticism in the press or in any printed matter is allowed and nothing will come under the mischief of this Act. The Explanation says:

"Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce disharmony, or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall not be deemed to be objectionable matter within the meaning of this section."

Sir, this is such a wide exception which has been made. I do not understand how anybody can take any objection to the provisions of this Bill. -Now, there are many more points that are to be made. But I would like to make those points after hon. Members express their views. This would enable me to find out where exactly they have not been able to understand the implications of this Bill and if there is any misunderstanding, I would clarify.

I'd like to clear it. Sir, I would say that this Bill which I have brought before the House for consideration is meant to safeguard the constitutional rule in the country. It is meant to safeguard democracy in the country. It is not going to hurt democracy in any way. On the other hand, it is going to weaken the forces which were acting at the behest of those people who love dictatorship. It would prevent organisations like RSS, Jamait-e-Islam, Anand Marg etc. which have been declared illegal and their fellow-beings who were acting in concert with them from indulging in acts of violence that we have been seeing in our public life for many years. These are the things which are sought to be controlled. The feelings which were fanned up to create all these troubles will be contained by the provisions of this Bill. It is in the interest of freedom of speech which is enshrined and guaranteed in the Constitution. It will ensure that this freedom of speech is unfettered, subject only to the reasonable restrictions which have been provided for in the Constitution itself. Therefore, it is in the interest of democracy, in the interest of a free and healthy Press and in the interest of the country as a whole.

The question was proposed.

[Mr. Deputy Chairman in the Chair]

SHRI S. G. SARDESAI (Maharashtra): Mr. Deputy Chairman, Sir, this Session of Parliament is now practically coming to a close. When I rise today to speak on this Bill, my thoughts go back to the work that has been done in this Session, to some of the very important Bills moved by this Government which our party had to oppose, to the rather 'take it or leave it' attitude of the Government towards the various suggestions and criticisms coming from us and in a way generally to the impression which this Session leaves on us. I must be frank to say that the impression is not good. The taste left in our mouth is 1122 RS—2.

rather bitter. Why do I say so? Do I say so because our party is in any way opposed to the Emergency, to the twenty-point programme and to the aims and objectives which the Emergency seeks to achieve? No. Our position on this has been made abundantly clear and needs no repetition. In fact, I would like to state that though the ruling party is bigger than ours, we have been working for the success of the aims and objectives of the Emergency more vigorously and more devotedly than even the ruling party. I would put it that way. But the fact remains, as I said just now, that so far as this Bill and certain other Bills are concerned, they leave a very bitter taste in our mouth. Why do I say so? I would ask Mr. Shukla to go into this question more deeply. I have read his speeches in the other House very carefully, as well as the speeches of others. Therefore, as far as possible I do not want to repeat what has been said on this question already. But, as I said, I want to go a step further and I do want to say with all responsibility that on two very vital questions connected with the achievement of the aims and objects of the emergency, the understanding and the outlook of this Government, in my opinion, is very seriously wrong; in any case, it is very seriously defective. I want to state those two points and having stated them, I will examine the provisions of the Bill with respect to the two points which I want to state.

What is the first point? The emergency was brought, as we all know, because the violent forces of reaction in India, the fascist forces supported by foreign monopolists, threatened our democracy, threatened our national integrity and threatened our very freedom itself. This is the context. Now, in such a context you start a battle against these reactionary forces. In my opinion and from any reasonable point of view, two things are vitally necessary. Firstly, a sharp and clear distinction has to be made in the declaration of policy. Secondly, the wording of the various Bills must be on the

[ShrL S. G. Sardesai]

administrative measures—all along the line a very sharp and clear distinction has to be made between fascist and democratic forces, between progressive and reactionary forces, between the forces of violence wedded to reaction and the democratic forces which want to have progress. A very sharp demarcation has to be made and that demarcation has to run like a red thread through the various provisions of the Bill itself. I will come to it now.

The second point is with regard to the question of the agency of implementation. If you are serious about the struggle against reaction, if you are serious about the struggle against fascism and all these forces, then the question does arise: What is going to be the main agency of implementation in the struggle against these people? Is the main agency going to be the bureaucracy? Or, is the main agency going to be the people and various kinds of popular organisations formed for that struggle? So, I am going into some of the basic aspects of the question. Therefore, It is Shri Vidya Charan Shukla from whom We expect a proper understanding, a statesmanlike understanding on these questions.

Politics is not going to end today. The struggle against the reactionary forces is going to continue, not for months but for years, and from this point of view, how do you formulate your laws, what do you say in your laws and what is the agency which you create for implementation? These are the long-range questions which I want to pose and which I want to illustrate. Take, for instance, the very first question: the declaration of objects and reasons of this Bill which has "been given to us. I want to know why does not the Government state, blunt and straight that in the recent period reactionary, fascist forces challenged Indian democracy. The word "reactionary" is not there; the word "fascist" is not there. All that you want to defend the Indian democracy.

Instead of that, what do you speak of? I am against this confusion. I am against this white-washing because it has certain greater implications in practice. That is why I am demanding sharp ideological clarity, sharp political clarity, and I insist on it. What do you refer to? You refer to "irresponsible forces". Sir, I want to know what is the political character and what are these irresponsible forces, The Indian monopolists and all those people who wanted violence and overthrow of democracy were surely irresponsible, but is it just a question of irresponsibility without a very clear, sharp definition of objectives? It is those objectives which I want. And he says that these are the objectives which he wants to achieve. You just talk of irresponsibility. I will come to it later as to what happens in practice.

You have explained that the Press Council did not work. The other Bill is already passed. May I know why the Government has not clearly stated that the Press Council did not succeed and did not work because in the very constitution of the Press Council, in its formulation and appointment of people, even at that time a sharp demarcation between democrats and reactionaries was not made? There is nothing wrong with regard to the Act, with regard to the concept of the Press Council but if you have a Press Council, you will have to protect certain values, you have to lay down certain norms and all that, in the case of appointment of the people in the Press Council, at no time did you make a demarcation between the owners of monopoly press and the genuine democrats who want to fight monopoly press. Both are there. What else is going to happen if such a Press Council gets paralysed? I agree with you that the Press Council did not function but let me make it clear that it did not function because even at that time no demarcation in the matter of appointment of people was made. We want the Press Council. We want the Press Council to fight Indian re-

actionaries. You set up institutions keeping the above view in mind and you will see that they will give good results. You did not do that. You talk of irresponsibility, character assassination and all that. Who is not against all that? But it is not just the question of character assassination or irresponsibility or spreading hatred, it is the question of countering reactionary forces, countering fascism. That is the real purpose which has to be achieved. So, my point is, when you first of all pose the problem, visualise all kinds of these forces, these difficulties in respect of formulation and in respect of implementation of the project.

Well, Sir, I want to raise a question. This Bill raises the question of civil liberties, of democratic right. Has not the time come in India when the Government bluntly and clearly says and the laws are framed like that that the civil liberties will be denied to the forces of reaction, that the civil liberties will be strengthened for democratic forces? Say so and then come to formulation and then alone you could come to the various kinds of words and phrases which are used here.

Now I will illustrate the point which I have made. When you come to the question of 'objectionable matter' and all that, what are the words which are used? These are: 'disaffection', 'hatred'. Now, Disaffection for whom, for what, with, what purpose, I want to ask. I want to ask a blunt and straight question: Those of us who are seriously fighting fascism, seriously fighting reaction, tomorrow we may be able to say lots of things about this. Government itself, that it created disaffection among the people.

DR. K. MATHEW KURIAN: You will be in jail.

SHRI S. G. SARDESAI: I am prepared to go to jail. But my point is, this disaffection...

SHRI VIDYA CHARAN SHUKLA:
Disaffection which leads to public order.

SHRI S. G. SARDESAI: I have given the best consideration to your speech. Why don't you think about my question? My point is that you have used the word 'disaffection' in an abstract sense. I want to know, when you criticize the Government, do you not create a certain amount of disaffection? And as long as you create disaffection, you come under the purview of this law. Here again the law speaks of disturbing public tranquillity. Frankly, as a public worker, I do not know how mass work is possible without disturbing a certain amount of public tranquillity, without disturbing the tranquillity of the people living on the two sides of the road. Suppose, I take out a procession.

SHRI VIDYA CHARAN SHUKLA:
Where is 'public tranquillity'?

SHRI S. G. SARDESAI: The words 'disturbing public tranquillity' are there. Sir, my point is that these kinds of expressions or words cause fear or hatred in the minds of the people, a section of the people. How are you going to determine the question of tranquillity or lack of tranquillity? A certain amount of disturbance of public tranquillity is bound to be there. Suppose we want to fight untouchability. Do you think we can do it without disturbing public tranquillity? If I want to go to the workers and tell them that the capitalists are exploiting them, will it not mean disturbance of tranquillity? No trade union movement is possible unless capitalist exploitation is denounced. All these things are there.

Now, we were told here and in the other House that strikes are not banned. I would much rather wish that Shri Vidya Charan Shukla tells us which strikes are legal rather than saying that strikes are not banned. Because today even a leaflet cannot be circulated. In a leaflet if I criticize an employer, there is question of public tranquillity involved, the ques-

[Shri S. G. Sardesai] tion of class hatred comes in. How is that leaflet to be distributed? How can we organise any kind of strike?

Another thing which I want to say—I am afraid it has not been sufficiently stressed by other speakers—is that these provisions not only prevent the expression of opinion, comment or criticism, but also these prevent the publication of simple news. It is a very important thing. The right of the press is not just to criticize; the right of the press is to publish news. In case a strike takes place, can it be published? During the last 6 months the press has not published the simple fact that a strike has taken place. Now, you may say that this is a permanent Bill and that censorship will go. But after all the spirit is the same.

SHRI N. G. GORAY: The Bill and the censorship both will remain.

SHRI S. G. SARDESAI: The point is that when the censorship goes or the emergency goes, the spirit will remain. That is what is expected to be done. This is the kind of thing over which I disagree with you. What are you fighting? Whom are you supporting? Can you concretely say what you are fighting for, what you are fighting against (Interruption). Don't worry. We will decide. We are capable of taking care of ourselves. We are capable of working out our way.

Now, I want to go a step further. What is meant by lawful propaganda? I want to understand how it affects both ways. If a certain amount of propaganda is carried on lawfully, and if it purports to change an existing law in a constitutional manner, this, that and the other, then according to your Bill, there is no objection. I want to raise the "question from the other end. Here is Mr. X who lawfully publicly carries the propaganda that India needs Hitler and Hitlerism. My conception is even if he functions

constitutionally, it must be banned. It is not a question of violence or no violence. We want no propaganda for Hitlerism. But, according to your Bill, it cannot be stopped, because he says: "I want to do it legally; I want to do it constitutionally". So it cannot be stopped so long as it is constitutional and legal. These are the defects in the Bill which defeat the very purpose of the Bill.

Then I go still a step further. Take the secession propaganda. Secession propaganda is possible, propaganda regarding disintegration of the country is possible, provided it is lawful. Are we going to permit it? Is that the idea? Is that the idea of a democratic press? Or suppose one says, let the Muslims be treated as second-grade citizens. The RSS has been saying it daily. Tomorrow if an RSS fellow preaches such a thing, he can say "I am not preaching breach of any law. All that I am saying is that the Muslims are traitors and, therefore, they should be treated as second-grade citizens." Are we going to prevent it? According to your law, it cannot be banned.

SHRI VIDYA CHARAN SHUKLA: It can be banned.

SHRI S. G. SARDESAI: It is going on. I can show any number of papers in which it is being done. So the entire question is one of distinction between the democratic and Fascist forces. It is not a legalistic question, it is not a formalistic question. I tell you once again how it can happen. We are now dealing with the press, I know. Quite a number of Chief Ministers with whom I have had a talk, more particularly in Maharashtra, have taken this line. What applies to meetings also applies to the press. For instance, if I go to Mr. Chavan and ask him for permission to hold a meeting, he says "Look here, I cannot permit the CPI to hold meetings. If I permit you, I will have to permit the Jan Sangh also." This is a lawyer's

attitude. But so far as I am concerned, if you are fighting Fascism, then the democratic forces will have to be allowed to carry on propaganda. But this cannot fit into the law. Like a lawyer, you will say. "If that is banned, this is also banned." The other day I was speaking in a seminar, and I would like to repeat it here. This is what is known as 'swa, yuva and maghwa'. What does it mean? The famous grammarian Panini put all the three words together because grammatically their declension is the same. "Swa" means a dog, "yuva" means a youth and "maghwa" means Lord Indra. A friend of Panini asked him: "What have you done? You have put Lord Indra and dog together." Panini said "I have put them together because in grammar they are the same." Similarly under section 144, a Fascist and a democrat are the same. Section 144 does not make a distinction between a Fascist and a democratic that outlook, I tell you, is here in this Bill also. You may say that if the law is there, it applies to both of you equally. But my point is that this distinction is a real distinction of life. Therefore, you cannot ignore it.

Now, coming to the question of implementation, once again all this power is being given to the bureaucracy. My point is that the agency of implementation has also got to be democratic. You cannot run away from it. The agency of implementation cannot be the bureaucracy. So what is the correct way of setting up an agency of implementation which will implement the law from a democratic point of view. The monopoly ownership of the press must be ended. That is the starting point. That you brought in three or four years ago, but now you have dropped it altogether. Now the recent report is that the Birlas are taking over the Indian Express also, wonderful. So if you want a democratic implementation of the law the best thing is to go to the working journalists, the democratic organisation of the working journalists, and associate it with the implementation

of the law. Is there any provision in this Bill that the democratic journalists also will have the right to elect their own committees and they will be fully associated with the implementation of this Act? No. who is going to implement it? The magistrate, the executive officer. So once again the question is...

MR. DEPUTY CHAIRMAN: Yes, you will have to wind up.

SHRI S. G. SARDESAL : Just a minute, because I will not be intervening again. So this again is not an abstract question. Mr. Bhupesh Gupta just now pointed out how it is being implemented I know there are Jan Sangh papers which are still running. Nothing is done against them. And against our papers, because we have protested against certain things, the censor gives a warning—just a handbill saying "go on hunger-strike for one day." This is bureaucracy It is not your intention, now. But intentions do not carry you far. So the point I am raising here is that the agency of implementation has also got to be a popular agency. Then you will really achieve the aims and objects of the Bill I am not saying that the general policy statements are wrong. That is not the point. The point is, with what clarity you bring this Bill and what is the agency of implementation which you bring in, because only that will finally decide whether the aims will become successful. Aims do not become successful just by declaration. They become successful by the clarity with which they are brought and by the agencies which implement them. Another very interesting example I can give. Here you say that any kind of press which creates ill-will between India and any foreign country will not be allowed. Don't you know that in the last six, seven and eight months actually the propaganda against socialist countries is increasing in India? Even if the Soviet Union gives pumps for Chasnala rescue operations, there is propaganda against that country

[Shri S. G. Saidesai] saying that the pumps are not working, this has not happened, that has not happened, etc. That kind of propaganda is going on. According to your law, something must be done. Your intention is to do something. But the fact remains that nothing happens. Why is it so? It is because of lack of clarity of purpose in the formulation of the Bill and because of entrusting the bureaucracy with the implementation of the Bill...

MR. DEPUTY CHAIRMAN: You have to conclude now.

SHRI S. G. SARDESAI: These are the basic questions. It is not that I want to go into further details. The other House went into them, want to tell this Government that if they want the battle to be carried to its logical conclusion, then politically, ideologically and in terms of formulation of the Act, the administrative machinery and the implementing machinery will have to be streamlined in such a fashion that the aims become successful. Otherwise, the aims will remain on paper and you will be throwing the baby also along with bath water. I would go one step further and say that you will be throwing the baby and retain the bath water. This happens in fact. Please see that it does not happen.

DR. M. R. VYAS (Maharashtra): Mr. Deputy Chairman, I have great pleasure in supporting the Bill. While supporting the Bill, I would like to point out that it is part of the four major events which have taken place in connection with working of the press in our country. Firstly, there has been the abolition of the Press Council; then yesterday we passed the Bill about reporting of the proceedings of the Parliament; then there has been the merger of the four news agencies, and lastly today we are discussing this Bill connected with the reporting of objectionable matters.

While supporting the Bill, I think it is essential that I should give the background of those four events. In the past few years we have witnessed a steady erosion of the democratic values attached to the working of the press in this country. If today some members of the opposition shed tears and speak of our having to do anything with the abolition of certain rights, I think the boot is on the other leg. For the past few years we have been witnessing that these rights have been misused to the detriment of full development of our democratic society. If we look to the various events we find that these rights given to the public have been given for the purpose of developing a society which would be free from the bondage of the past imperial era. I would like to point out that though it has been mentioned that with the adoption of the present Bill certain rights which are given to the press would be taken away. But do not think so because, as the honourable Minister himself pointed out while moving the Bill, these points are already covered by the existing laws and what is being done here is that specific guidance is being provided here in respect of the Press. Yesterday, while speaking on the other Bill, Shri Bhupesh Gupta and others referred to the point that if the reporting, for example, of what is being said in Parliament is not allowed as has been done hitherto, then certain criticisms levelled against the working of certain houses cannot find their echo in the Press. But, Sir, may I remind them of the fact that with all the freedom that existed in respect of reporting the proceedings of Parliament, some of the speeches which Mr. Bhupesh Gupta mentioned rarely found mention in the Press even if the debate was very hot and the criticisms were very strong? Sir, about the working of the large houses like that of the Birlas, the Tatas, the Goenkas, etc., I have nothing to say and I have nothing against them as individuals. But I would say that these houses have been taking care of their own interests. Even if the

criticisms were very strong in the Houses of Parliament, I have found sometimes that no mention was made of those things in the Press. Now, who stopped the press from reporting these things? So, if anybody got damaged in the process, it was generally those who could not defend their rights outside. So, when we abolish some of these rights today formally, we are not taking any step which is really detrimental to the reporting work and the rights of the Press.

Again, Sir, the day before yesterday, when Mr. T. N. Singh was speaking, he spoke with some emotion about the norms of parliamentary democracy and parliamentary traditions and said that to these norms belonged the rights of the Press. But I would like to say that these rights are also vested in Parliament. When we instituted the parliamentary democratic system in India, we generally looked upon it and even now look upon it on what might be called a tripartite basis and the three parts are, firstly, Parliament, secondly, the judiciary, and thirdly the Press. Now, what has been happening in India ever since independence or during the last one decade is that while Parliament is subject to revision of its own status by the public from time to time, say, after five years or four years, the Press and the Judiciary are not subject to any change or subject to the pressure of the public and the result was that in the year 1969 a new phase of our democratic life began and the Congress Party took certain strides in the direction of the implementation of a policy for the establishment of a socialist society.. At this stage, Sir, a kind of division occurred in the sense that the Press remained with that section of our society which is wedded to a kind of conservatism and the Judiciary, by and large, has the heritage of conservatism. So, what happened in the year 1971 gave them a shock when this party was elected with a massive majority and it was at this

juncture that those conservative elements, called the Grand Alliance, got defeated in 1971 and they thought that these two other things could be used to subvert the authority derived by Parliament from a direct vote of the people and it was at this stage that the Press started indulging in a kind of hysteric attack on everything that was of the Congress Party, the majority Party in Parliament. So, indirectly it amounted to this that the Press was being subverted or suppressed in such a way that it could use its influence and power to bypass the authority that was vested in Parliament. And, Sir, what was being done? In the name of these rights, in the name of reporting the proceedings of Parliament, the Press gave importance to those things which were supposed to be damaging to the Congress Party only.

Now, if this is continued, as we saw last year, the result would be that the Press would be used as a means of an attack on the very system of democracy, because Parliament is a very significant part of the democratic system. Ultimately, the Members of Parliament have to go to the people and get voted back to power. So, another thinking was that if the Press could be used to undermine the position of the Congress Party, it can be overthrown, and that if it could not be overthrown that way, even subversive methods could be used. After all, what was this- cry of total revolution? Total revolution meant, not that Parliament will pass any laws of a revolutionary nature, but the working of Parliament the working of different Vidhan Sabhas, would be so undermined that people will lose faith in the working of Parliamentary democracy. At this stage, I wish some of our Members from the Opposition who are opposing the present Bill would have come out with a kind of appeal, to the elements within, of sober thinking, so that this attack, this massive attack, on the working of democracy could be held. But at no stage have I heard anybody telling them: Do not go on the streets and harass these

[Dr. M. R. Vyas]

who are duly elected, do not go to the streets and create abuse or do not shower abuse on people. If that had been done, a kind of healthy give-and-take attitude would have prevailed.

