

[Shri Y. B. Chavim]

playing the politics of balance of power in the sub-continent This is the ultimate analysis; that will lead us to this conclusion.

SHRI MULKA GOVINDA REDDY (Karnataka): Mr. Deputy Chairman, Sir, I would like to know from the hon'ble Minister for External Affairs, after the defeat of Pakistan in 1971 November, is it not a fact that Pakistan has replenished all the losses incurred during that war? And, is it also not a fact that some of the other countries have already supplied enough and more war materials to Pakistan? And added to that, the development of U.S. base in the Diego Garcia and similar bases in the Gulf area, and this reported decision of U.S. Government to supply arms to Pakistan, will not only endanger peace in the sub-continent but it may also endanger the pence in the world itself, and this may lead to Third World War. I would like to know what steps the Government would like to take to prevent the supply of arms to Pakistan by the USA, and when he goes to the USA next month for attending the Indo-American Joint Commission, whether he would impress upon the Secretary of State and the President of the USA that this reported decision of the USA to supply arms should be reversed in the interest of the sub-continent where efforts are being made to stabilise peace in the sub-continent. That will also help in improving the relations existing between the USA and India.

SHRI Y. B. CHAVAN : As I have already said, the present exercise, this Calling Attention and discussion in this House, is really speaking one of the important steps to see that wise counsel prevails upon the US authorities in this matter. If at all I happen to go to the USA—I am not sure of it, though the dates are fixed in the middle of March—and if by that time the decision is not taken, certainly I will try to strongly express the view of this country and see that some wisdom prevails there.

THE PRESS COUNCIL (SECOND AMENDMENT) BILL, 1974—contd.

MR. DEPUTY CHAIRMAN : Now we resume discussion on the Press Council (Amendment) Bill.

4 p.m.

श्री रबी राय (उड़ीसा) : डिप्टी चैयरमैन सर, यह जो प्रेस काउंसिल एमंडमेंट बिल है, जिसको लाने के लिए गुजराल साहब को आर्डिनेन्स लाना पड़ा उसके सिलसिले में मैं यह सवाल करना चाहता हूँ कि क्या बिना आर्डिनेन्स ला करके इमर्जेन्सी के तरीके से एक बिल वे ला सकते थे या नहीं ?

[The Vice-Chairman (Shri Jagdish Prasad Mathur) in the Chair]

यह जो प्रेस काउंसिल बिल आया है इसके सिलसिले में पहला सवाल यह है कि जो एक इनफार्मल कमिटी आफ पार्लियामेंट बनी थी प्रेस काउंसिल के चैयरमैन को नामजद करने के तरीके में परिवर्तन करके सही तरीका सुझाने के लिए क्या कारण है कि अभी तक वह कमिटी अपनी रिपोर्ट नहीं दे पाई है। इस सिलसिले में मैं यह कहना चाहता हूँ कि जिस तरीके से सरकार की ओर से प्रेस फ्रीडम पर हमला हो रहा है जो प्रजातंत्र में विश्वास करते हैं, लोकशाही में विश्वास करते हैं वे सब शक्ति हैं कि क्या इस प्रकार प्रेस की फ्रीडम रह पाएगी। इस विधेयक पर बोलने के पहले राज्याध्यक्ष की अध्यक्षता में '54 में जो प्रेस कमीशन बना था, जिसमें बहुत नामी सज्जन सदस्य थे और जिसकी रिपोर्ट के अनुसार ही यह प्रेस काउंसिल बनी है, उसकी रिपोर्ट से एक उद्धरण मैं आपकी ओर सदन