I need not refer again to the events in Gujarat and Bihar, where duly elected bodies were being threatened. In Gujarat, actually they succeeded in demolishing the duly set up Assemblies. In Bihar, similar attempts were made. Now, these were not isolated instances. When this Bill is being introduced today, certain restrictions are being restored which were earlier -existing before 1966.

In 1966, when the Press Council was introduced, the Government hoped, and there were hopes all round, that the working of the Press Council will have a sobering effect on the Press. Unfortunately, the Press Council never got a good start. Right from the beginning, it had not only teething trouble, but it actually never grew up. In fact, it got bogged down in its own working system, its own lethargy and its own conflicts within itself.

Here, again, the problem arises: How do we implement? How, do we bring about a kind of healthy element in the working of the nation's Press? And I do not think that this Government has any great joy about bringing any legislation which restricts certain things to the Press. If the Press could work by voluntary, control, by more discipline into the working of the progress of the country, I am sure, no such legislation would have been necessary. And I think, this Government would be the last Government to bring a legislation which would curb anybody's rights. So, it has been done after long thinking. Even after emergency came, Government did not move into this direction. But, ultimately, we have to think of the rights of Parliamentary system, of the right of the people who are elected by the people. So, if these rights are being eroded and if the Press becomes a mouth-piece of a section of our society, and a section of our so-

ciety which is not otherwise big but which is very vociferous, there is a danger that the rights will be trampled, of those who are in majority but who do not control the Press.

As far as the Press is concerned, Sir, as you know, the Press today is very much wedded to a particular section of society, and that particular section of our society belongs to the top-most business elements.

As a result of this, what do we see? There is a kind of cleavage in the thinking of the masses and the thinking of those who control the Press. Here, I would say that it is not our Indian Press that is isolated. At the higher level, particularly our English Language Press is very much in league with some of the Western elements. We have seen time and again that the West has always attacked India for certain actions which they think are derogatory to them. You find that the Western Press has been criticising India for doing this and that. May I ask those people who base their leanings on the criticism that is levelled against us in the Western Press: Who is it not the same Western Press which supported Ayub Khan's limited democracy? May I ask those on the opposition side who blame us for putting limitations on the working of our Press and for taking away democratic rights according to them: Was it not one of the leading opposition leaders who had asked for support to the basic democratic conception? What was this basic democratic conception? That was the conception of democracy that prevailed in Indonesia under Suharto and the conception of democracy that prevailed under Ayub Khan in Pakistan. (Time bell rings) If that was the idea of democracy, I would like to ask them: How do they say that the present measure is not a democratic measure? In fact, it takes away very little of what is there and it retains a large measure of freedom that our Press enjoys in our country. So, I would like to point out once more that let us not work up a kind of hysteria against a Bill which only seeks to put

on record certain restrictions which are actually such restrictions as the press normally observes. Here it has become statutory. But that does not mean that anybody is being deprived of his rights to say something or to write something freely.

For example, Sir, a lot has been said about the case of Birla vs. Verghese. Here again, I find a kind of league or liaison between the working of our so-called elite Press and the Western Press. It has been the habit of the West to give awards to people who speak against their own leadership or their own countries and make heroes out of them. Even the Noble Prize is being used for such purposes and also the Magsaysay award is being used for such purposes. If you shout at your Government, the West will give you an award. I think we should not allow this kind of tendency to grow. We should see that our Press remains healthy and reflects the aspiration of our people. Here again, our people's aspirations are based on a healthy Parliament and healthy growth of democracy through the Parliament. I am sure, ultimately the guardian of the people will remain a democratically elected Parliament. (*Time bell rings*) I am finishing, Sir. Anything that comes in the way of this process of elections to the Parliament and anything that impedes the rights of the duly elected people is anti-democratic. Here, these measures are not meant to take away somebody's rights, but to protect the rights of the common people to express their views, to express their sentiments and to choose the leadership of their own choice. It is in this respect that we should support this Bill. Let us hope that in its due working after this Bill is passed, the opposition and the Press will see light that by trying to destroy democracy, you don't restore it. It is like the case of a person who has got heart ailment. The patient lies low and takes rest rather than die.

So, if our friends have brought a kind of sickness in the working of our parliamentary system, it is better that

we take some prescriptions which will do away with the disease. But if we were to accept their prescription, it would be the final end of democracy. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Shri T. N. Singh.

SHRI T. N. SINGH (Uttar Pradesh): Would you like me to speak just now? I should speak later because my speech will be split over _____

MR. DEPUTY CHAIRMAN: You please speak now, and you take fifteen minutes.

SHRI T. N. SINGH: ... and I would not be hustled because of the lunch-hour coming.

MR. DEPUTY CHAIRMAN: You will get your time. Whatever is each one's time, will be given. There is no question of hustling you.

SHRI T. N. SINGH: Mr. Deputy Chairman, Sir, I am afraid my friend, Shri V. C. Shukla, and the Government are only trying to flog a dead horse. The Indian Press is dead. There is nothing like freedom of speech or freedom of expression in the country. After the Ordinance, after the DIR and the MISA, and the manner in which it is not possible even to hold a meeting without the permission of a District Magistrate, to think of anything like free Press is, I think, not possible. Why are you trying to Press the restrictive law? It is already a restricted Press, it is already a dead Press. There is no life in it.

Sir, there was a time in the early days of freedom struggle when we fought for this precious right, and despite the atrocities and the repression carried on by the Government, our voices whether lone or massive were loudly heard and loudly spoken. I remember, Sir, I think in 1922, the paper called the 'Independence' run by Pandit Motilal Nehru was banned by the bureaucracy. It ceased to run. I was

[Shri T. N. Singh] a young Congress volunteer then, and in Kashi Vidya Pith and in other places, we brought out cyclostyled material and cyclostyled copies of the 'Independence, were circulated.

Sir, this Bill says, "anything that amounts to disaffection of the Government established by law in India," shall not be permitted very familiar words from bureaucratic British days. The Minister says, "only such expression, which tends to create disaffection." That is what our Minister says. I think that is a small consolation. Whenever such restrictions are put, they do not end only at that point. The creation of emergency and the absolute powers wielded by this Government are going to lead nowhere except to 'totalitarianism and authoritarianism. As a matter of fact it has already come.

Sir, I wanted to organise meetings to commemorate the Tenth death anniversary of late Shri Lai Bahadur Shastri. I was told that without the permission of the Deputy Commissioner here I could not hold such a meeting. I refused to ask permission for such a purpose. Therefore, I say, for any patriotic Indian, who loves independence and liberty, it has become impossible to live with honour in this country. That is the situation and now you have brought this law. Are you not satisfied with the powers that you have already arrogated to yourself? Why do you want more and more powers? Like the man-eater who has tasted blood, you know no end. That is the situation in which you are placed today. One thing will lead to another. The earlier Objectionable Matters Act of 1950s was—let us remember—after all a temporary Act and it did lapse. It was not allowed to continue. I, in the Press Commission, did favour its temporary continuance but that was only as a temporary measure; the ultimate objective was to have a free and completely independent Press. Now, today I find that my friend, Mr. Chalapati Rao,

who wrote a note of dissent to this Commission's report, some others, who are now no more in this world, is in the other camp. I find myself on the other side. How things have changed? Then, even that earlier Act was indulgent to or comparably generous to the Press in many regards. No order was to be issued by the executive, except by going for approval to the district judge. That is not to be so now. You say that within sixty days he can go to the High Court and the review power is given to the Central Government which is as much an executive as a State Government. The principle was that a judicial authority should look at it at the first opportunity on the objection of the aggrieved party. This has been completely thrown to the winds. Therefore to say that we have shown any consideration, to the Press will be entirely misleading and wrong.

Now, Sir, I have tried to go through the various clauses of this Bill in some detail and I can say that the limitless powers almost limitless powers, enjoyed by the executive are tantamount to complete negation of the freedom of the Press. Freedom of the Press is an essential part of any democracy. Freedom of speech is also essentially so and both these things today have been taken away. Both these rights have been taken away by the Government. You have also suspended article 19. What more do you want? Why must we agree to such a measure? Even the Press Commission said that such a measure should not form permanently a part of the statute book. Now we are going to make it a permanent measure. I object to it. Apart from those preliminary points, I I P.M.

would like to say something about the general behaviour of the Indian Press. In 1953-54 when the Press Commission reported, it gave the verdict that by and large the Press has behaved properly. They were not obsessed so much with fears of any criticism of the Government, or of creating disaffection to the Govern-

ment. The outline of a Press Restriction Act temporarily as given by the Press Commission did not use the word "disaffection" towards the Government, at all and you have brought in these words here. What we were concerned with then was that there was obscene literature, pornographic literature very much in circulation in those days and that had to be prevented. Freedom of expression does not mean that obscene literature should be freely circulated among the people. We did want to prevent that; We did want to prevent those who preached communal hatred but never was disaffection to the Government considered anything as undesirable as if it should not be permitted in any case. Every Government when it comes to power, will be supposed to have come into power by law, after elections. Is it suggested that we would preach disaffection towards that Government? And if some people take into their heads to create some violence, shall we, for that reason, cease to criticise the Government? When Gandhiji stopped the movement of 1929 in Chauri Chaura, he said that there was violence at Chauri Chaura police-station.

Next time when he came with the idea of a movement in 1930, we all Congress workers asked Gandhiji: "Will you stop the movement again?" Gandhiji said that he would not. In this vast country somewhere some stray cases may happen, some people can get excited, even the supporters of Gandhiji could get excited. Why should that fear result in this draconian measure? I therefore, feel that the measure is completely unwarranted and should never have been brought here.

I have been analysing the position as to why we have been compelled from time to time, from 1950 onwards, to have Preventive Detention Act, this Act and that Act. What is the matter with us? Because I say—and I say it with some knowledge and experience—that most of us when they come to power and become Ministers, they forget the

people; the gap between the people and the Ministers increases. I made that statement before the Prime Minister herself and I can repeat it. Not only that, when they come to Parliament and live in these big houses that you have constructed for us, the gap between us and the people grows. We are no longer close to the people. We now move in first class compartments and the masses move in third class. Having done that, you have increased the gap still further. Gandhiji voluntarily travelled in third so what I am saying is that the whole psychology of ours after independence has gone astray, gone wrong in many directions. We have given up Gandhism. We have not only assassinated him, but murdered his ideas as well. This is what I would say. Sir, the late Prime Minister Shri Lal Bahadur Shastri was very fond of repeating a Urdu Couplet. I am repeating it here because I feel that the Government must know that there is something wrong somewhere which they have to remedy. These sort of measures will not do. The Urdu couplet was;

“कोई नामूर बेशक है,
जिगर में हो कि दिल में हो।
बराबर खूँ चला आता है,
मेरी चश्मे गिरियाँ में।”

"There is somewhere a deep root-ted sceptic condition in body for blood continues to ooze out of my eyes."

Now, you are bringing one repressive measure after another. It is due to the fact that there is something basically wrong in your approach. Unless you remedy that, you cannot end up in any way except Hitlerism. Therefore, I would still ask you to look a little ahead and try to look within yourself, self-examination, as to where you have gone wrong. I am sorry, the Prime Minister is not here, I would have told her that this sort of introspection is necessary. Why are you going ahead with such measures? If even old colleagues and friends of the freedom

[Shri T. N. Singh]

movement, many freedom fighters who have been in prison for six to eight years have to be put back in prison again in a free India, there is something essentially wrong with you. Do not try to find fault with somebody else. The fault lies somewhere at the seat of power. I had some realisation of this, I am not divulging any secret when I say that even during the lifetime of Shri Lai Bahadur Shastri, during his last days, I had talks with him on these very lines. He also felt about it and said 'Yes, we have gone wrong somewhere', especially when he was reminded of this Urdu couplet. Therefore, I would like you to have a look at your ownself first. You have introduced Press censorship. And yet you say that there is nothing like censorship technically. But I can tell you that this is not so. I have a letter from the Press Censor. When Mr. Kuldip Nayar, a journalist of 'The Indian Express' was detained under MISA, the court gave a judgement saying that the detention was unjustified and in anticipation of that judgement, he was released. We wrote to the Censor that we wanted to publish that judgement and sought his permission. The Censor wrote back to us—this is in writing—that we cannot do so, not even the summary of the judgement.

SHRI BHUPESH GUPTA: Yesterday my Kissinger thing has not been mentioned.

SHRI T. N. SINGH: I will have some harsh words to tell you, Mr. Bhupesh Gupta.

MR. DEPUTY CHAIRMAN: But you will have to conclude now. Already twenty minutes you have taken.

SHRI T. N. SINGH: No, Sir. Please permit me

MR. DEPUTY CHAIRMAN: Normally 15 minutes are given.

SHRI T. N. SINGH: Don't be so rigid, Sir. At least let me speak. Or, Sir, do we adjourn for lunch?

MR. DEPUTY CHAIRMAN: No, no. You finish.

SHRI T. N. SINGH: So, Sir, what I was saying is, today there was no need for such a measure not only because, by and large, the press has been behaving properly but also because you have got press censorship, MISA, DIR and all kinds of things. What should have been considered and what is a fact—Mr. Bhupesh Gupta knows it also—is that today the press has become commercialised. It is largely in the hands of big business. I think you will agree and that these people with great property interests, money interests are working and will always carry out your wishes at your slightest indication. Why are you taking away even the forms of democracy in an unnecessary anxiety about the people who are at your mercy? They will do whatever you want. So, apart from the injustice of the measure, the impropriety of the measure, it is not at all necessary, we know that the business tycoons who own these papers have already restricted the freedom of the press.

Sir, I was an ordinary, humble subeditor in the *Hindustan Times*, whose proprietor has earned a big name by sacking Mr. Verghese and who has now become also the Chairman of the Indian Express; he is getting more and more papers under his control, thanks to the blessings of this Government. This man's father dismissed me. Why? Because I had the courage, during my spare time, to work for the trade union and some strike occurred in the Birla Mills. Promptly I got a notice that I must make a choice between my job in the *Hindustan Times* and my trade union activity. The choice was obvious. I could not give up my trade union activity at the threat of any person of

this kind. So, this is what they are and this is what they will do for their self interest.

We are talking of freedom of press, democracy, equality, socialism and all these things, and I see before my eyes newspapers getting concentrated in the hands of a few business *tycoons*. Can you deny that today Mr. K. K. Birla is the Chairman of the Express Group of Papers and at your instance, at the instance of the Government? Otherwise, the whole paper's existence was in jeopardy.

SHRI VIDYA CHARAN SHUKLA: Sir, I must say that this allegation is absolutely incorrect. Government has had nothing to do with the changeover. This has been an arrangement between them, if at all and Government has taken neither direct nor indirect part in this matter.

SHR T. N. SINGH: You should not deny the arrangement. The fact is, Mr. K. K. Birla is the Chairman today.

SHRI VIDYA CHARAN SHUKLA: He may be the Chairman but not brought about by us.

SHRI T. N. SINGH: That is the real trouble. That is why freedom of press is all the more necessary. Unfortunately if I had to make this statement outside, I will have to get somebody to pilfer your records from the Government of India or some papers from them. If I make this statement, I cannot produce any documentary evidence.

SHRI VIDYA CHARAN SHUKLA: The Hon. Member being such an old parliamentarian, knows that he does not have to pilfer anything. If he wants the facts he can put a question and we will give all the information to the House. We can't take the plea of public interest in such matters.

SHRI T. N. SINGH: This kind of denial has no meaning because unfortunately, if I speak outside my

voice is gagged. Thanks to you Sir, I have got the freedom to make this statement here, I am making, this statement with full responsibility that but for the fact that Mr. K. K. Birla has been implanted as chairman of the Express group of papers, that group of papers had no future, that was the position and that is so because of the Government. Whatever the Minister may say, I am making this statement and I think I am a responsible man.

So, Sir, one of the saddest tendencies for the press has been to pass in to the hands of the big business and this is going on. Why are you afraid? All big business is with you. Mr. K. K. Birla is praising you. I am an old freedom fighter, I may have differences with you but Mr. K. K. Birla has discovered a new love for you. So, who is where, where right stands, history will judge and people will tell. It shall not remain hidden for long.

So, Sir, I am thankful to you for having permitted me to speak at this hour. I again would like to stress: Do not put this black Bill on the Statute Book in any way. Please, do not do it. By doing this you are doing disservice not only to your own Government but to democracy and to this great country of ours. I am sure, if measures like this were to continue and if Gandhiji were to be reborn, he would be put behind the bars and his Harijan would not be allowed to be published. Sir, we have got a glorious history. Shri Jawaharlal Nehru had the privilege of starting and guiding the affairs of the National Herald. I was also working on the editorial staff. And every time Government asked for a security the public came with large contributions, they gave us all the money required to be deposited with Government as security. Once we were not able to pay salary to ^{our} staff and the people readily contributed and the salary was paid. Today if Gandhiji were to bring out a

[Shri T. N. Singh]

paper and if he was to appeal to the people for funds. I am sure, both he and those who offered any funds to him would be put in jail. This is the situation today. Therefore, I want you to retrace your steps. It is not yet late. Please, do retrace your steps and that is the only thing you can do to make amends to what you have done so far.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2.15 P.M.

The House then adjourned for lunch at nineteen minutes past one of the clock.

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

MR. DEPUTY CHAIRMAN: Shri-mati Kumudben Manishanker Joshi.

श्रीमती कुमुदबेन मणिशंकर जोशी
(गुजरात) : उपाध्यक्ष महोदय, प्रिवेंशन आफ पब्लिकेशन आफ आब्जेक्शनेबल मैटर्स बिल 1976, जो सदन के सामने प्रस्तुत हुआ है, मैं उसका हार्दिक स्वागत करती हूँ और उसका समर्थन भी करती हूँ।

उपाध्यक्ष महोदय, सिर्फ मैं ही उसका समर्थन नहीं करती, इस राष्ट्र की शान्तिप्रिय जनता और इस राष्ट्र का कोई भी राष्ट्रप्रिय व्यक्ति इस बिल का समर्थन करेगा। मुझे पता है कि जो लोग अपने कामों के द्वारा जनता के पास नहीं जा सकते हैं, वह अखबारों के माध्यम से जनता में अपनी राजनीति चलाना चाहते हैं और ऐसे ही लोग हैं जो इस बिल का विरोध करेंगे।

उपाध्यक्ष महोदय, मैं देखती आई हूँ—संसद् में और संसद् के बाहर भी—कि बहुत से लोग ऐसे हैं जो हर रोज कोई न कोई कार्यवाही की आलोचना करते रहते हैं और

दूसरे दिन हम अखबारों में पढ़ते हैं, हेड-लाइंस में पढ़ते हैं कि उनकी सारी बातें आई हुई हैं। वह लोग जनता को गुमराह करना चाहते हैं। इस वजह से वह अपनी राजनीति वहाँ बनाना चाहते हैं।

उपाध्यक्ष महोदय, मैं बहुत सी लम्बी बातें नहीं करना चाहती हूँ। मैं आपको बहुत सी बिसालें देना चाहती हूँ कि गुजरात में जिस नव-निर्माण का आन्दोलन चलाया गया था वह आन्दोलन नहीं था, वह एक आंधी थी। जैसे आंधी आती है, सारी दुनिया को तबाह करके फिर चली जाती है, ऐसी ही आंधी गुजरात में आई थी। वहाँ उस आंधी में फंसे हुए लोग हमें मिले थे। मैंने उन लोगों से पूछा कि आपका यह कार्यक्रम चला कैसे, उसको इतनी तेजी मिली कैसे, तो मुझे सुबकों ने बताया कि सिर्फ हम 7 लड़के थे और किसी का सहकार नहीं था। हम चाहते थे कि एक दो कार्यक्रम करेंगे और बैठ जायेंगे। दूसरे दिन देखा कि सारे अखबारों में हमारे सारे कार्यक्रम के बारे में छाया था। अखबारों ने हमारे कार्यक्रम के बारे में हेडलाइंस में देना शुरू किया। इस तरह इस कार्यक्रम को वेग मिला। इन अखबार वालों ने गुजरात की आर्थिक, राजनीतिक और सामाजिक व्यवस्था को तितर-बितर कर दिया।

उपाध्यक्ष महोदय, मैंने—इस सदन की बात नहीं, उस सदन की बात है—देखा कि दो-ढाई साल से हर एक सेशन में अविश्वास का प्रस्ताव आता है। एक बार मैंने विपक्षी दल के नेता को बताया कि आप हर बार एक ही बात करते रहते हैं और कोई नई बात नहीं करते हैं और आपको पता है कि आपका प्रस्ताव मंजूर होने वाला नहीं है, तो फिर अविश्वास प्रस्ताव क्यों लाते हैं? उन्होंने बताया कि आप की समझ में नहीं आता है। यहाँ पर जो हमको प्रेस पब्लिसिटी की सुविधा मिली हुई है इसके माध्यम द्वारा हम जनता के पास जो बातें ले जाना चाहते

हैं, यहां जो आलोचना करते हैं, करना चाहते हैं, करेक्टर असेसिनेशन करना चाहते हैं, खंडनात्मक बातें करना चाहते हैं वह जनता के पास पहुंचाने के लिए हम अविश्वास का प्रस्ताव लाते हैं। तो मैं समझती हूं कि यह जो बिल प्रस्तुत हुआ है, इसके माध्यम द्वारा हम राष्ट्र का चरित्र बनाना चाहते हैं। इस बिल के माध्यम द्वारा हम लोगों के पास सही बात पहुंचाना चाहते हैं। स बिल के द्वारा हम राष्ट्र में शांति लाना चाहते हैं और राष्ट्रीयता की भावना लाना चाहते हैं।

मुझे पता है जब जयप्रकाश जी अपना कार्यक्रम लाये, जब उनका कार्यक्रम निकला तो मैंने अखबारों में पढ़ा कि उन सारे कार्यक्रमों के साथ-साथ उन्होंने गांधी जी का नाम भी लगाया। हम तो गांधी जी के भक्त हैं। मुझे थोड़ा सा बुरा लगा इसलिये मैंने उनसे पूछा कि आप ने गांधी जी का नाम इस बात के लिये क्यों लिया जब कि गांधी जी ने कभी इस क्रांति को समर्थ नहीं किया। इसके साथ ही मैंने एक आवेदन पत्र तैयार किया और प्रेस गैलरी में गई जहां पी०टी०आई० वाले, यु०एन०आई० वाले बैठे हुए थे। वह आवेदन पत्र जो मैंने तैयार किया था वह छापने के लिये उनको दे दिया। मैंने उसमें जयप्रकाश जी को लिखा था कि आप कुछ भी करिये लेकिन इस काम में गांधी जी का नाम मत लीजिए। जो मैंने आवेदन पत्र दिया था वह अखबारों में निकला या नहीं इस बात में मैं नहीं जाना चाहती लेकिन इतना जरूर कहना चाहती हूं कि दूसरे ही दिन जब मैं सदन में आई तो लोबी में मेरे एक बुजुर्ग मित्र मिल गये। उन्होंने कहा कि आपका निवेदन तो अखबारों में छपा नहीं है। मैंने कहा, नहीं छपा होगा। उन्होंने बताया कि मेरे हाथ बहुत लम्बे हैं। यह ठीक है कि अखबारों तक उनके हाथ पहुंचते हैं लेकिन इन्हीं अखबारों के माध्यम से वे गलत बातें जनता के पास पहुंचाते हैं। मुझे दुख है कि इन लम्बे हाथों की वजह से वे लोग राष्ट्र को खत्म कर रहे हैं।

मैं दो-चार बातें और कहना चाहती हूं। विधान सभा के चुनाव के दौरान गुजरात में तूफान आया था यह हरक को पता है इसलिये मैं डिटेल् में नहीं जाना चाहती। मुझे याद है वाजपेयी जी सूरत में आये थे। सूरत में उन्होंने अपने प्रवचन में गाली-गलौच और गंदी बातें कही थीं लेकिन वही बातें दूसरे दिन अखबारों में छप गई। वह गुजरात में नौजवानों का चरित्र गिराने और शरारत सिखाने आये थे। मैं एक दिन महिलाओं की मीटिंग में गई। उसमें लगभग 50-60 महिलाएं बैठी थीं। वे बड़ी नाराज थीं। उन्होंने मुझे बताया कि वहन जी, ऐसी राजनीति वाले गुजरात में आना क्यों चाहते हैं जो हमारे चरित्र को बनाने के बजाय गिराने आते हैं, गंदी बातें सिखाते हैं। इसी बात को लेकर उन्होंने एक निवेदन तैयार किया और मुझ से कहा कि आप इसे अखबारों में निकलवा दीजिये। मैंने उनको बताया कि सही बातें तो अखबार वाले छापते ही नहीं हैं। आपकी इस बात को कौन अखबार वाला छापेगा।

उपाध्यक्ष जी, आपके माध्यम द्वारा मंत्री महोदय का ध्यान आकर्षित करना चाहती हूं बिल के 16वें पेज पर। उसमें लिखा है

Provisions were also made in the Ordinance for preventing circulation and distribution of objectionable matter.

मैं पूछना चाहती हूं कि यह जो कानून है क्या यह गुजरात पर लागू नहीं होता है? क्या कुछ बातों से गुजरात वालों को माफ कर दिया गया है? आपने भी देखा कि जब गुजरात में पंचायत के चुनाव हुए—हमने भी उनका मुकाबला किया था—उस वक्त, उनकी कोई संघर्ष समिति चलती है और पता नहीं क्या-क्या चलता है, हर रोज उन्होंने पर्चे निकाले हैं। संसद में हमारे साथी उनको लेकर भी आए हैं। उन पर्चों में एक छपता है “जनता समाचार” के नाम से और इसके साथ ही

[श्रीमती कुमदबेन मणीशंकर जोशी]

एक और निकलता है "अमय आजाद" । दूसरा पर्चा निकलता है "जनता छापू" और तीसरा जो साऊथ गुजरात से निकलता है उसका नाम है "दांडिया" । कुछ इनमें से बीकली निकलते हैं और कुछ दूसरे-तीसरे दिन निकलते हैं । सारी दुनिया की झूठी बातें, सारी दुनिया की गंदी बातें इन पत्रिकाओं से निकल कर जनता के पास पहुंचती हैं । जनता को गुमराह करने के लिए यह पत्रिकाएं निकलती हैं । उपाध्यक्ष महोदय, मैं आपके माध्यम से गुजरात की जनता को धन्यवाद देना चाहती हूं कि इतनी सारी बातें पहुंचने के बाद पंचायत के चुनावों में इसी जनता ने सही निर्णय लेकर प्रधान मंत्री के नेतृत्व में विश्वास व्यक्त किया । मैं आपके माध्यम द्वारा मंत्री महोदय के ध्यान में इस बात को लाना चाहती हूं क्योंकि गुजरात में वे सब बातें चल रही हैं जो हिन्दुस्तान में और किसी भी जगह पर नहीं चल रहीं हैं इसलिए आप गुजरात के लिए कड़े से कड़े कदम उठाएँ, यहाँ के लिए कड़ी से कड़ी कार्रवाई करें । आजकल भी हर रोज गुजरात के मुख्य मंत्री जो बातें कहते हैं वे सारी गलत, झूठी बातें कहते हैं । वह इस बिल को लाना नहीं चाहते हैं ।

मेरा यह निवेदन है कि आप जो ऐसे गुमराह करने वाले अखबारों पर जो अंकुश लगा रहे हैं उससे राष्ट्र का चरित्र बनेगा । राष्ट्र का निर्माण होगा और इससे राष्ट्र को शक्ति मिलेगी । इससे राष्ट्र की आर्थिक, सामाजिक और राजनीतिक व्यवस्था को ठीक ढंग से चलाने में मदद मिलेगी ।

अंत में उपाध्यक्ष महोदय, मैं आपके माध्यम द्वारा मंत्री महोदय को धन्यवाद देना चाहती हूं कि उन्होंने ऐसा बिल प्रस्तुत किया और इस बिल के द्वारा आप हिन्दुस्तान की जनता को गुमराह होने से बचा पाएंगे, हिन्दुस्तान की जनता को शांति दे पाएंगे

और हिन्दुस्तान की जनता के राष्ट्रीय चरित्र को भी आप बड़ा सकेंगे । धन्यवाद ।

श्री ओम प्रकाश त्यागी (उत्तर प्रदेश) : उप-समापति महोदय, यह जो विधेयक हमारे सामने लाया गया है, यह हमारे देश के कानून और प्रजातंत्र के इतिहास में एक काला धब्बा बन कर रह जाएगा । आप जानते हैं कि

Democracy depends upon the health of the Press.

प्रेस की स्वस्थता पर ही प्रजातंत्र आधारित रहता है और यदि प्रजातंत्र को समाप्त करना हो तो किसी खूनी क्रांति की आवश्यकता नहीं है । केवल मात्र अगर प्रेस की स्वतंत्रता को समाप्त कर दिया जाय तो प्रजातंत्र स्वतः समाप्त हो जाती है । मैं समझता हूं कि इस विधेयक के द्वारा सरकार ने केवल मात्र प्रेस की स्वतंत्रता का ही हरण नहीं किया अपितु उसकी हत्या भी कर दी है । इस संबंध में अगर मैं प्रधान मंत्री जी के शब्दों को उद्धृत करूं तो गलत नहीं होगा । इस विधेयक का उद्देश्य क्या है, यह बात उनके शब्दों से स्पष्ट हो जाती है । उन्होंने कहा है कि हमने संसर के द्वारा अपने शत्रुओं की सप्लाई लाइन काट दी है । यही भावना इस विधेयक के पीछे भी है । मैं मंत्री महोदय से जानना चाहता हूं कि इस विधेयक का अमली स्वरूप क्या है ?

डा० रामकृपाल सिंह (बिहार) : क्या प्रजातंत्र में अपोजिशन शत्रु होता है ?

श्री ओम प्रकाश त्यागी : ये लोग तो यही समझते हैं । मैं कहना चाहता हूं कि इस विधेयक को इस रूप में देखा जाना चाहिए कि इस विधेयक के द्वारा सरकार सुगर कोर्टेड पोइजन डेमोक्रेसी को देने जा रही है । इस विधेयक की कुछ धाराओं से तो मैं सहमत हूं, लेकिन अन्य प्रावधान उचित नहीं किए गये हैं । मैं समझता हूं कि अगर कोई व्यक्ति आपस में द्वेष फैलाता है, विभिन्न धार्मिक,

मूलवर्गीय, भावाई या प्रादेशिक समूहों या जातियों के बीच में असामंजस्य, या शत्रुता, घृणा या वेमनस्य की भावना पैदा करता है तो उसके विरुद्ध कार्यवाई की जानी चाहिए, इससे मैं सहमत हूँ और यह सही बात है। लेकिन इन बातों को आप इंडियन पीनल कोड और सी० आर० पी० सी० के द्वारा भी नियंत्रित कर सकते थे। ऐसी स्थिति में यह बात समझ में नहीं आती कि फिर यह बिल क्यों लाया गया है? मैं समझता हूँ कि इसमें विषय भरा है इस विधेयक की धारा 3(1) में लिखा गया है कि "भारत में या उसके किसी राज्य में विधि द्वारा स्थापित सरकार के प्रति घृणा या अपमान पैदा करना अप्रति प्रदीप्त करना और इस प्रकार सार्वजनिक अव्यवस्था फैलाना या फैलाने की वृत्ति करना आपत्तिजनक है।" मैं समझता हूँ कि अव्यवस्था फैलाने की बात समझ में आ सकती है, लेकिन अगर सरकार अपने लक्ष्य के प्रति विमुख हो, अपने कर्तव्य का पालन न कर रही हो तो ऐसी स्थिति में सरकार के प्रति जनता में रोष पैदा करना या जनता को आगाह करना और यह कहना कि सरकार ने जो घोषणाएँ की थीं उन घोषणाओं के विपरीत सरकार जा रही है, किसी भी दृष्टि से अपत्ति-जनक नहीं कहा जा सकता है। अगर कोई समाचार-पत्र जनता में जागृति पैदा करता है या इस प्रकार की भावना पैदा करता है तो उस पर भी किसी प्रकार का प्रतिबन्ध लगाना कहाँ तक उचित है, इस पर आपको गम्भीरता से विचार करना चाहिये। इस विधेयक का मतलब तो यह है कि सरकार जो भी त्रुटियाँ करेगी या जो भी गलत काम करेगी, उस सम्बन्ध में कुछ भी लिखा नहीं जा सकेगा। मैंने जहाँ तक प्रजातंत्र को समझा है उसके अनुसार मैं समझता हूँ कि प्रजातंत्र में विरोधी पार्टियों को यह अधिकार प्राप्त है कि वे सरकार की नीतियों के विरुद्ध रोष प्रकट कर सकती है। रचनात्मक ढंग से और हिंसात्मक तरीकों से सरकार को आगाह करना और वैध उपायों द्वारा सरकार की नीतियों की आलोचना

एवं विरोध करना विरोधी दलों का अधिकार है। अगर आप उनको इस विधेयक द्वारा रोकते हैं तो यह आपका प्रजातंत्र विरोधी कार्य है। इस विधेयक से तो स्थिति यह हो जाएगी कि कोई भी व्यक्ति न तो सरकार की आलोचना सम्बन्धी कोई लेख लिख सकेगा और नहीं अपनी वाणी की मूर्तरूप से दे सकेगा। कोई लिखना चाहे वह भी नहीं कर सकता। वर्तमान में स्थिति यहाँ तक पहुँच गई है कि हंस पार्लियामेंट में बोल रहे हैं, इस पर भी आपने प्रतिबन्ध लगा दिया। यह भी प्रकाशित नहीं हो सकता। आपत्तिजनक मेटर छपे या न छपे, परन्तु आपत्तिजनक जो नहीं है उसके भी प्रकाशन पर आपने प्रतिबन्ध लगा दिया है तो किस प्रकार आप प्रजातंत्र का संरक्षण कर रहे हैं और प्रजातंत्र के ढाँचे को मजबूत कर रहे हैं? मैं मंत्री महोदय से प्रार्थना करूँगा कि आप स्वयं जाँच करें।

इस विधेयक के आने के पश्चात् सरकार की किसी भी गलत नीति और घोटाले के खिलाफ यह विल्कुल सम्भव नहीं हो जाएगा कि कोई समाचार पत्र कोई बात कह सके। दूसरे, आपने विधेयक में एक और बात रखी है और जो धारा 3 के खण्ड 5 में लिखा है कि 'जनता या जनता के किसी वर्ग में ऐसा भय संक्रास पैदा करना जिससे कोई व्यक्ति राज्य या लोक तान्त्रिक प्रशासित के विरुद्ध कोई अपराध करने के लिये उत्प्रेरित हो अपराध की ईफीनिशन नहीं है। किसी भी जाति और वर्ग को, मान लिया अगर पूँजीपति लोग, उद्योगपति मजदूरों का शोषण करें मान लिया सर्वर्ण हरिजनों पर अत्याचार करें एक वर्ग दूसरे वर्ग पर अत्याचार कर रहा है, उसको प्रकट करने के लिये अगर इस प्रकार की घटनायें समाचारपत्रों में लिखी और वाणी द्वारा प्रकट नहीं की जायेंगी तो फिर प्रजातंत्र कहाँ रह जाएगा? मैं पूछना चाहता हूँ कि क्या इससे इस प्रकार की भावनायें प्रकट हो सकती हैं?

[श्री श्रीम प्रकाश त्यागी]

प्रजातंत्र के अनुसार यदि आपके ऊपर अत्याचार होता है, तो उसके विरुद्ध खड़े हो जाइये और सत्याग्रह कीजिये। आप जलूस निकालिए, मीटिंग कीजिए, अगर सत्याग्रह करने में गवर्नमेंट ने दफा 144 लगा दी है और यदि अपने अधिकारों की प्राप्ति के लिये दफा 144 तोड़ 1 पड़ती है तो क्या यह अपराध होगा? अगर ये समाचारपत्र इस प्रकार की बात कहते हैं कि आप इसका कड़ा विरोध करो, अहिंसात्मक ढंग से और सत्याग्रह कर जलूस निकालो, तो क्या यह अपराध के लिये आवाहन होगा। इसके माने यह है कि समाचार पत्र उन्हीं आ जाएगा और इस प्रकार आप प्रजातंत्र की भावना को ही समाप्त कर रहे हैं, इस धारा के द्वारा।

आपने एक बात और ले ली है। आपने कानून में परिवर्तन करके कुछ प्रमुख लोगों को उसके अन्तर्गत ले लिया कि चाहे वे किसी भी प्रकार के अपराध करें, उन पर किसी भी प्रकार का केस नहीं चलाया जा सकता। राष्ट्रपति, स्पीकर, प्रधान मंत्री, यह सब ले लिए अच्छा है। लेकिन इस धारा के अनुसार भारत के राष्ट्रपति, भारत के उप-राष्ट्रपति, प्रधान मंत्री तथा संघ के मंत्री मंडल के किसी अन्य सदस्य, लोक सभा के अध्यक्ष या किसी राज्य के राज्यपाल के लिये मानहानिकारक है या घोर अजिष्ट है अथवा धृष्ट या अश्लील हैं या जिनका आशय भयान्त्रिक करना है तो आपत्तिजनक समझा जाएगा मैं यह मानता हूँ।

श्री सरदार अहमद अली (पश्चिम बंगाल) : यह कहाँ भिला आपको। यह तो डिलीट हो गया।

श्री श्रीम प्रकाश त्यागी : डिलिट हो गया है। मेरे पास ऐसा ही है। नहीं रहा तो अच्छा है। धन्यवाद देता हूँ अगर आपने इस चीज को स्वीकार कर लिया है।

दूसरे, मैं यह कहना चाहूंगा कि आप का यह आक्षेप है कि समाचार पत्रों में इस प्रकार के आपत्तिजनक भाषण होते हैं और उनके द्वारा वहाँ चरित्र हनन भी होता है और दुनिया भर की बातें होती हैं। मैं पूछना चाहूंगा कि अगर इस प्रकार की आपकी भावना सही है तो मैं यह सीधा प्रश्न करना चाहूंगा कि चरित्र हनन में, मंत्रियों के चरित्र हनन में संलग्न समाचार पत्रों के पक्ष में नहीं हूँ और चाहता हूँ कि कड़ाई के साथ उनका दमन होना चाहिए। परन्तु ब्लिट्ज अखबार का नम्बर इसमें टाप पर है और उसने केवल विरोधी नेताओं का ही चरित्र हनन नहीं किया अपितु केन्द्रीय मंत्रिमंडल के श्री कमलापति त्रिपाठी, श्री उमाशंकर दीक्षित और श्री मोरारजी देसाई जो उस समय यहाँ के वाइस-प्राइम मिनिस्टर थे, उस समय उनका चरित्र हनन किया। वह इस कला में माहिर हैं और हमारी माननीय प्रधान मंत्री ने उसको बड़े आदर के साथ इण्टरव्यू दिया। क्यों यह प्रोत्साहन दिया गया? अगर इस प्रकार के समाचार पत्र दोषी हैं, जो कि चरित्रहनन करते हैं तो यह रियायत किस प्रकार की है?

मैं पूछना चाहूंगा कि इसके पीछे आपकी भावना क्या है? अभी तो मंत्रियों के खिलाफ जो कहा जाए उसके संबंध में आपने वापस ले लिया; ठीक ही किया है, उसके लिए धन्यवाद देता हूँ, और इस संबंध में और कुछ नहीं कहूंगा।

अन्त में अपने इस भाषण की विराम देते हुए कहना चाहूंगा कि जहाँ तक विरोधी नेताओं और समाचारपत्रों द्वारा आलोचना का संबंध है, अगर वह निराधार है और सदाचारकी सीमा से बाहर है, तो उसको किसी अवस्था में सहन नहीं करना चाहिए लेकिन अगर आप सरकार की नीतियों की आलोचना करने पर प्रतिबंध लगाएंगे तो इस देश में

प्रजातंत्र खतरे में पड़ जाएगा । आज प्रजातंत्र अगर सुरक्षित है तो केवल विरोधी दल और विरोधी नेताओं और समाचारपत्रों द्वारा जो आलोचनाएं हैं उन्हीं के कारण सुरक्षित रहता रहा है, रहा है और रहेगा । अन्त में मैं यही कहूंगा कि इस प्रकार की आलोचनाओं का सुपरिणाम ही होता है ।

उदाहरणार्थ शुक्ल जी का ध्यान एक बात की तरफ आकर्षित करना चाहता हूं, और वह यह है कि भारतवर्ष में जिन समाचारपत्रों की ओर संकेत करते हुए आपने कहा है कि हमको मजबूर होना पड़ा इस प्रकार का विधेयक लाने के लिए, क्योंकि समाचारपत्रों ने कड़ी आलोचनाएं कीं, सीमा से बाहर चले गए । यह भी बात मैं मानता हूं । परन्तु उनका परिणाम क्या निकला ? उनका परिणाम यह हुआ कि इस देश में 20-सूत्री प्रोग्राम आया । विरोधी दल के नेताओं ने जब तीव्र आंदोलन किया और ध्यान दिलाया कि इस देश में महंगाई, बेकारी, भ्रष्टाचार, दुराचार बढ़ गया है बहुत तेजी के साथ, जब बाबू जयप्रकाश नारायण के नेतृत्व में यह आंदोलन हुआ—समाचारपत्रों ने भी उनका समर्थन किया—तो उस सब का परिणाम क्या हुआ ? अगर केवल इमरजेंसी आती तो मैं समझ जाता कि आप उन लोगों का दमन करने के लिए, विरोधी दलों को दवाने के लिए आपात्कालीन स्थिति ला रहे हैं । लेकिन उसके बाद 20-सूत्री कार्यक्रम कैसे निकल आया ? यह कहाँ से आया, क्यों आया ? पिछले 28 सालों में नहीं आया ? (Interruptions) अभी कैसे आया ? मेरे प्रश्न का जवाब दीजिए । 20-सूत्री कार्यक्रम अभी क्यों आया ? विरोधी दलों के नेताओं और समाचार पत्रों द्वारा कड़ी आलोचनाओं के कारण, सरकार की गलत नीतियों और सरकार ने जो अपने वचनों का पूरा पालन नहीं किया उसके संबंध में आलोचना के कारण जनता के मध्य एक वातावरण पैदा हुआ, और चूंकि चुनाव

आने को थे इसलिए सरकार डर गई कि अब चुनाव के क्षेत्र में हम जाएंगे तो जनता हमको वोट देगी नहीं, सरकार को असफलता का सामना करना पड़ेगा, इसलिए सरकार इमरजेंसी लायी और इमरजेंसी लाने के बाद उसके गर्भ में से निकल आया 20-सूत्री कार्यक्रम । और आश्चर्य इस बात का है कि जिन लोगों ने उन बातों की ओर संकेत किया, जिन विरोधी दलों के नेताओं और समाचारपत्रों ने कहा कि सरकार गलत रास्ते पर जा रही है, इस प्रकार से महंगाई, बेकारी और भ्रष्टाचार चल रहा है, आज वह जेल में बन्द हैं, उन पर प्रतिबंध लगाया जा रहा है । जो अपनी गलत नीतियों के कारण जन-हित के काम नहीं कर सके, वह अब इमरजेंसी की, तानाशाही की, आड़ में 20-सूत्री कार्यक्रम लागू करके उस कमी को पूरा करने की कोशिश कर रहे हैं ताकि अगले चुनाव में उनको मतदान मिल सके । प्रेस की स्वतंत्रता और विरोधी दलों द्वारा आलोचना, इसी का परिणाम आज आप देख रहे हैं कि सरकार को मजबूर होकर जनता के हित के कार्यक्रम हाथ में लेने पड़े और यह 20-सूत्री कार्यक्रम का पद मनाया जा रहा है । मैं पूछना चाहता हूं : इस कार्यक्रम का गर्भाधान किस ने किया ? इस 20-सूत्री कार्यक्रम का गर्भाधान अगर किसी के द्वारा हुआ तो वह हैं श्री जयप्रकाश नारायण जी, उनके द्वारा कराए गए आंदोलन के परिणामस्वरूप हुआ और देश के वे समाचारपत्र जिन्होंने सरकार की गलत नीतियों की कड़ी आलोचना की उससे आपको लगा कि अब अगले चुनाव में हमें सफलता की आशा नहीं है तो उसके फलस्वरूप यह आया । इसलिए उस रचनात्मक कड़ी आलोचना का आप दमन मत कीजिए । अगर आपने दमन कर दिया तो फिर सरकार की गलत नीतियों को रोकने का, और सरकार को सही रास्ते पर लाने का मार्ग रुक जायगा । इन शब्दों के साथ मैं अपने वक्तव्य को विराम देता हूं ।

SHRI C. K. DAPHTARY (Nominated) : Mr. Deputy Chairman, Sir, I would like to say a few words about this Bill to which I object on principle. It purports to be a Bill with ostensibly innocent objectives, but in reality it is part of a scheme to suppress the press altogether.

The day before yesterday, there was another Bill about the abolition of the Press Council. Then, yesterday there was the Parliamentary Proceedings (Protection of Publication) Repeal Bill. This is the third step. The object, undoubtedly, is to bring the press completely under Government control directly or indirectly.

I am not going to say anything more about this because it has been dilated upon already (by the speakers who preceded me much more eloquently than I can). I will only point out one or two features of the Bill which, to my mind, are extraordinary, particularly in a Bill which is to be turned into an Act not of a temporary nature, but a permanent one. In other words, it is a permanent sceptre on the press. I can understand a temporary measure necessitated by immediate circumstances. But this is not such a kind. This is a permanently fixed measure.

The first thing I would like to point out is that, in the first instance, the judgement in all the matters which are calculated to lead to danger to security is in the hands of a Deputy Secretary to Government. Suppose, tomorrow there is a matter where the question involved is whether the words are defamatory of the Prime Minister or of a Minister or of the Vice-President, or, let us say, the question is whether certain words in a newspaper are calculated to bring Government into hatred or contempt or are calculated to incite anyone to stop production, who is the judge of it? The judge of it is the Deputy Secretary. If the issue is whether the words are defamatory of a Minister, is he going to bring to bear on it his unbiased mind or a mind which or are defamatory. These are the

our of the Minister? Or, if it is a matter of hatred or contempt, is this man going to be unbiased? I submit 'not'. Perhaps I can put him in the same category as a District Magistrate. A District Magistrate under MISA is a person who is supposed to bring an unbiased mind to bear upon the question whether the detention of a person under MISA is necessary for certain purposes. What actually happens? He issues a pre-signed blank order paper. A bunch of order papers signed by a District Magistrate in the blank were submitted in a High Court. When the policeman arrested a man, he put in his name and put him in jail. A telegram is sent by the Home Secretary of a State to the District Magistrates regarding offences against traffic rules by bus owners and lorry owners asking then to use MISA for the purpose of correcting the bus owners. Presumably, MISA was so used. Now, it will be said that the District Officer is a high officer. But we know of actual instances where powers have been misused and are being misused daily. I do not see why a Deputy Secretary should be put in a better position than a District Magistrate. If the issue is one between a Minister of the Government on the one hand and the newspapers on the other, his judgment is likely to be -biased. It is left to the executive to determine the matter. And an appeal is to whom? The appeal, in the first place, is to the Central Government. One of the speakers said that the appeal is from Caesar to Caesar, a frequently used phrase which means a useless appeal. As it is, very often under many of the Acts where an appeal or a revision lies to the Central Government, it is generally found that the Government approves the order, without thinking about it. That is the first issue.

The second issue is this. A court will determine the matter judicially as to whether certain words are calculated to create a particular impression, to bring about a particular effect or are defamatory. These are the

words, these are the matters which sometimes are very delicately balanced, and require very careful consideration. In fact, Sir, a week ago, the Session Judge in Meerut gave a judgment in a case in which my friend, Mr. Garg, was charged under the Penal Code with sedition for having uttered various phrases in the course of a speech on the Bonus Act. He was applying for bail, and the issue was whether *prima facie*, he was not guilty or guilty. If he was not guilty *prima facie* then the bail should be given. The Session Judge much to his credit, gave a very interesting judgment. Discussing the words and the slogans used by Mr. Garg, he came to the conclusion that 'they were not calculated to be seditious or to bring the Government into hatred or contempt. I can well imagine the executive authority coming to the conclusion that they had that effect. But a careful Session Judge and a courageous one, I may say, had the courage and audacity to say that they were not capable of that meaning. I, therefore, suggest to the hon. Minister that in place of appeal to the Central Government—let us leave aside the original jurisdiction—it should be to the district court or to a court of some kind which will bring an independent mind to bear on the subject. Then, Sir, the hon. Minister used rather a specious argument in favour of the Bill. He said, which is true, that all the various matters are matters already covered either by the Penal Code or some other statute of a penal nature. But he said that they were distinguishing the people here. These people who are proceeded against under this Act are distinguished, I presume, in the same sense that political prisoners under the MTSA have been distinguished from other prisoners by putting them in solitary confinement. I take it that the same kind of distinction is being used here. Does the Minister mean to say that they will be free from other action if action is taken under this Act? If he said that action taken under this Act will protect them from

action under the other laws to which they are subject, I can understand the distinction. Otherwise, I do not see that it is in any event in favour of editors and printers. The fact, it is a fetter on them because they will have to weigh now words for themselves. They will have to weigh for themselves whether a particular phrase is defamatory or not defamatory or calculated to bring into contempt or hatred to the Government or induce anyone to stop production. They will have to judge it for themselves and take the chance. And then they take the chance of having their paper asked to give security, perhaps, more security and more security, with an appeal to the Central Government. Is it fair, Sir, to leave this kind of judgment to the papers? No doubt, even if they have to go to a court, they do have to exercise their judgment to a great extent, but then they know that they are going before a judicial authority which will bring to bear on the subject a fair and unbiased mind. That cannot be guaranteed and it was not guaranteed under this Act. Therefore, I would say that the distinction made by the hon. Minister between this Act and the other Acts under which certain things are punishable has no substance at all. If they can be protected from the other acts, well and good.

Now, Sir, finally, apart from these two specific things which I have said, I may say that this Bill is not calculated to further democratic principles. We have heard so much in the past six months about things being done, things being said in order to save democracy that I am surprised that a Bill should be brought forward now which has the contrary effect. Sir, the freedom of the press is vital, is vital to the growth of democracy, is vital to the progress of the country and it is vital that every one should have the right to free speech subject only to the restrictions of libel etc. which right will not be hampered by an executive authority sitting over their heads all the time and they

[Shri C. K. Daphtary] should be free to express their opinions. The only effect of this Bill will be that there will be no opinion expressed against the Government or against any of its measures. That, Sir, is a policy of timidity, which I am unable to understand. Surely, the more democracy is on the rise, the more welcome it should be. It is not as if the criticism is one-sided or allegations are one-sided. I saw three days ago in a paper—I think it is called the *Current*—letters "Sack Them" in bold print. What were they about? They were about the Tamil Nadu Government and the Gujarat Government, making all kinds of allegations. They may be true, they may be untrue, I cannot say. They asked a commission of inquiry to be constituted in regard to the Government of Tamil Nadu. If the same line of printing were pursued against any Minister—however justifiably—of the Central Government, of this Government, immediately the paper would be called upon to give security. Surely, the idea of a press is not that it should be one-sided as it appears to be at present and it is alleged to have been in the past though on different sides. It has to be fair and it has to print everything. But today with the temporary censorship and tomorrow and the day after with this Bill permanently placed on the Statute Book we should be reduced to reading merely matrimonial advertisements and reports about births, deaths and marriages. That is all, Sir.

DR. K. MATHEW KURIAN: Mr. Deputy Chairman, sir, I rise to oppose this Bill, the Prevention of Publication of Objectionable Matter Bill, 1976. Sir, this is a black Bill. This Bill attempts to force the press to surrender. It attempts to suppress all dissent and free expression. This Bill attempts to stifle and gag the press and the opposition. Sir, this Bill has the purpose of installing in the minds of the people and the press the element of fear and submissive-

ness to authority and therefore I oppose this black Bill. Sir, this is a major piece of legislation of a more or less permanent nature. I wonder why this was brought originally as an Ordinance. In a way, we are used to the Government issuing Ordinances, neglecting the very existence of this august assembly, the Rajya Sabha and also the Lok Sabha.

Sir, the Government has already acquired a number of draconian powers under the Emergency including a very severe censorship which we have seen in the past. This particular Bill provides for a permanent censorship. This Bill is an attempt to legitimise Emergency and censorship on a permanent footing. The all-pervasive nature of this Bill which must be very seriously considered. Parliament, unfortunately, has been reduced to a museum only to refresh our memories about the Parliament that was. This Bill has the primary objective of protecting the Prime Minister from public criticism.

Sir, in this House, the member of the C.P.I., the honourable Shri Sar-desai talked about the word "tranquillity" used in this Bill. Any measure that is contrary to the tranquillity of the people will be covered by this Bill. Sir, in fact, according to my judgment, this Bill has been brought forward because the tranquillity of those in power had been upset. Ministers with sleepless nights because of the corruption charges against them, because of the socio-economic crisis in this country, have now sought to have a Bill which will protect them from all public criticism. Sir, I would like to quote from the speech of Shri Hiren Mukerjee in the Lok Sabha on 29th January 1976. He said:

"Mr. speaker, Sir, last night I said only one sentence which was to the effect that we have seen a triple tragedy being enacted with the Government abolishing the Press Council—not a satisfactory proposition then abolishing the protection to honest reporting of parliament-

tary proceedings and then pushing through this Prevention of Publication of Objectionable Matter Bill—the most objectionable piece of legislation—and this triple tragedy is indeed something which I fear we may have to mourn later on with some detriment to the interests of our country."

Sir, I am reading this quotation mainly because there has been possibly a confusion in the minds of our C.P.I. friends, a confusion which does not exist in the mind of the hon. Minister who moved this Bill. Before I come to my point, let me also quote the speech of another representative of the C.P.I. in the Lok Sabha on 28th January, 1976:

"This is one of the darkest Bills that Government has introduced in this House. It confers draconian powers on the Government. If this is passed in spite of the promises made by the Minister, it will go against the democratic practice existing in the country."

Sir, as Shri Sardesai said, Government does not make a distinction between the really fascist and reactionary forces. Government is interested only in getting more powers into their hands to protect the fascist, authoritarian and monopolistic tendencies in this country. They want to protect the capitalist-landlord regime in this country, while Shri Sardesai, Shri Bhupesh Gupta and other members of his party are confused that the progressives are sitting on the pinnacles of power in the ruling party. Therefore, the confusion is not with the Government but the confusion is within their party, the C.P.I. Sir, on an earlier occasion, Shri Bhupesh Gupta lamented in this House saying that his party was not consulted when the Bills were drafted. Still, Shri Bhupesh Gupta has illusions of Congress progressivism. Shri Bhupesh Gupta

said: It was a blow to our honour, to the honour of Parliament, blow to our dignity. I am surprised that despite the blow to his own honour, to the honour of this House, honour of his party, Shri Bhupesh Gupta and the C.P.I. are still in alliance with the ruling party which is taking this country towards the precipice of a deeper crisis both in the economic sphere and in terms of Indian polity.

Sir, on of the most pernicious aspects of this Bill is the

definition of 'objectionable matter'. The real objective of the Government could not be hidden by this. The guilty conscience of the Government was visible when they drafted this Bill. This is the crux of the problem. They have said:

"In this Act, the expression 'objectionable matter' means any words, signs or visible representations—

(a) which are likely to—

(i) bring into hatred or contempt, or excite disaffection towards the Government established in India or in any State thereof and thereby cause or tend to cause public disorder;"

Sir, Shri Shukla tried to defend this proposition by saying that any attempt to create hatred or contempt or excite disaffection towards the Government will come within the purview of this Bill only if it causes or tends to cause public disorder. The crux of the matter is: who decides this? The people who are sitting in the Government will decide that a particular action by the opposition or by certain groups or individuals will tend to cause public disorder. The Statement that the provisions of this Bill will come into operation only when the actions of groups or individuals tend to create public disorder is only a facade or a veil behind this draconian measure. This is the crux of the whole measure. In regard to the other cri-

[Dr. K. Mathew Kurian] minai charges and actions that have been, listed, we have no difference of opinion. But they have been tagged on to this Bill only to give justification for the usurpation of political and authoritarian power in the hands of the Government.

Sir, the definition of 'objectionable matter' is a very wide. Who is to decide whether a particular matter is objectionable or not? This will be decided by an officer of the Government not below the rank of Deputy Secretary. The bureaucrats will sit in judgement and indiscriminately curb the freedom of the Press and the freedom of expression. We have already the experience during this Emergency of gross misuse of Emergency powers. Shri Sardesai and Shri Bhupesh Gupta have also referred to this in this House that even relatively innocent pamphlets that they have produced have been seized by the censors or by the authorities. They wanted to hold a peaceful Satyagraha on 6th January on the question of bonus. Thousands of people were arrested. Their own partymen have been gagged under the Emergency rules. Thus is the of any authoritarian rule.

Sir, even though a notice of action might have been issued, the Government which the next appellate authority to courts, can *suo motu* cancel the notice of action. The whole question is, why should this power be handed over to a Government which is proved to have, a tendency for more and more authoritarian and semi-fascist powers, a Government which had rigged the elections in West Bengal, a Government which has toppled duly and legally elected Governments, in Kerala in 1959 and the DMK Government very recently? It cannot be trusted with these *suo motu* actions and so on.

Sir, this Bill is more pernicious and draconian than the 1930 Press Act and the old Act of Shri Rajaji. In the

1951 Act, there was a provision that a Sessions Judge had to decide the amount of security to be imposed on newspapers and journals. But in this Bill, a District Magistrate or officers of the rank of Deputy Secretary and above have been given this power. Sir, organs of freedom of expression are being muzzled and destroyed deliberately by the Government. The Bill is brought in the name of Shri Rajagopalachari who moved a similar Bill in 1951. I do not want to go into the details but it is very clear, as I said, that this new Bill is more pernicious, more pervasive and has a definite object of taking the country towards almost a fascist type of Government.

Publication of rumours and false allegations will continue so long as the press is gagged. So long as freedom of expression is disallowed, rumours will take over the country. Today, wherever you go, people are anxious to know the truth and whatever is delivered from mouth to mouth is accepted as the ultimate word. The written word has lost all its credibility. The printed words, people know, are lies and lies because they are one-sided, distorted version handed over by Room No. 64 of Parliament House.

Sir, in this Press Commission's report of 1954, four members—Shri Acharya Narendra Deva, Shri Jaipal Singh, Shri Chalapathi Rau and Shri A. D. Mani—had recommended elimination of the Press (Objectionable Matter) Act. I quote: "In the wide reorganisation which is being recommended and which we hope will be carried out, the relations between the press, the Government and society should not be handicapped by the mistrust embodied in the legislation like the Press (Objectionable Matter) Act.

Another point to which I would like to draw your attention and through you, that of the House, is that there is a wrong impression being created that the Bill provides for punishment

only to those who commit crimes against the law of the land. Sir, Shri Vidya Charan Shukla said in the Lok Sabha on 28th January, 1976: "These various things which have been defined as objectionable are already on the Statute Books of the Criminal Procedure Code, the Indian Penal Code and other laws that have been passed by this Parliament." Then, I would like to ask: Why did the Government require this draconian, permanent censorship measure?

The provisions in the Bill are going to be used against the working class and the working people in India in general. There are already examples of how Government's censorship and emergency provisions have been deliberately used, primarily against the working class. A certain number of smugglers and a certain number of economic offenders might have been taken care of by MISA and DIR, but the largest number of arrests in this country today are political arrests. Four thousand people have been arrested in Tamil Nadu immediately after toppling the legally elected Government there. Thousands of people belonging to my party are in jail, arrested under MISA and DIR. The number of political prisoners after emergency far exceeds the arrests of economic offenders.

The inalienable right of the workers to strike is being tried to be obliterated by this Bill as in the case of other Bills, but I would like to warn the Government that the working class will not allow this. They are not prepared to leave their inalienable right to strike. There is a provision in the Bill which states, "----- incite any person to interfere with production, supply or distribution of food and other essential commodities or with essential services." The terms "essential services" and "essential commodities" have been widened to such an extent by the Government that today, the working class in practically all the major sectors, is not permitted to strike. The right to strike has been

taken away under one pretext or the other. I would like to warn the Government that whatever be the provisions in this Bill, the working class will tear this into pieces in their normal actions. They will strike, they will get organised and they will get Unpolitical consciousness to remove the ruling party from power, tomorrow, one day. I am not a political astrologer to predict the time when these things might develop, but one thing I am sure. From the way the working classes in the country are now getting politically conscious, with all the restrictions of emergency, one can see that the future is surely not in the hands of those in power today but in the hands of the people who are toiling and working. I believe in the necessity of changing the capitalist landlord regime in this country by organisation and politicalisation of the working class and the peasantry. We are not prepared to accept the essence of this Bill. Whether or not the Bill is passed and put on the Statute Book, the workers will ensure that this Bill is not implemented in reality and we will use all our inalienable rights to organise and politicalise the people.

(Time Bell rings).

Sir, I am coming to my last point—After the emergency there have been several cases of police atrocities, the use of third-degree methods. Our party would have liked to bring this truth before the people but the censor sitting in Trivandrum or in the District Headquarters or in other places, will not allow. Our party paper, Jana-Shakti, in West Bengal and our party paper in Kerala Desabhimani wanted to publish the concrete evidences of their third-degree methods inside the jails, how political leaders have been ill-treated even after 28 years of Independence in the jails. We wanted to publish the facts and figures, how MLAs, Members of the Kerala Legislative Assembly were virtually stripped naked, how they were paraded through the streets, beaten up inside the jails, all these things which are

[Dr. K. Mathew Kurian] unsavoury to the ruling Party will not be published under the pretext that this will create disaffection towards the elected Government.

Sir, in a campaign against corruption, all those who are in power will not come to the limelight but whenever the Government or the ruling Party at the Centre wants to dismiss a duly elected opposition Government, they will use the press media, the T.V. and so on, against that Government. As I said, only a few days back, in this very House the Prime Minister while replying to the debate on emergency said that the Opposition tried to dislodge legally elected Governments, and before this session has ended we have had the example of the ruling Party, toppling a legally elected Government in a State.

Sir, the members of the ruling Party should now down their heads in shame. Instead, they are continuing with their politics of camouflage. The greater the growth of unemployment and poverty, the greater the talk of *garibi hatao*, the greater the intensification of the economic crisis, the greater the talk of socialist pattern and socialism, the greater the authoritarian tendencies the greater the talk of democracy and the 20-point programme. Throughout the 28 years of Independence the ruling Party, the Congress, has tried to implement this politics of camouflage, tried to befool the people by the slogans of *garibi hatao*, of socialistic pattern of society, of 20-point programme. This is only in the interest of perpetuating the capitalist landlord regime and taking this country towards the precipice of a very deeper crisis which, I think, history will judge. I am sure the working people in this country will resist all these tendencies towards authoritarian rule.

SHRI SARDAR AMJAD ALI: Mr. Deputy Chairman, Sir, I rise to support this Bill. Sir, I believe the Minister in charge of this Bill is placed between the horns of a dilemma as far as

the arguments advanced in support and against the Bill are concerned. Sir, the dilemma is as to whether the media concerned in our country will have a closed policy or a free policy, whether it will be streamlined in a particular mode so as to reach the people as information which the Government may like, or whether the media should have a free policy out of which information of any type and character will be allowed to be percolated for the benefit of the people. These are the horns of the dilemma and that the hon. Minister in charge of this Bill have to answer. Mr. Deputy Chairman, Sir, while I rise to support this Bill, I would very humbly opine with regard to certain views and arguments advanced by some of my opposition colleagues here. I should submit that I have had the opportunity of listening to the arguments which my senior colleague Shri Daph-tary has advanced against this Bill. He has said that he cannot extend his support to the Bill first of all because when the Government is going to pass a Bill which is of a permanent nature, the main aspects of implementation aspect of the Bill should not be left over to a Deputy Secretary. Shv my humble opinion is that no Act or no Bill can be a permanent one unless and until it carries the seal of the Parliament. The Parliament being the supreme body, any Act, whatsoever it may be, can be scrapped at any point of time when the Parliament desires. Therefore, I should humbly submit that the sort of argument at least I cannot accept.

The second argument that has been advanced against the Bill is that the appellate authority being the Central Government, no independent judgment can come out of the Central Government. Sir, I do not know whether the Government is always tainted with the vision of a particular idea, or that the judgment to be given on a particular issue becomes tainted. There are cases which can be cited over here where certain mistakes have been committed by some officers at

lower level and those have been rectified at the upper level. Therefore, I do not think that if the Central Government is the appellate authority, no clear and impartial judgment is possible in deserving matters.

Mr. Deputy Chairman, Sir, during the last two days when we have been discussing the Press Council Bill and the Bill relating to immunity of the proceedings of the House, Mr. Krishan Kant, my colleague on that side, has posed a very serious question as to whether the eminent leaders of this side, the most valiant fighters who fought the battle of freedom, have become timid, have become afraid, have become weak so that they cannot raise their voice at a point of time when, as he alleged, the democracy is in danger and democracy is being butchered. Sir, with humbleness I should submit we have seen heroes, and it is really a good fortune for this country to witness another hero in Krishan Kant. But I am not sure whether the same hero will have to speak that beautiful couplet of Macbeth, that a poor hero "that struts and frets his hour upon the stage, and then is heard no more". I do not know whether he will be in that position.

Sir, there are two aspects of the Bill. The first is: What is the information which the Government does not want to allow to be percolated to the people for consumption? And the other is, with that sort of censorship, how can it be implemented? Sir, I do not see as to what the points are for which the Bill as such should be objected to. Sir, the objectionable matter as defined in clause 3 is:

"any words, signs or visible representations which are likely to bring into hatred or contempt, or excite disaffection towards, the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder."

Is it something very undesirable? If a certain group of people or people of a particular cult of thinking want and intend to create and excite disaffection so as to cause people to take to some sort of a gesture or method which brings the Government into hatred, well, that sort of information should be censored so that it does not reach the people. If we view it from the anarchical point of view, then the definitely it is a serious and objectionable thing which the Government is doing. But if we want a society with peace and law and order, if we want a society with discipline, then certainly there should be no thinking that what the Government is going to ban is very objectionable. Sir, I would like to know from the members of the opposition parties why they should object to the "objectionable matter" which has been defined in sub-clause (4).

"which are likely to promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities;"

Is it something very serious that the Government is going to ban and, therefore, the Government should be put on the dock? Did we not witness that because of certain percolation of information with regard to communal disharmony that took place across the border of our country, the same sort of thing was repeated in our country also? Is it not a fact that in certain newspapers information relating to riots and murders that took place across the border of our country was flashed over here and certain elements in this country took advantage of this news, of that information, and created the same sort of havoc here in this country also? Therefore, Sir, if anybody wants that there should be given free scope to publish that sort of news I believe that can only be accepted from the anarchical point of view.

Mr. Deputy Chairman, Sir, in 191 some of the newspapers in Calcutti published a statement by the United

[Shri Sardar Amjad Ali] Front Governments Minister in charge of Land Revenue that he as proud of certain killings. And what were those killings? The killings were those that took place at Burdwan where two sons of a hapless mother were killed brutally in front of the mother who was made completely naked because these two hapless sons belonged to the Congress Party. And that was done by the party of Dr. Mathew Kurian, the Communist Party of India (Marxist)...

DR. K. MATHEW KURIAN: Question.

SHRI SARDAR AMJAD ALI: The Land Revenue Minister, belonging to Dr. Mathew Kurian* party, Hare-krishna Konar...

DR. K. MATHEW KURIAN: It must be the Youth Congress. They had been fighting with each other.

SHRI SARDAR AMJAD ALI:... while addressing a particular rally. The Land Revenue Minister, Mr. Harekrishns Konar, belonging to the CPI(M) said that he was proud of those valiant comrades of Dr. Mathew Kurian's party. And what was the result? The Minister in charge of Land Revenue felt proud and boasted of the valiant deeds of his comrades who stripped the lady naked and killed her sons in her presence. Sir, he felt proud of this when these two hapless sons were killed in front of their mother who was stripped naked.

DR. K. MATHEW KURIAN: The Youth Congress people would have done it... *(Interruptions)*. It is the work of the Youth Congress. Don't malign our party.

SHRI JAHARLAL BANERJEE (West Bengal): Then you should disown such acts by your party people. You should disown them, Dr. Kurian.
...*(Interruptions)*.

SHRI SARDAR AMJAD ALI: Those valiant comrades got inspiration and

felt inspired at that point of time when the Minister in charge of Land Revenue, belonging to his party, felt happy over the fact that two sons of a mother could be killed and the result was that the third son of that hapless mother was also murdered thereafter ... *(Interruptions)*. Therefore, Sir, is it a serious fault on the part of the Government if it says that this type of information should not percolate to the public because it wants to establish a society based on peace and harmony and a society in which information from the Government will percolate to the people so as to educate them in constructive ways...

DR. K. MATHEW KURIAN: What about your Home Minister of Kerala, Mr. Karunakaran? You know what he did?

SHRI SARDAR AMJAD ALI: Sir, I know the anxiety of Dr. Kurian.

DR. K. MATHEW KURIAN: MLA4-have been stripped naked by the police under the Home Minister of Kerala, Mr. Karunakaran. What do you say for this?

SHRI SARDAR AMJAD ALI: Sir, I know the anxiety of Dr. Kurian. I say this because Dr. Kurian's party believes in an ideology which is to arouse hatred, rancour and spleen. As long as you believe in class struggle, as long as you believe that you have to annihilate a particular class and as long as you believe that that isolation of a particular class can be brought about only by hatred, spleen and rancour, you will believe in that form of publicity media. But my Government believes that class struggle can be peacefully minimised, that persons belonging to the lower classes can be raised and persons belonging to the upper classes can be brought down by cutting down their privileges and both these classes can be mixed at a particular point, this idea this ideology, has never been liked by the party of Dr. Kurian and his party has never accepted this idea. Therefore, Sir, if

hatred is going to be allowed to spread, if that sort of contempt and rancour and spleen are allowed to percolate, then such a Bill is necessary to prevent these things and it is natural that a party holding such an ideology of peaceful transformation only can give its consent to this sort of a Bill. Sir, I believe that the conditions which have been enumerated under clause 3 of the Bill to treat any matter as objectionable matter are all right. Sir, if it becomes the practice with a particular Opposition group to involve a person, even though he may be holding the highest position or occupying the highest post in the country, and to write or speak about him in a manner which is bad, slanderous and libellous, imputing all sort of motives, even without caring to produce any proof, then, Sir, certainly it is the duty of the Government to see that this sort of libellous, this sort of scandalous and this sort of slanderous writing or attributing motives should not be allowed and it is the duty of the Government to see that this does not percolate to the public. Therefore, I believe that the conditions which have been enumerated under this clause are sound and are helpful and would go a long way in educating the people in knowing what the democratic norms are and how the democratic institutions should function and I think the conditions enumerated here are conducive to educating the people in this way.

Before I conclude, I must say one thing. I have some doubt about the implementation aspect of this Bill. But I do not belong to that group of people who have this idea or creed that whichever officer you may put in charge of implementation of any provisions of any particular Act, he is incompetent and the implementation is bad. Mostly it may be so; but I do not say that always it is like this. Therefore, when we leave the implementation part of the Act to some officers, it must be seen that only competent officers are assigned this task. If anybody says that he cannot expect justice from the Government, then, I

believe, Sir, the officer, whoever he may be, must be accountable to the Government and he would be accountable to Parliament indirectly. So, I do not want to subscribe to this sort of a general allegation against the officers in general. But, Sir, certainly I will make this appeal to the honourable Minister that he must see that the task of implementation is given to those officers who have a free mind, who do not have a close mind or a tainted mind and who have some reasoning power, some idea and some objective. Thank you, Sir.

SHRI ABU ABRAHAM: Mr. Deputy Chairman, Sir, I shall be brief. I do not have very much more to say beyond what many of my distinguished colleagues on my right have said this morning and this afternoon in opposing this Bill. It is extraordinary that the Communist Party of India are today the foremost champions of the liberty of the Press, and it seems somewhat sad that not one Member on the Congress benches has anything critical to say about this Bill. Sir, during the last few months I have been travelling a good deal in the country, and everywhere I went I found a great deal of support for the emergency among the ordinary people and among intellectuals. However, there was one point to which everybody, whether intellectual or a working class man or a peasant or a farmer, agreed. They did not like the state to which the Press in this country has been reduced to. Censorship, they felt, was an insult to their intelligence and in a mature country like ours there should not be any pre-censorship. It is not only that our newspapers have become dull, but they have also lost a great deal of their credibility. People no longer give the same value to them. They no longer believe in the same way in newspaper reports as they used to, because they no longer know whether a particular news-item is officially inspired or some news has been suppressed.

Sir, the action of the Government, like censorship and the Bill we have

[Shri Abu Abraram] been passing' during the last two days, I think, are likely to do permanent damage to the country. Despite its faults—I do not say that our Press has been marvellous; it has many faults—I think, it is still perhaps the best Press in Asia. So, as a member of this profession, I would like to express some of the feelings that my colleagues in the profession have about what has been happening.

I would like to report to this House that the morale of journalists is very low today. They no longer feel free to write what they honestly think. They feel inhibited and constrained about writing plainly about public matters.

There is one other aspect I would like to mention, which is that in the present situation, young people no longer want to join the profession. In the last few years, we have developed a very fine band of young-journalists who are good writers, who have an independent mind and who have dedication. But we are simply ditching this whole generation of journalists which should come up in this country, because they no longer are interested in journalism as a career. And this is another matter which, I hope, Government will take into account, because if this trend continues the quality of journalism will further deteriorate.

I respect the assurances given by the Minister that this Bill will not be used harshly against the Press. But, on the other hand, there has been a kind of conflict between Government and the Press in the last few months which makes one wonder whether these assurances will, in practice, be carried out. In any case, such wide powers are being given to officials in this Bill that we do not know how exactly this Bill will be implemented in relation to the press. I think the provisions of this Bill will seriously inhibit free expression in our newspapers. Sr, every tim_e the Govern-

ment has taken away the liberties of the press, Government spokesman have proclaimed that this is for strengthening the press. I am reminded of the walrus in Alice in Wonderland. While it eats up the oysters, it keep on saying: "I weep for you; I deeply sympathise". If Mr. Shukla had the same beautiful moustche as his father had, I would have liked to draw a cartoon on this showing Mr. Shukla as a walrus eating oysters.

Yesterday, we abolished the Press Council. The charge against the Press Council was that it was ineffective. Sir, if it was ineffective in relation to the press and he press barons, it was ineffective in relation to the State Governments *nd the Central Government also. There is the famous case of the Tribune in Chandigarh in which the Press Council found that the State Government was in the wrong. But nothing happened. Of course, the Press Council had no legal powers. It was not intended to have any legal powers. The Pres_s Council was meant to be a link between the public and the newspapers. It was an ethical body and a body intended to create certain ethical standards. To that extent, it was too early to say whether the Press Council was a failure or not. Anyway, I only' hope that whatever body takes the place of the Press Council will be more effective than the Press Council that we have had.

Already, one feels that the press has been intimidated to an extent that there is hardly any newspaper which will not think twice before criticising the Government. Most of our national newspapers, as far as I can judge, have given their support to the Government and to the Twenty Point Programme. I do not see how by pressuring the press in the manner in which it has been don_e in recent months, one is going to help the implementation of the Twenty Point Programme. On the contrary, I believe, that only a truly free press can help the implementation of the Government's programme because only a vigilant press

can see to it that the programme is properly implemented without official delays, without corruption and with full public participation. I do not see any need for the laws which are now being imposed on the press. Even censorship one can accept because one knows that H is a temporary measure. But the law that we are enacting today and the one that we enacted yesterday are of a more permanent nature. They are permanent restrictions on free expression and, therefore, in many ways, they are even worse than censorship.

Sir, let us think of the provision to penalise the printers and how it will affect the press in actual practice. Now, we are making the printers responsible. No printer is going to take the slightest risk in printing anything if he is going to suffer, if his press is going to be confiscated or if there is going to be any penalty imposed on him. He is not going to allow any newspaper to be printed in his house if he has the slightest doubt about the material that goes into that newspaper. So the printer will be a kind of censor himself.

Sir, it is interesting to note that the most vehement critics of these Bills have been the friendly press, the press which has supported the Government like the 'Free Press Journal', Blitz; the 'Times of India', 'Patriot'. These are the papers which have written the strongest editorials against this Bill. A law like this penalises the supporters of the Government even more than the critics of the Government. So, we have to find some way. I do not know what exactly to suggest, but, I think, there has to be a change in the attitude of the Government to the press, in general, and we have to resolve this conflict. We have had this conflict ever since the last general elections, and it has gone on and it has become more and more sharp as the years went on. Even before the emergency, things were not far different. So, I would like to suggest, perhaps, let us sit together and discuss these

things in a general way, discuss all the problems concerning the press. At least, let the Government invite a wider section of the press, with more representation, to discuss these matters and then carry through this legislation. Although it may not be of any use making this suggestion, I would still like to suggest that this Bill should be sent to a Joint Select Committee of both Houses for full discussion and amendment before it is introduced again in Parliament because, freedom of the press is a fundamental part of any democracy and we as responsible parliamentarians should not rush through this legislation. Thank you, Sir.

SHRI KRISHNARAO NARAYAN DHULAP (Maharashtra): Mr. Deputy Chairman, Sir, with your permission, I would like to put forth my views on the Prevention of Publication of Objectionable Matter Bill, 1976.

Sir, when the hon. Minister piloted this Bill in the House he said that he had the honour to move this Bill in the House, I was surprised to hear him using the word 'honour', because the first Bill that he moved about the abolition of the Press Council was really a bad Bill. Then he moved a Bill to repeal the protection given to the publication of parliamentary proceedings to the press. That was a worse Bill. And this is the blackest Bill that can ever find a place in the statute book of our country. Why do I say so? Because the provisions in this Bill are really horrible. If this Bill becomes an Act, and the next day the emergency is lifted and the censorship is done away with, then the provisions of this Bill would be capable enough to take care of anything that is being done by the Opposition or by the press in this country. Such provisions are there in this Bill, having far-reaching repercussions on the democratic set-up, on the parliamentary democracy that we want to build up in this country. Even-thing will be affected very seriously if this Bill finds a place in the statute book of our country. Sir, why has this

[Shri Krishnarao Narayan Dhulap] measure been brought in this House? It is because there was an Act of 1951, the Press (Objectionable Matter Act)', 1951. There was an Act to penalise the abuse of the freedom of the press by publication of matter involving encouragement of violence, sabotage or incitement to certain other very grave offences. That Act was there. After that a Press Commission was appointed which gave its final report in the year 1954 and it made certain recommendations.

[The Vice-Chairman, (Shri Loka-nath Misra) in the Chair].

On the strength of their recommendation, the Press Commission hoped that with the formation of the Press Council—which was one of their recommendations—, if it grew in strength and prestige, the necessity of having resort to such a measure as the Press Objectionable Matter Act would gradually disappear. The objective of creating a Press Council was that this type of an Act which was enacted in the year 1951, should be removed. As a consequence of that recommendation the Press Council Act of 1965 came into existence. Now, the hon. Minister says that after seeing the working of this Press Council of India since 1965 he comes to the conclusion that the Press Council of India could not deliver the goods and that it could not curb the bad activities which were prevailing in the country and hence the Minister comes before this House with a Bill of this type which is before us for consideration. I would request the hon. Minister and the hon. Members of this House to go through the provisions of this Bill and the original Act of 1951. If we compare the provisions of these two legislations—the original Act and this Bill—we will come to the conclusion that the provisions of the present measure are more stringent and they will produce the effect of strangulating the freedom of the Press in this country.

Sir, what is the definition of 'objectionable matter' which the Minister took great pains to explain to this

House? What are the objectionable matters? Firstly, it is a matter which brings into hatred or contempt or excites, disaffection towards the Government established by law in India or in any State thereof and thereby causes or tends to cause public disorder. Please see the wording of this provision here; so wide and so vague that everything can be covered. The coverage is so far-flung that whatever is done can be covered under this provision. And, then, how to excite disaffection? What is the duty of opposition in a democratic set-up in this country? The opposition is there to criticise the Government and not to extend affection or to give love to the Government. The opposition is there to criticise them in such a way that people should feel that whatever the Government is doing in this country is wrong, is against the people and against the interests of the people. If we are going to say this then that can be stretched and the concerned officer can say that we are exciting, disaffection towards the elected Government of this country. And, what are the words used, Sir? The words used are "thereby cause or tend to cause". It should not 'cause' only. It is enough if it is going to 'tend to cause'. There will be fear in the mind of the Government or in the mind of the officer that some such thing is going to create a sort of disaffection in the mind of the people. This was not there in the original Act. This has simply been copied from the Indian Penal Code. See the provisions regarding sedition. See the wording of that section and see the wording of the Bill itself. Section 124A of the Indian Penal Code provides for section;

"Whoever by words either spoken or written or by signs or by visible representation or otherwise brings or attempts to bring in hatred or contempt or excites or attempts to excite disaffection towards the Government established by law in India shall be punished with imprisonment for life to which fine may

be added or with imprisonment which may extend to three years to which fine may be added or a fine."

And the Explanation given is: "Disaffection includes disloyalty and all feelings of enmity." This is what is given in Section 124A of the Indian Penal Code. Now the same wording "Disaffection" is being used by the Government in this Act. It is better to call it an Act of Sedition; otherwise, what is the use of bringing in all these wordings having a wide coverage like "cause, or tend to cause disaffection" or some sort of a disorder in the country? Now, the hon. Minister while explaining the whole provisions of the Act told us that disorder has been also defined. But in what way? The whole discretion has been given to the officer who is going to implement the provisions of this Act. This is the wording. And what about the old Act? I will request the hon. Minister if he wants that some restrictions should be there, of course, as far as scurrilous matter is concerned or matter creating some sort of enmity between two communities or religions, we are not opposed to it. Sardar Amjad Ali is not here; we are not opposing that. We are only afraid of this provision being utilised by the Government or by the officer concerned against genuine activities of the progressive elements in this country, those who want to better the conditions of living of the toiling masses of the country. The hon. Minister should string in the Act which was repealed. The old Act of 1951 should be brought in and the provisions should be revised because the provisions of that Act are better and they give a better protection to the freedom of the press in the country. What is the definition of the objectionable matter? The very first thing in the present Act is: "Incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area." This is the definition 1122 RS—4.

given. And because of this provision you are actually bringing in all those wordings and importing provisions of Section 124A of the Indian Penal Code. And what is the provision here regarding those who are affected because of the provision of this Act? The provision itself in the Act of 1951 is that the whole matter should go to the Sessions Court. Section 16 of the Act of 1951 says:

"Every complaint to the Sessions Judge under this Act against any person hereinafter referred to as the respondent shall state or describe the objectionable matter in respect of which the complaint is made, and where it is desired that security should be demanded..."

So all these disputes or grievances were to be decided by the Sessions Court to which a further provision has been brought now and to which I will draw the attention of this honourable House. What is that? Section 20 says;

"If in any inquiry before a Sessions Judge under this Act, the respondent claims to have the matter determined with the aid of a jury, the provisions hereinafter contained shall apply."

What is the composition of a jury?

"Every such jury shall consist of five persons and shall be chosen from the persons summoned to act as such from the list of persons prepared under sub-section(3)."

Five persons were to constitute a jury. They were to decide the offences committed under that Act, the Act of 1951. Therefore, I would say that the original Act was better. He should not feel himself honoured by piloting this Bill. This is a shameful Bill. He should consider it a dishonour that he has been asked to pilot this Bill. It is better to bring in the provisions of the 1951 Act and if that is done, I will be there to support it.

SHRI UMASHANKAR JOSHI
(Nominated): Mr. Vice-Chairman, Sir, I speak as one of the poets of our country. I have studied this Bill and I do not find the hero of the piece who is, of course, for this Bill the villain of the piece, I mean the writer. They have caught hold of the printer, the publisher and the editor. But the man who is responsible for writing and for provoking them is not mentioned. Is he so unmentionable as that? Now, Sir, in this Bill, the word 'Book' has been defined thus:

"Book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced."

This has been very imaginatively drafted. This is what we find in this wonderful Bill. The editor of a newspaper, of course, is the main target. He is the person who writes the editorials. Then, there are his colleagues like the columnist, and so on. Our country is proud to have a galaxy of newspapermen who are serving the community to the best of their capacity. But I would like to refer to the overall provisions of this Bill in relation to artists, writers, cartoonists, designers, musicians and so on. Is it contemplated to choke the creative energies of these people? The future historians would say that the British rule ended up in releasing the creative energies of the people of our country even under conditions of political subjugation and economic exploitation, but that free India found it necessary to choke these energies. The hon. Minister is a member of the Kalidas Samaroha Samiti. I do hope that there are around us some would be Kali-dasas or men of such great genius. To them, he will give this Bill and say 'Wait for some future successor of mine who will be one of the members of a Samaroha Samiti in your honour.

4 P.M.

This is a very cynical view of the Indian people. Is it sought to impress upon the Indian people that they are incapable of any freedom of speech? How have they disqualified themselves after our having won independence?

The hon. Minister yesterday spoke about two Bills, in favour of those Bills, and my impression was that the man in him got the better of the lawyer or the administrator in him while taking away the immunity granted to the debates in Parliament being published in the press. It is not likely to lead to defamation cases, he harped on one point: It will not happen. But he can not just wish it away. Today, in the opening remarks he said that the intention behind the Bill is not bad. But if you read this Bill, on page 4 you will find "In considering whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representations, and not the intention of the keeper of the press or the publisher or editor of the newspaper or news-sheet, as the case may be, shall be taken into account." There will be no regard for intention, in effect the hounds would be after our blood. There are fetters already. May I give you an illustration?

Only last December the Marathi Sahitya Sammelan met at Karad with no less a person than the Minister of External Affairs, an inhabitant of that place, as the Chairman of the Reception Committee, and when I asked for a copy of the Address given by the President of the Sammelan, a great savant, Durgabai Bhagwat, the reply I received was, "All the copies were confiscated", including her own copy. What are we doing? The word of truth inspires this fear in the rulers. Sir, have you scanned the various speeches or the interviews or statements given by our Prime Minister? She is a sensitive person—I mean it as a compliment—and I had a feeling that she was replying to some charges made somewhere to some points made somewhere in the press though I had

not read about them. Indeed India has been turned, after the emergency, into a vast whispering gallery where things reach one person at least, and fortunately being sensitive, he tries to reply, sometimes apologetically, sometimes giving explanations, sometimes with a sense of guilt.

Sir, in my village we use a proverb '*nobh_e khila*', i.e. the topmost beam on a roof has to take in nails. He or she who cares to become the leader of a country, as vast as the sub-continent of India, has to take in criticism. If you keep the President immune from any such things, yes, I would agree to it. That is a very exalted post but the administrators, no, they must be constantly under fire. And those who criticise them should be rather dealt with sympathetically because they have rendered a service. As Socrates said: The steed of the State is kept in good shape by a gadfly. We want many more gadflies. So did the historian E. H. Carr say that non-subversive dissent should not be discouraged and perhaps he cited the extreme example of Stalin. Leave apart the example of Stalin about whom I do not want to enter into a discussion. But today what do we find in Russia which has been doing great work, according to its light, for the poor. There is much elbow room. Although solzhenitsy is sent away. I have read about frank contributions in correspondent's columns, by poets, by writers and here you want to bring in darkness, snuff out all truth that would possibly come from some corner.

May I refer to another provision in this Bill? The hon. Minister also was good enough to refer to it. It is a subsidiary point. It refers to 'scurrilous or obscene' matter. The hon. Minister also read out from the Constitution where the words used are decency or morality. The word 'obscenity' I would like the hon. Minister to note, is resented by all types of artists, especially modern artists. Personally I would not have any difficulty with it. But I myself

had been in a witness box for more than an hour, defending the translation in Gujarati a so called 'obscene novel' the women of Rome by Alberto Moravia and the judge was good enough to adjudge that the woman translator was innocent and the Government should better have had some dialogue with writers and authors before taking such a drastic step. Again I learnt from late Acha-rya Kshiti Mohan Sen that the British Government thought of demolishing the Konark Temple, because of its 'obscenity'

SHRI N. G. GORAY: Are we listening to him or to Mr. Yashpal Kapur?

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): Order, order please.

DR. K. MATHEW KURIAN: Mr. Yashal Kapur discipline please.

SHRI UMASHANKAR JOSHI: Acharya Kshiti Mohan Sen told me that Nandlal Bose, the great artist, and others wrote to the then British Government that they would offer satyagraha if they did any such thing. So, please look into this clause lest many artists and writers should be put to trouble on flimsy grounds.

I however, object to the Bill for a very wider consideration, on moral grounds and on cultural grounds. As it was pointed out by my esteemed friend Shri Abu Abraham, the Indian people are a mature people, who can take care of criticism. It is a sense of suffocation that the creative artists and intellectuals are feeling for the last seven months or so.

Sir, I come from what was formerly a native State, but then we had some hope that things could be published from the British-ruled areas. In Kathiawad there were States ruled by many rulers. But from a nearby British-ruled place the *Sau-rashtra* was edited by a courageous mian Armit Lai Seth, and it brought to light the fate of the people living

[Shri Umashanker Joshi] under those States' regimes. The whole of India is now sliding back into the feudal days and this is bad...

(*Interruption*). I should go, where? . . . why should I go to England? I will come to your Haryana and then you will have to manage me . . .

(*Interruption*).

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): Mr. Joshi, would you kindly wind up?

SHRI UMASHANKAR JOSHI: If a word of truth is feared and that fear projects terror all around, which breeds cowards on one side and sycophants on the other if all action is sought to be plugged, rest assured, Sir, that those who have the welfare of the country at heart would like to pray in this House—this temple of the people's will—"May God find some of us worthy of a death that would articulate the undying soul of India."

Sir, I object to this Bill because it seeks to put under lock and key the conscience of a great people.

SHRI KRISHAN KANT: Mr. Vice-Chairman, Sir, I am grateful to the hon'ble Members who have participated in the debate. Excepting two or three Members, all others have opposed the present Bill which is before the House.

Sir, I am reminded of the first letter of Jawaharlalji in the *Glimpses of World History* where he referred to a person in Greece, who used to wear iron hat and have an iron strap over his stomach with a frame above. When asked why he was wearing all that, he said. I do not want wisdom to leak out from the head or from the stomach. Jawaharlalji advised there that we should not put on iron hats or iron straps because that is a thing which kills souls of man.

Sir, by this Bill which we are going to adopt today, we are putting an iron hat on the mind of India. That is why I am opposed to it.

Many arguments have, been given for the last two or three days about happenings in Parliament and outside. Friends from the Opposition side have termed the Government as fascist and reactionary; and from the Congress side they have termed the Opposition as fascist and reactionary. But my feeling is that there is no danger of fascism either from the Congress side or from the Opposition side. There is no fascism growing because fascism has a philosophy, an ideology, a party and a cadre—which is not to be seen in the Congress, that way. So there is no question of their turning to fascism. Nor is there something which could create fascism in the Opposition. The present situation is the creation of politics without principles, of manipulation and manoeuvre, of naked race for lower without any rules of the game, to which all of us, whether sitting on the Treasury Benches or here, have been responsible. Sir, it is true that those who rule always get more blame—and Congress has ruled for a number of years. But when the Opposition was there in 1967, they also played the same type of part. That is a situation where we should look around together and set the rules of the game and not go on giving the same arguments again and again. They were saying about what happened in Parliament, how people were behaving and how things were taking place in the streets. I do not know why my Congress friends, by giving these arguments again and again, are falling into a trap, and are not learning the lesson of history. May I read from a speech of 1925 made in an European Parliament? You may kindly judge yourself.

"Gentlemen, you may find it easy to recall that week of heated political passion when in the Chamber, the minority and the majority were clashing everyday to the point that some despaired of establishing the necessary condition for political and civic coexistence between the

two hostile parts of the Chamber... I then delivered a speech that completely clarified the atmosphere. I said to the Opposition: I recognise your right in principle and even *ⁿ fact . . . But what was the reply to this principle of mine? First of all, there was the Aventine secession . . . Then there followed a press campaign that dishonoured us for three months. The most fantastic, most horrendous, most macabre lies were widely published in all the papers. A veritable outbreak of necrophilia took place . . . And I remained calm, tranquil in the midst of this storm. Gentlemen, Italy wants peace, tranquillity, calm in which to work. We shall give her this tranquillity and calm by means of love if possible but by force if necessary... Everyone must realise that what I am planning to do is not the result of personal choice, of a lust for power, or of an ignoble passion, but solely the expression of my unlimited love for the fatherland."

This was Mussolini in 1925 before the coup d'état. Are you doing the same? I do not know why they are living these arguments again and gain. That phenomenon is not taking place in this country. This is a different phenomenon where the rules of the game have been lost and all are racing in the naked game, for lower. And all sides are responsible for it. By repeating these arguments again and again, you have become a victim of the same psychology. That is why I am appealing to you to try not to do that. Sir, Professor Laski said:

"A Government can learn more from the criticisms of its enemies than from the flattery of its friends."

The hon. Minister did not refer to many of the points. I am grateful to my revered friends Mr. Daphtary, Mr. Abu Abraham and Mr. Umashankar Joshi who referred to various points. The basic point is, the very

character of the State is being changed by these laws. It is not a simple law. By the MISA, by these three Acts and by the other things you have done, you are changing the character of the State. As I mentioned in the morning, even those who support the emergency have said that a law constitutionally made need not necessarily be a healthy law. So this is the basic question you should ponder over, as to where you are leading to. When the courts are barred, the bureaucrats will decide. Caesar will appeal to Caesar. I am reminded of a couplet of Faiz.

बने हैं अहले हवस मुद्दई भी मुसफ़ि भी
किसे वकील करे किससे मुसफ़ा चाहें t

That is the whole situation, that is where we have reached to-day.

Mr. Shukla gave some explanation of the meaning of "objectionable matter". It is true he believes in whatever he says. I do not say he doubts what he believes in. But what he believes in is not the law. What is the interpretation given by your own representatives? The MISA amendments as expounded by the Home Minister here meant something else. He said, "Yes, there cannot be any *mala fide* detention. If there is anything, it can be looked into." But the representatives of the Government of India and the Government of Maharashtra in the High Court and in the Supreme Court said: "Even if any individual arrested under the MISA is shot dead or starved to death, no court can look into it when the emergency continues." The emergency may continue for two years, five years or ten years. We had been living with emergency since 1962 and we had it for 10 out of 13 years. That is the interpretation given by the representatives of the Government of India. So how can we go by the explanation of the hon. Minister? That is the basic question that we have to look into and that is why we criticise this Bill. Sir,

[Shri Krishan Kant] I am grateful to my friend, Mr. Amjad Ali, who referred to me. I would only refer to one quotation from a great writer who said:

"Hypocrisy is the tribute that vice pays to virtue."

Sir, the basic question to which I am coming now is the question posed by Shri Abu Abraham. Sir, this newspaper industry in the country is going to lose its credibility. You can compare these papers with those in Russia and China and say they will have credibility. But these papers are different. These are monopoly papers of the states. The papers in those countries represent a particular ideology of that State and the party which is accepted by the people also and if those papers say something, it is believed by the people. But, Sir, in India, the situation is very different. The difficulty here is that the State and the party do not have an ideology. The whole industry is a hotch-potch of many papers which do not have any ideology also. Under an atmosphere of fear and permanent censorship all of them may not satisfy the people. Therefore, I say that they are going to lose their credibility and the people are not going to give any credence to what they say and they will lose their faith in the news papers and the printed word and thus, Sir, the very basis, purpose of writing and the very process of development of human history will be thrown to the winds,

SHRI JAGAN NATH BHARDWAJ
(Himachal Pradesh): What about food?

SHRI KRISHAN KANT: Sir, I do not want to be interrupted. If he has read about our freedom struggle, he would know.

Sir, there were two words which were given by Mahatma Gandhi. He wanted freedom for food, that is, he wanted freedom first so that he

could give food to the people. But food without freedom meant slavery since people would only eat and could do nothing else. So, he wanted food and freedom so that the people could think independently and their mental faculties would flower and they could become free. Therefore, food without freedom is slavery and, so, we want food for freedom and freedom for food. This is the basic concept which we have been taught and in which we have been brought up and this was the whole idea behind the freedom struggle that we led. So, Sir, I am giving you a warning, the last warning, and it is this that if these papers are reduced to non-entities and if the people do not have any faith in them, as a journalist member has said, then, Sir, the extreme harshness, of the Bill may lead to unforeseen consequences like the one in the present emergency this would lead to the emergence of an underground Press on a large scale. You know what happened in certain countries and you know what happened even in the Soviet Russia. Boris Pasternak's books were not first published. His works were not first published in the Stalin era. Mr. Krushchev liberalised, what was observed. When Pasternak was addressing in a hall, all the people stood reciting the same poem which he was reciting. So, this type of censorship will not do and will lead only to this situation. This will produce excruciating pain in the mind and will deaden the soul for a time. But human soul cannot be fettered for long. And, Sir, as Gandhiji said—I am quoting from what he said in 1940 when this kind of censorship was adopted—

"It may be that even the public statements such as I am making now may be stopped because it is the condition of life under an autocratic government, whether foreign or native."

SHRI BHUPESH GUPTA: Mr. Krishan Kant, you kindly speak a

little slowly. I do not mean your voice, but your speed. I say this because when you spoke from the opposite side you had to convince only a few people, but you have to convince many now. Therefore, please speak a little slowly.

SHRI KRISHAN KANT: Then, Sir, Gandhiji wanted everybody to become a newspaper, a walking newspaper and carry news from mouth to mouth in such a situation. That is what is going to happen. Now, Sir, there are two kinds of impact that are going to be there on account of this Bill: Either this will become a dead letter or this will be utilised by some people against their political opponents, by the District Magistrates and the members of the bureaucracy against those people whom they do not like in the districts and a new clandestine Press and clandestine propaganda will start in this country over which, however strong the Government may be, it can have no control. So, do not go by this Bill; but go by the standards which we have adopted and maintained so far and which we adopted for our freedom struggle.

Kindly withdraw, if possible, this Draconian Bill. Otherwise, you are only tightening the noose round the neck of the people of India and the freedom of India.

SHRI VIDYA CHARAN SHUKLA: Mr. Vice-Chairman, Sir, there seems to be an apprehension in the minds of some honourable Members about the implementation of the various provisions of this Bill. I may say, Sir, that when this kind of an Act was passed in 1951, such apprehensions were voiced. Even then such apprehensions were voiced. But the heavens have not fallen in India when this kind of an Act was in existence for about six years or so. The Press was not muzzled and the Press freedom was there and the Press functioned as a good and healthy Press.

Sir, some of the honourable Members have referred to the Report of the Press Commission. One of the Members of the Press Commission which recommended the repeal of that Act is a Member of this House and he also spoke strongly. It is Mr. T. N. Singh. But, unfortunately, Sir, he is not here at present. He would recall that when the Press Commission considered this Bill, there was a sharp division, even amongst members of the Press Commission, whether the Bill should stay in the Statute Book or should be repealed. There was a strong section which felt that this Act must not remain in the Statute Book of the country. But still there were some members of the Press Commission who thought that this particular Act should remain a law, but they preferred that this kind of discipline which was sought to be enforced by the provisions of this Act could best be had by a voluntary agency like the Press Council, and therefore they recommended formation of Press Council. And I don't have to repeat how it came about and how it did not succeed, and ultimately we have come to a stage where we had to abolish it and this law is being resurrected. I must say that this law is in many ways an improvement of what it was in 1951—improvement not in the sense of being less rigorous; it is an improvement because it is much more imaginative and we have not put any such fetters as were put in that Bill. If the hon. Member remembers, this hon. House passed that Bill into law which gave protection even to civil servants which we have sought to give here in this Bill to the President, the Vice-President, the Speaker of the House, the Prime Minister and Governors of States. In that Bill, even civil servants were put in the protective category.

SHRI BHUPESH GUPTA: Who brought that Bill in this House?

SHRI VIDYA CHARAN SHUKLA: It was brought by the Government and passed by this House...

(Interruptions)

Sir, Rajaji, while piloting this Bill in this House and in Lok Sabha, made some prophetic observations. And since some hon. Members have been quoting various things, I would like to quote Rajaji when he was moving this Bill for consideration. I quote:

"If you do not control the stuff produced from the printing machine in modern times and no kind of restriction is to be imposed and no deterrent law is to be in force and if democracy should depend only on the goodwill of those who are inclined to rouse groups of people to mischievous intent and the better ones controlling the Press will neither undertake to impose their own sanctions nor allow us to impose them and we are asked to take physical action after overt acts and wait till they are indulged in, then let me tell you that we would want a considerable body of armed men and a fairly large mobile force in each district of India, if not sub-district. Your army will be mostly engaged in internal security work, call it Police or Army, it will be only an internal order force and wholly engaged in that work or in being ready for it

SHRI BHUPESH GUPTA: Very interesting.

SHRI VIDYA CHARAN SHUKLA: This is the condition in which Rajaji moved that Bill, and this law was conceived. And, Rajaji is well-known to you, Mr. Vice-Chairman, particularly, as a person for all kinds of freedom...

SHRI BHUPESH GUPTA: He belonged to Swatantra Party. You should have quoted Rajaji, because Rajaji was the founder of Swatantra Party...

(Interruptions)

SHRI VIDYA CHARAN SHUKLA: It would be appropriate to quote Rajaji here, who was for all kinds of liberties. He was the man who stated these almost prophetic words. If you compare the condition today, I could not improve upon what Rajaji said at that time.

Sir, now the question of credibility has been raised. What kind of credibility the Press had, controlled by monopolists and jute companies? Now, they are wailing over credibility. But circulation is going up. More and more people are reading newspapers. Why are they reading? Just because they are printing fancy stories or printing more cartoons, or what?

SHRI ABU ABRAHAM: This is because there is a crisis in the country and people want to have whatever news they can have and also because they cannot get from All-India Radio...

(Interruptions)

SHRI VIDYA CHARAN SHUKLA: Credibility of the Press is much greater, and with the help being imported in the Press industry, I am sure the credibility of the Press and the circulation of newspapers of various kinds, which conform to the laws of the land, will certainly go up.

SHRI BHUPESH GUPTA: I think the cartoons are not intended to make one look more handsome than he is.

SHRI VIDYA CHARAN SHUKLA: Sir, I would say that credibility and circulation go hand in hand, if the credibility of the newspapers is decreased, more and more people will stop reading newspapers. Therefore, in order to judge the credibility, I would say that we should look at the circulation of the newspapers.

The interpretation of various provisions of this Act can be made by the law courts. It is not that the interpretation will be made only by the

civil servants or the politicians. The first court of appeal is the Central Government. After that, if necessary, appeal will go to the High Court and the Supreme Court and they will interpret whether the action was *mala fide* or whether the action was right. So, no action is barred from judicial review. Some of the hon. Members who spoke here conveniently ignored this aspect that each and every action, major or minor, taken under this Act is not only time-bound for the purpose of disposal of appeal, but is also open to highest judicial review.

SHRI KRISHAN KANT: Where is the judicial review provided?

SHRI VIDYA CHARAN SHUKLA: It is provided. I do not want to waste the time of the House. When we come to the second reading, I will point out that thing to you. You better rest a little bit. Mr. Sardesai made a good speech about this matter. He pleaded that we should exercise a distinction between fascists and democratic forces. According to Mr. Krishan Kant, they are the fascists. According to Mr. Sardesai, Mr. Krishan Kant represents the fascist forces.

SHRI N. G. GORAY: Mr. Krishan Kant said that there were no fascist forces on either side. Don't misquote him.

SHRI VIDYA CHARAN SHUKLA: According to Mr. Krishan Kant, there are fascist forces working in the country. Anyway, I am only giving an example. If it is not Krishan Kant, it may be Mr. T. N. Singh or Mr. Uma Shankar Joshi or it may be Mr. N. G. Goray. I am certain that this law would certainly apply to the fascist tendencies. It will be against the fascist tendencies and in favour of democratic forces. It will certainly be against those people who are antidemocratic, anti-people, anti-progress, anti-secularism and against all pro-repressive policies that the country is wedded to follow. It will certainly be applied to those people because

those are the only people who will probably violate the law which is being put on the Statute Book today.

Hon. Members, particularly Dr. M. R. Vyas, made a very fine contribution to the debate. He successfully repudiated many arguments of some speakers.

[The Vice-Chairman (Shri V. B. Raju) in the Chair]

So, I am not going into those questions. Shri T. N. Singh said that the basic approach is wrong. He probably meant to say that what we are trying to control by law should be controlled by voluntary exercise of discretion. This method has been tried and we have found that it does not work. Therefore, we are giving what should be a moral code of ethics to be followed voluntarily and which the Press Council was supposed to give us. Now, we are putting that voluntary code of ethics more or less in the form of this Bill and we hope that all the papers will adhere to the code of ethics that has been devised here. And I can assure the House again and again that those people who stick to the code of ethics as devised by the Central Committee of Editors or the All-India Newspaper Editors Conference will have nothing to fear from this because none of the provisions of the Act will be invoked against such people.

Sir, Mr. Dhulap, while he spoke, touched upon an important point which I mentioned briefly in my introductory remarks. He said, "Why have you put this question of disaffection in this special law when it finds a place in the substantive law of the country?". He was referring to Section 124(A) of the Indian Penal Code. Mr. Daphtary also mentioned that why do you make two laws for the same offence. As an eminent jurist of the country, he knows that for one offence, a person cannot be punished twice. There might be several laws in consideration of one particular offence but it is absolutely

[Shri Vidya Charan Shukla]

certain that for one offence, a person will not be punished twice under this Act or under the substantive Act. And he is not likely to be punished twice. And coming back to Section 124(a), the point I made earlier also is that this special Act makes it milder, and the substantive Act which is the Indian Penal Code is much more stringent.

Now, Sir, having read the Bill under consideration—Clause 3(a) (i) — I will read what Section 124(a) of the IPC says. It says:

"Whoever by using words, either spoken or written, or by signs or by visible representation or otherwise brings or attempts to bring hatred or contempt or excites or attempts to excite disaffection towards the Government, established by the law in India, shall be punished with imprisonment for life."

Now, Sir, here we have made two improvements upon the substantive laws, the Indian Penal Code, which is in force. Let me give an example as to how we have improved upon it and safeguarded against the misuse of this kind of omnibus general provisions. First of all, this provision of the Indian Penal Code is enforceable and is administered by any First Class Magistrate, and any lower functionary. In the present Bill which we are discussing, this can be enforced only by a District Magistrate and above, and it does not go below that like the provision in the IPC which can be exercised by any City Magistrate or a Magistrate enjoying First-Class powers. The second distinction is, whereas the IPC provides for life imprisonment, we are only providing for imprisonment for two years, a maximum imprisonment of two years. The third distinction between the section quoted by Mr. Dhulap—section 124(a) of the IPC—and this provision is, whereas the provision under the IPC is for general disaffection

against the Government, in this particular Bill, we are limiting the disaffection only to such disaffection which leads to public disorder, and not to any other disaffection. If there is a disaffection which does not lead to a public disorder, then they can do anything they like. There is no restriction in this present Bill that we are discussing except where it is likely to or it tends to create a public disorder. Now, the I.P.C., which is the substantive law of the land says that the disaffection created by visible signs, words spoken or printed and things like that, and whether it leads to public disorder or not, it is going to be punishable with a life-term imprisonment. And here, the law which we have chosen is reducing it to a maximum of two years. It is only limited to such a thing which causes or tends to cause public disorder. And it is only to be tried by an officer not below the rank of a District Magistrate or a Deputy Secretary of the Government of India. And all these provisions have been put in a special law so that if people are proceeded against under this special law, the general law of the land will be excluded. The hon. Member made this point that these two laws cannot be applied to the same offence. Naturally not. Only the first special law with regard to the printed word will come into force. If this special law is not used then section 124A of the Indian Penal Code will be used; otherwise not.

Sir, some hon. Members were saying that criticism of the press is barred. There is nothing in this Act to that effect. You are a lawyer yourself. There are eminent lawyers and public men in this House and let them point out during the clause by clause consideration of this Bill which clause of this Bill bars criticism. It bars no criticism. As a matter of fact, it specifies that all criticism is allowed except what is enumerated in section 3 and those restrictions which are enumerated in section 3 of the Bill are all those which are defined in article 19(2) of the Constitution which

guarantees freedom of expression in the country with reasonable restrictions. Therefore, Sir, we have taken care to see that the restrictions that are spelt out in this Bill are limited to those reasonable restrictions which are there in article 19 of the Constitution. Therefore, it is absolutely erroneous to say that we, in any way, are barring criticism or are trying to force censorship by the back-door. It is a perverted idea and it is an idea which can only arise in the minds of those people who are scared. There is nothing to be scared about. This is a Bill which is an improved Bill and it is going to be applied with a great deal of discretion and a great deal of circumspection. It is not a thing which can be applied lightly and it will not be applied lightly. Therefore, hon. Members should assure themselves that this is a Bill which will bring out the healthier tendencies in the country, this is a Bill which will bring out a healthy press, a more credible and more dependable press and a press which will improve the tone of the public life in the country and it is going to shut out scandal mongering, yellow journalism and all those tendencies in the press which used to kill healthy press and healthy journalism. I have heard wailing for the last 15 years from my friends in the press—I have lots of friends in the press—and they have been telling me "What can we do? Those people who write cheap stuff, those people who write about character assassination and sensational stories, they sell most. Those who want to write constructive stories, those who want to write about the social and economic growth in the country or success stories in the country, are not heard. We do not get any space in the columns of the newspapers". Now, this is a chance for these people. Those people who are indulging in unhealthy tendencies will certainly be looked after by the provisions of this Bill. Those people who create animosity, who create ill-will amongst the various religious groups or linguistic groups, those people who create seditious feeling or feelings of rebellion

in the disciplined forces, of the land which are charged with the security of the country—such things have been enumerated in section 3 of the Bill—will certainly be barred from writing in that manner. Those people who want to criticise the actions of the Government, the leaders of the Government, they can certainly criticise. One hon. Member said; Why have you protected the Prime Minister and the President? Mr. Joshi probably said that. Why do you want to protect them; the more the criticism the better it is. Now, Mr. Joshi has not bothered to go through the provisions of this Bill. (Interruption). Please listen to me carefully. You have not bothered to read the Bill carefully; I repeat you have not, because if you had you would have seen that no criticism is barred against these office-holders. The only thing that is barred is that there should be no defamation and there should be no obscenity. These are the only two things that are barred against the high offices of the President of India, the Vice-President of India, the Prime Minister of India, the Speaker of the House of the People and the Governors of States. They are not barred from any other criticism which can be levelled against them in any way you like. The only thing is that you cannot defame them and you cannot heap obscenity on them. Defamation and obscenity are described and defined in the case laws as well as in substantive laws. Therefore, Sir, if anybody wants to heap obscenity on the Prime Minister will Mr. Joshi support it?

SHRI UMASHANKAR JOSHI: No, Sir.

SHRI VIDYA CHARAN SHUKLA: Will Mr. Daphtary or Mr. Krishan kant support it? If anybody wants to defame the President of India will any hon. Member of this House support that kind of a thing? And, if the law provides against that obscenity and defamation, why do you object to it?

SHRI UMASHANKAR JOSHI: It should not be against any citizen.

SHRI VIDYA CHARAN SHUKLA: This is a definite concept in law which is accepted by the judgments of the Supreme Court, it is not such a vague definition. And Sir, it is not material which person occupies which office at what time. It is a question of having regard to the democratic process in the country. We have to defend the parliamentary system of democracy; we have to defend it and see that the system under which we seek to run our public life~is not brought into disrepute by such defamation and such obscenity. It is the dignity of this office which has to be protected against defamation and obscenity through these provisions and there is no insulation against criticism. Barring defamation and barring obscenity as defined by Indian laws, you can criticise the Prime Minister, the Speaker, the Governor, whomsoever you want. But I am sure that person like Mr. Umashankar Joshi are not interested in heaping obscenity and defamation on the President or the Prime Minister.

Sir, Dr. Kurian's points were very well replied to by my friend Sardar Amjad Ali. Therefore, I am not going to reply to them and repeat the arguments given by my able and learned friend Sardar Amjad Ali. About the implementation, Sardar Amjad Ali warned us that we should be careful. We have taken his advice and we shall be careful.

Sir, the argument given by . .

SHRI BHUPESH. GUPTA: Yesterday, the radio said Mr. Shukla has made out an unassailable case. That is how it began. It was very interesting to see.

SHRI VIDYA CHARAN SHUKLA: Mr. Abraham is a person who is widely read in the whole country through his cartoons. His cartoons have been, I must say, very constructive and very enjoyable but his speech made

here left much to be desired. I do not know why he said that we are going to cause permanent damage to the press by this Bill. We know persons like him will have much greater chance in coming to prominence and educating the public of the country by a constructive contribution to journalism and people who used to draw obscenity and who used to draw defamation of all kinds, will certainly have difficulties in operating when this law comes into operation. So, Mr. Abraham must not feel that there is any damage going to be made to the press by this Act. Pressmen, he said, were demoralised. Although I am in charge of this Ministry, Sir, still I have got many old friends who knew me as a private Member of Parliament and those who are still on very frank terms with me; they do not talk to me as a Minister; they talk to me as a friend, and this is all over the country. Whenever I have travelled, we have had informal chats with people and I have found no demoralisation except in those people who used to use the press for their own ends, who used to use the press for their own purpose, who used to the press for such purposes other than public purpose. Those people are naturally demoralised. And if Mr. Abraham is thinking of that section of the pressmen, I agree with his criticism. The younger section of pressmen was not demoralised. I have had the occasion of meeting the students of the Department of Journalism of various Universities here and in other States that I have visited and I found eager young boys and girls getting into the Department of Journalism and looking forward to their career as journalists. I think they have a much better future in front of them than Mr. Abraham had when he entered journalism. At that time he had to make a lot of compromises with press barriers. The new friends who are coming through the Department of Journalism of various Universities, can look forward to a much healthier press than Mr. Abraham faced when he first entered his journalistic career.

Sir, I have touched most of the points raised by the hon. Members. There has been a great deal of explanation which has been given by hon. Members who spoke from this side of the House. Therefore, I would not take more time of the House except mentioning that the Bill that we have under consideration before us is one which is not unusual. This is only unusual in the sense that the voluntary sanctions are being given legal backing. That is about all. If hon. Members take care to see the code of ethics which has been drawn up and adopted, they will find that this Bill is in conformity with that. If hon. Members see the substantial law of the land, they will find that the law of the land contains all these provisions. "We have made some special provisions only to see that they are applied in such a way that our pressmen are segregated from the criminals and that they are not treated on the same footing as the criminals to who the Indian Penal Code and the Criminal Procedure Code apply. We have made a special law for them so that we can treat them in a considerate and proper way. We can warn them and we can take security from them rather than take straight action against them as is done under the Criminal Procedure Code or the Indian Penal Code. Therefore, this Bill will insulate our pressmen and it will really give them certain facilities and certain protection which they have not been enjoying hitherto. Therefore, rather than being swept away by sentimentality and calling it a black Bill and so on, I would ask the hon. Members to ponder calmly over the provisions of this Bill and see that it serves the purpose. If it does not serve the purpose, Parliament has always the authority to either amend it or repeal it. We have to see whether it will fulfill the purpose that we have before us. If it does not, nothing prevents us from having a second look at it. I am certain that this will certainly fulfil the tasks and aims for which this has been brought before this

hon. House and that it will certainly import a great deal of health into our ailing Press body.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I will first put the Resolution to vote. The question is

"That this House disapproves the Prevention of Publication of Objectionable Matter Ordinance, 1975 (No. 28 of 1975) promulgated by the President on the 8th December, 1975."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Now, I will put the Motion to vote. The question:

"That the Bill to provide against the printing and publication of incitement to crime and other objectionable matter, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Now, we shall take up clause-by-clause consideration of the Bill.

Clause 2 *was added to the Bill.*

Clause 3—"Objectionable matter" *defined.*

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I beg to move;

"That at page 3, lines 12 and 13, the words 'or excite disaffection towards,' be deleted."

"That at page 3, lines 21 and 22, the words 'or prejudice the recruiting of persons to serve in any such Force' be deleted."

"That at page 3, line 34, the word 'or the Governor of a State' be deleted."

The questions were proposed.

SHRI KRISHNARAO NARAYAN DHULAP; Sir, regarding these amendments, particularly the first two which I referred, the hon. Minister should take into consideration the genuine grievances of the people. If there are visible representations to get the problems solved, then naturally the words "or excite disaffection towards" are likely to be construed in a different manner and all the genuine grievances of the people are likely to be ignored. For example, Sir, in 3(a) (iv) it is mentioned, 'promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities'. Particularly with regard to this, I will point out an important issue which is hanging fire for more than 25 years now, and that is, the border dispute between Maharashtra and Karnataka. Our Government had accepted the principle of formation of States on linguistic basis but this issue is pending for a very long time now. For example, my friend, Mr. Ranbir Singh is very much interested in Fazilka. If, regarding such issues somebody says something and if it is printed, the printed material is likely to be construed as causing disaffection between groups of different languages. So, such issues should be solved by the Government as early as possible, before they reach the boiling point and if offshoots of such types of problems are not solved, then, naturally heartburning is there and people are likely to resort to action. Such issues, and if they write something in the newspapers, then these things are likely to be construed in a different way. To give another example, we have a compulsory employment scheme in Maharashtra but it is not properly implemented. If somebody writes that people in the villages are not getting whatever is promised by the Government and if such people are going to gather together, then naturally that is going to cause disaffection towards the Government. If such things are

likely to be construed in that way, then the genuine grievances of the people cannot be put forward in the press or cannot be agitated. It is, therefore, Sir, that I move these amendments.

SHRI BHUPESH GUPTA-. Sir, I move:

That at page 3,—

(i) "after line 15, the following proviso be inserted namely:—

'Provided that no peaceful and democratic upsurge or mass activity against the Government or for its change shall be deemed to cause or tend to cause public disorder'; and

(ii) lines 16 to 18 be deleted."

That at page 3,—

(i) "line 27, after the words 'commit an offence' the words 'of a violent nature' be inserted; and

(ii) line 30, for the words 'mischievous or any other offence' the words 'or any other crime involving violence' be substituted."

The questions were proposed.

SHRI BHUPESH GUPTA: Sir, my first amendment relates to clause 3 (a) (i) and, as the amendment shows it relates to attempt to cause public disorder which occurs in this Bill. My amendment says, "Provided that no peaceful and democratic upsurge or mass activity against the Government or for its change shall be deemed to cause or tend to cause public disorder." Now, I was quite amused and interested while listening to my friend, Shri V. C. Shukla referring to section 124A of the Indian Penal Code and then telling us how generous he had been in not providing exactly in the same way, the same quota of imprisonment as under this section. I appreciate his generosity because he thinks he has given us only two years of imprisonment.

Now, Sir, what about section 124A? What is its history? And 5 P.M. what has happened today? All these years, despite the fact that it had been on the Indian Penal Code, we never heard of it, not even quoted by any of the Minister from the benches opposite. Over the years we have discussed the Preventive Detention Act, many other measures which we could not support, but generally the Minister who piloted such measures, oppressive, did not for reasons obvious mention section 124A of the IPC. It was thought that this particular section and provision of the IPC under when Gandhiji suffered imprisonment for a number of years, which sent Bal Gan-gadhar Tilak to exile in imprisonment, which became an instrument of suppression under the British rule, altogether a gorgeous provision, be better forgotten and thrown into the limbo of history, and even if it were to remain, to remind of the horrid past of the Statute Book of our country. Today we have not only been reminded of this but we find that it is being *mutatis mutandis* incorporated in the press law of Uhe land which is going to be a permanent one.

Now, Sir, I know that we are going back on some of the things. Yes, these IPC provisions were there but this Government, the Congress Government never invoked this particular provision over the years and rightly so. They meti political challenges in a different way. Right or wrong, but they never thought of taking recourse to section 102A. As far as I remember of the IPC and as far as I remember of the old leaders of the Congress Party, well, they had terrible allergy and distaste for this particular provision. Now, Mr. Shukla may not be-live me but it had been my privilege to talk to many departed Congress leaders with high tradition of struggle against the British and also who had contributed in the making of our Constitution and building up of our parliamentary institutions and democratic life. I found they abused

this provision always. They were always embarrassed whenever this particular provision was mentioned to them. On the other hand, sometimes we mentioned it from these benches to embarrass them. Today, we find them mentioning it from their own side, perhaps from the debating point of view. Such is the life, such is the life.

Now, it is a law of sedition but here when you are incorporating it in the Press Act, it means the whole press, everyday, every moment of its existence and work, sub-editor, news editor, proof readers and all the rest; all of them will be under the menace and threat of this provision. That will deter them, that will kill their initiative and independence, that will come in the way of nourishing of the democratic press or of a sustenance in terms of a democratic life. That is why I am opposed to this, today, in this way. It is not a mere question of two years imprisonment, it is a matter of basic principle. As far as communal writings are concered, ban them by all means. As far as incitement to murder and other emotions, ban then by all means. If they are creating feelings of the Hindus against the Muslims, or of one regional group against another, in order to create a disturbing situation, betid them by all means and prevent them from being published, but not this way. Sir, what has been done here? The law doe, not define what is 'public order'. Now it will be for the District Magistrate and the Deputy Secretary to decide what is and what is not 'public order'. And the decision will have territorial limit also. If, for example, the whole of India is calm and tranquillity prevails all over the country, but in a district town the Magistrate finds certain activity is in the nature of disturbing public order, immediately he would come upon the press and the press will be harassed.

Sir, to what extent a District Magistrate can go. I give an example . . . (*Interruption*). Sir, my friends over

[Shri Bhupesh Gupta] there are smiling. They seem to think that nature has ordained them to have the divine right of rule for all years to come. Sir, I do not grudge their ambition, but it may happen that in some State they will be in Opposition also and they will be faced with the same trouble. Then smiles will disappear. And always they may not have the advantage of Presidential proclamation; they may be Chief Ministers and others who may create difficulties when they are in Opposition.

They should think in wider context. Sir, here is a leaflet from his own State, where Shri Shukla's brother, Mr. Shyama Charan Shukla happens to be the Chief Minister. Sir, I do not know that gentleman personally and I cannot wish to make any reflection on anybody. But here is a leaflet which is in Hindi. It was designed in the beginning of January. And what does this leaflet say? It says that some of the trade union leaders will be sitting somewhere on the 6th of January in hunger strike to register their protest peacefully against the bonus order. There is no word of incitement to anybody, except that there is an incitement to starvation for the day.

AN HONBLE MEMBER: By whom?

SHRI BHUPESH GUPTA: By some people—six people. You will read these things yourself very soon. I would not have written a leaflet in such soft, mild and absolutely innocent and tame language. And this is the leaflet, Sir. This is not my writing. I am not accustomed to writing such things. Now, Sir, for that what has happened? For that leaflet, a notice was served on him by the local authorities to show cause under the Defence of India Rules as to why the press should not be seized, why he should not be prosecuted, and all the rest of it. Sir, I am bringing this concrete example to your notice. (Interruption, Shall I take a division? I know what is going on there. Now this is the attitude of

those people. This will do them no good. We have seen what has happened. Anyway, it is their business. They can interrupt, they can make a noise as they like, if they think it is good.

Sir, now, they will be exercising this power through whom? It is not Mr. Shukla who will be exercising the power, nor Mr. Mehta, nor Mr. Kamalapati Tripathi nor others. If they say that the power should be in their hands and they will be exercising it, I am prepared to accept their word to some extent at least, even if they are on the Treasury Benches. But you are delegating sweeping powers to others many of whom you do not know personally and certainly will not have occasion to know because most of them will be under the State Governments. Now you can imagine how, the powers are liable to be used and how they will be used (interruption) If you want to interrupt, get up so that I can hear. Mr. Om Mehta, will you tell your Members—I do not mind their interruption—to get up and say something so that I can give a reply, although nothing will be published about it?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The Minister will reply. Please conclude your speech. No cross talk, please.

SHRI BHUPESH GUPTA: Therefore "public order" you have not defined. Keep a proviso of this type. This proviso does not take away anything from your basic position, at least what you have said. It gives a safeguard. Suppose I do not like the DMK Government, as indeed we did not like it. Suppose we hold a big demonstration in Tamil Nadu—in which perhaps many of you would join—in order to press our demand for the removal of the Government or to protest against the Government. Then under this law the DMK Government would have been entitled to stop publication and prosecute the press on

the ground, that they have published a report of the demonstration which has tended to cause public disorder. It is not only "cause disorder" but "tend to cause disorder" also. Now this is not good in a democratic society. Let there be peaceful, democratic demonstrations. You should allow, them. Let the democratic battle be democratically and peacefully fought, ideologically and politically won instead of using threats in this manner, because I think if you pursue the correct policy in the interest of the people, you will win the battle. Those who are on the right side of democracy have nothing to fear. It is those who are on the other side of democracy who should fear. But then you have other laws to deal with it, under the Indian Criminal Procedure Code and the Indian Penal Code.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I think it is sufficient.

SHRI BHUPESH GUPTA: Then on page 3, lines 16 to 18.

¹ "incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services;"

Almost everything has been included. The normal trade union activities cannot be carried on. All you have to do is to notify something as essential and all activities will be stopped. Suppose I say that ceiling laws have been violated, landlords are in illegal occupation of lands in excess of the ceiling and those lands should be occupied, and I write something about it or publish news about it. What will happen? I come under the mischief of this law because it will be said that I am interfering with production. Now industrial acts are there; essential commodities Acts are there; many other Acts are there. Why you are including it in this law, I cannot understand. It has nothing to do with character assassination which I do not support at all, which should be stopped, I agree. So, why you have this provision, I cannot

1122 RS—5.

understand. So this is another provision which, even within the scheme of this law, is absolutely uncalled for and unwarranted. Therefore, I have suggested its deletion. (Time-bell rings).

Then the other amendment is on page 3, line 27. I have given one amendment; I could have given many more amendments.

"incite any person or any class or community of persons to commit murder..."

I can understand this. I can understand that. Nobody should incite anyone to commit murder or write about it. That I can understand. But what is "mischief"? Can the Minister tell us as to what "mischief" is?

SHRI NRIPATI RANJAN CHOU-DHURY (Assam): Sir, is he speaking on the amendments or is he making general observations?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): He is speaking on his amendments only.

SHRI BHUPESH GUPTA: I am speaking on my amendments only. In any case, you will not vote for me. Why are you interrupting me? Sir, this is the trouble with newly married persons. They have no sense of proportion sometimes.

SHRI KALI MUKHERJEE (West Bengal): A newly married person is speaking about a person who is not married at all.

SHRI BHUPESH GUPTA: The words are: "....incite any person or any class or community of persons to commit murder, mischief or any other offence". I can understand these things. But the word "mischief" has not been defined at all. What is mischief? Can you say what it is? Are we to go by the dictionary language? Are we to go by the King's English so far as mischief is concerned? Anything may be a mischief and it all dep-

[Shri Bhupesh Gupta.] ends on what the Deputy Secretary or the Magistrate says it is. It may be the many things in which many of the Ministers and many of you may be indulging in every day and they would be regarded as mischief. So, this has to be defined properly. Therefore, I would like to know from Tffr. Shukla what "mischief" is. This is a very wide thing and it has a very wide definition.

Then, the words are: "any other offence".

Now, it may begin with murder" but ends with something which we do not know. So long as this term finds a place in the IPC or in any other interpretation of law, this term "offence" is a generic term and you have put this word to cover almost everything. Who will know all these things? This is a big .problem. I would say, that this is a method of intimidation. I say this because of this: how will the subeditors know all these things?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I think you have covered everything.

SHRI BHUPESH GUPTA: Therefore, Sir, I have suggested the deletion of the word "mischief" and I have also suggested that for the words "commit an offence", the words "of a violent nature" should be inserted. This I can understand. But I would say that you should delete the words "mischief or any other offence" and they should be replaced by the words "any other crime involving violence". I can understand if violence is to be your objective. You can retain those words if violence can be your objective and I can understand that...

SHRI YASHPAL KAPUR (Uttar Pradesh): Sir, you have rung the bell six times and and it has been disobeyed six times by Shri Bhupesh Gupta. It yOu are allowing it, we will not be able to stand that and we will not be

able to stand that if he goes on disobeying the bell.

SHRI BHUPESH GUPTA: Sir, what is he saying? I am not able to hear him.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Please conclude now.

SHRI BHUPESH GUPTA; Sir, what is he saying?

SHRI YASHPAL KAPUR: Sir, he has disobeyed you six times...

(Interruptions)

SHRI BHUPESH GUPTA: Sir, I am not hearing him. I want to know what he is saying.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You please conclude now, Mr. Bhupesh Gupta.

SHRI YASHPAL KAPUR: Mr. Bhupesh Gupta, you please take note of the ringing of the time-bell by the Chair.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Mr. Bhupesh Gupta, he is complaining that you are not respecting the bell.

SHRI BHUPESH GUPTA: Not respecting you? I am respecting you and I am respecting the Chair, Sir... *(Interruptions)*. My good friend, Shri Yashpal Kapur, should know that I always respect the Chair...

SHRI YASHPAL KAPUR: I said that you are not respecting the time-warning given by the Chair and I am only bringing it to his notice and I am saying that the bell has been rung six times and you are not obeying.

SHRI BHUPESH GUPTA; Sir, the Chair will be respected by me and is always respected by me. And, Sir, I am speaking only with your permission. If you say that I should not develop my argument in a different, that is a different manner. But what

have I done? Sir, that is why I say that such measures are bad. My good friend does not know that such measures are bad. How can he know, Sir,...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Do not go into a debate now. Please conclude.

SHRI BHUPESH GUPTA: Therefore, Sir, if such Bills come, my good friend, Shri Kapur, need not have any worry. I will respect the Chair and I will continue to do so. The only thing that I would request my friend, Shri Kapur, *to do* is to understand the word "respect" properly while referring to me.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I think the matter ends here.

SHRI BHUPESH GUPTA: Now, Sir, as far as "violence" is concerned, I accept it. I have no objection to that and I do not have any objection so far as the word "violence" is concerned. Sir, then the last amendment comes. Why the word "Governor"? I can understand the Prime Minister, the President, the Vice-President and Speaker of the House being given protection. I am for it. I am not suggesting any amendment in regard to these dignatories and personalities. But why do you bring in 'Governors'? Are these Governors in the same category as the Prime Minister of the country or the Speaker of the country or the President of the country? Governors are sometimes appointed from among officials, retired officials and others. We do not put them on the same pedestal as the Prime Minister. I think, originally even the Council of Ministers were not there. In fact, I would better respect to the Council of Ministers. But why bring in Governors? It looks rather bad.. (*Time Bell rings*). Therefore, Sir, this is our amendment. I know, my friend will not accept it. But I must say I am very sorry. I have noted the intolerance shown by some, not all. And this is not very good.

That makes us apprehensive of many things that are happening, and certainly we shall return to them. Nothing will be left. I would appeal to you at least to listen. Nobody said anything on this. You will have your votes and you will pass it. But why this intolerance? I believe this is perhaps the first time that my friend, Mr. Yashpal Kapur interrupted like this. May be, Sir, I have done something wrong. But Mr. Kapur should also think not only of today or tomorrow but also of the past.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Do you want to say anything?

SHRI VIDYA CHARAN SHUKLA: I have already covered all these points.

THE VICE-CHAIRMAN: (SHRI V. B. RAJU): The question is:

"That at page 3, lines 12 and 13, the words 'or excite! disaffection towards,' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN' (SHRI V. B. RAJU): The question is:

"That at page 3, lines 21 and 22, the words 'or prejudice the recruiting of persons to serve in any such Force' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That at page 3, line 34, the words 'or the Governor of a State' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That at page 3,—

(i) after line 15, the following proviso be inserted namely: —

[The Vice-Chairman]

'Provided that no peaceful and democratic upsurge or mass activity against the Government or for its change shall be deemed to cause or tend to cause public disorder.' and

(ii) lines 16 to 18 be deleted."

The motion was negated.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That at page 3,

(i) line 27, after the words 'commit an offence' the words 'of a violent nature' be inserted; and

(ii) line 30, for the words 'mischief or any other offence' the words 'or any other crime involving violence' be substituted."

The motion was negated.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That clause 3 stand part of the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—Appointment of Competent authorities.

SHRI BHUPESH GUPTA: Sir, I beg to move:

"That at page 4, after line 17, the following be inserted, namely:—

'Provided that all cases of the exercise of such powers shall be reported immediately to the Central Government for review by the concerned Government:

Provided further that the Central or the State Government, as the case may be, shall place before Parliament or the State Legislature, a statement with all relevant

particulars concerning the exercise of such powers."

The question was proposed.

SHRI BHUPESH GUPTA: This is only a suggestion. Even if the Government do not accept it, they may make some 'arrangement for it. This amendment is self-explanatory. I think that Parliament should have the right to review as to how this measure is being actually used and administered by the Government. I want the Central Government to come into the picture and also to take Parliament into confidence by way of the procedure that I have suggested.

SHRI VIDYA CHARAN SHUKLA: We shall keep this suggestion in view.

SHRI BHUPESH GUPTA: In view of the Minister's assurance, I would like to withdraw my amendment.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That leave be granted to the Mover to withdraw his amendment, No. 6."

The motion was adopted.

The amendment (No. 6) was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—Power to control prejudicial publications.

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I beg to move:

"That at page 4, line 40, after the word 'may' the words 'within a period of seven days from the date of re-

ceipt of such report' be inserted."

The question was put and the motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That clause 5 stand part of the Bill..

The motion was adopted.

Clause 5 was added to the Bill.

THE VICE-CHAIRMAN (SHRI V.B. RAJU): Clauses 6 to 41 stand part of the Bill. Are you opposing this clause, Shri Krishan Kant?

SHRI KRISHAN KANT: When the hon. Minister was replying, he said that he would answer that point when we took up clause by clause consideration of the Bill. Mr. Daphtary said that there was no appeal to any action under sections 6 and 7. Chapter V regarding appeals and applications to High Court is relevant to appeals on orders passed under section 18, under sub-section (2) of section 10, or subsection (3) of section 13 or section 19 or sub-section (2) of section 20. There is no appeal provided against any action under sections 6 and 7 of chapter II. He said he would reply to it when we take up clause by clause consideration.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Is there any clarification that you can make?

SHRI VIDYA CHARAN SHUKLA: The appeal provided is in the writ jurisdiction of the High Court under the Constitution. Under the writ jurisdiction, anybody can go in appeal.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I am putting clauses 6 to 41 to vote.

Clauses 6 to 41 were added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI VIDYA CHARAN SHUKLA: Sir, I move;

"That the Bill be passed."

The question was proposed.

DR. K. MATHEW KURIAN: Sir, we do not want to be a party to the enacting of this black Act.

(At this stage, some hon. Members left the Chamber.)

SHRI BHUPESH GUPTA: I am not walking out. I am very glad that you are not advising me to walk out. My object is not to make a demonstration of walk-out over this matter. First of all, there is no point in it. Secondly, it will remain here and whether I walk out or not, as you know it very well, nobody else will know about it.

By all means, we have passed a very serious measure. Let us be clear about it. There was a law of this kind existing and it was meant to be temporary when it was passed in 1951. It was renewed twice and then it lapsed in 1957 following the recommendations of the Press Council. We are now re-enacting, in a worse form, what existed in the old days and what had been sponsored, I believe, by Rajaji who has been quoted by our friend, Mr. Shukla. The fact remains that this measure will be administered by some bureaucracy at the lower echelons and there will be a lot of scope for misuse of authority, apart from the fact that some of the provisions are in themselves objectionable. Now, this is what I am saying. Mr. Shukla has said many things about the press. We have our own views about the press. I am not suggesting that scurrilous writings, character assassination, obscene writings or irresponsible writings should also get protection. As you know very well, we have not indulged in such things. I am equally interested in preventing writings which lead to communal riots or disturbance. But in a democratic society, the writings which are broadly in conformity with the democratic

[Shri Bhupesh Gupta:]

norms and others should not be interfered with or handicapped. This is what we want. Unfortunately, whatever may be the Government's intentions, this will not happen. I can only give you one more example to illustrate the point as to how things are dealt with sometimes. Sir, here I am not blaming any individual officer. I do not know him. Sir, for example, Mr. Kalyan Roy made a speech in this House on the bonus issue. Then the report was taken to the Censor for getting it passed. The Censor cut out some lines. What did it say? I quote:

"Kalyan Roy added that 'directors after directors of TELCO, Century Rayon, Hindustan Motors, National Jute Mills, Union Carbide, Dunlop, Firestore and big tea estates were all given special loans to build houses, to build flats and make money. You are giving them relaxations in the issue of bonus shares, reduction of excise duty, more incentives in various forms, more subsidies, free licences."

Sir, what is wrong here? This relates to some concern. The Censor thought that it should not be done. Sir, I said something in this House and that was also cut out by the Censor. I quote:

"Bhupesh Gupta moving the resolution pointed out: 'The 8.33 per cent minimum bonus which had been won by the working people and accepted, if somewhat grudgingly, and incorporated in an Act of Parliament of 1973, was abandoned, discarded by the promulgation of an ordinance without consulting the trade union organisations and others, to please and appease monopoly capital.' He added: 'Therefore, this is regarded rightly as an anti-working class measure.' "

Sir, is it creating disaffection? It is a criticism of the Government policy. And lots of such things have been cut. Now these things will happen.

SHRI JAGAN NATH BHARDWAJ: Sir, he is giving publicity to his own speech.

SHRI BHUPESH GUPTA: No, no. Rather permit me to mention it in your name. I have no objection to it. But, Sir, such things will be done. Sir, it is a fact that our press, some sections of the press have misbehaved. It is true. The remedy lies in delinking the press from the monopoly control and giving independence to the press and making it function in a democratic manner and let it imbibe the spirit of democracy and secularism. I agree. But what are you giving? You are giving sweeping powers. All are equal before the law: the press which stands for democracy and fights for democracy is put exactly on the same footing as the one that does not do so in so far as the law is concerned. That is our objection, Sir. Now, Sir, I would like to know as to what will happen to all these things. The immunity for parliamentary reporting is gone. We have got the press censorship. We have got the Indian Penal Code. How much do you need? Therefore, I say that we have been opposed to this measure not because every single clause in it is bad. For example, some of the provisions, we will support, if you bring in a separate Bill or a separate Act and which fights communalism or violent upheaval or that kind of thing. We will do that. It is not difficult to be done. Our difficulty is, and this, I believe, is the difficulty of many others that even very legitimate, *bona fide*, democratic actions will come under this. Therefore, we have been opposed to it and I registered my voice of opposition. That is why, we moved the Resolution.

Sir, before I sit down, I would like to make one observation. It is well known that We are supporting the emergency and continue to do so as long as the threat of destabilisation is there. And we positively evaluate the role Shrimati Gandhi, the Prime Minister, has played in saving the country from the forces of destabilisation. In

this House, you have seen, Sir, whereas we have been critics of the Prime Minister and the Government, never we had hesitated to come forward in her support whenever she did good things, and she had done many good things also. No doubt about it. Now that should be understood. But that should not lead some to the conclusion that now the emergency is there, the other opposition is there, the Communist Party of India will have no other alternative but to bow to whatever is done. That will never happen. I tell in this House that it will never happen. Yes, the Communist Party will support every good thing that you do—We had been accused here in this House and called Indira Communist Party and maligned in this manner. But we never let down Indira Gandhi that way for that reason. And I must say that she had also behaved excellently in such matters. But, Sir, today I find that her name is being taken by some people in order to throw their weight about and even harass people who need not be harassed at all in such matters. Sir, try it out. You will not add to your credibility and prestige. It will not be good. He belongs to a party which had been fighting Shri Jayaprakash Narayan when many of you and many others were not in the field. Today he is being harassed in this manner by some people in different positions, bureaucrats and others and also some politicians. It will do no credit to you. If some people think that they can suppress us, let them try so.

Sir, I have been in the opposition underground under the Congress; I have been the editor of a secret press under the Congress. We had won the election from the underground writing from the jail. I do remember and it is to the credit of the Congress Party and also to the credit of Pandit Jawaharlal Nehru because when I went to him—having come here to occupy this place and the same place in the other House the country's opposition—we were treated with regard and respect. I must say the Prime Minister,

Shrimati Indira Gandhi, has also shown it. I am not complaining against her. But, it does appear, Sir, that there are certain very wrong trends. I notice them. These are negative trends. I warn the country against these negative trends. Do you think that we will be provoked by it? No. As far as the country's independence is concerned, stability is concerned, unity is concerned, security is concerned, which you are all defending, we shall be with you. But, should you give any quarter to the negative trends, wrong tactics and pressure and interference with our democratic institutions, should anybody attempt to denigrate our democratic institutions or silence the voice of such opposition as ours, well, Sir, I say you will have done a disservice to the country and the voice of the Communist Party has some weight and I hope it will be raised. Therefore, I appeal to you, my friends, do not develop any authoritarian mentality. (*Time Bell rings*). You know very well that ultimately such trends, ego and similar other things do not pay. They are taken advantage of by the very forces you are fighting today because reaction and American imperialism and others would like you to lose your own bearing, lose your balance and like you to do something wrong which they can exploit.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Please complete, please complete.

(*Interruptions.*)

SHRI BHUPESH GUPTA: Mr. Gunanand Thakur, I will not object to your pension, please. You have come to me to ask for my support to your pension. I have no opinion on it.

(*Interruptions.*)

Therefore, Sir, we are passing through a great time, a difficult time, I entirely agree with the Prime Minister. We fully share her sentiments and views when she says that the country is threatened by external and internal forces. But, let us not

[Shri Bhupesh Gupta.]

weaken the internal forces of resistance and these forces are there. Sir, let us not create a situation whereby these forces get weakened. I hope, Sir, that this Bill that you are passing will be so administered that the forces of democracy are not weakened, their voice is not stifled because the purpose of the emergency measures or for that matter emergency is not to do so. Unfortunately, misuse of emergency is escalating every day and this is causing us the gravest concern, not because we are handicapped but because we think that the cause which we have been sharing and fighting you will be putting into jeopardy if this trend is not checked in time.

SHRI UMASHANKAR JOSHI: Mr. Vice-Chairman, Sir, I do not want to walk out but I want to say that I oppose it because I think that it will do great harm to the ruling party and to the country.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): That is all right.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That the Bill be passed." *The motion was adopted.*

MESSAGE FROM THE LOK SABHA

The Payment of Bonus (Amendment) Bill, 1976

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of Rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 4th February, 1976, agreed without any amendment to the Payment of Bonus (Amendment) Bill, 1976, which was passed by Rajya Sabha at its sitting held on the 28th January, 1976."

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at forty-one minutes past five of the clock till eleven of the clock on Thursday, the 5th February, 1976.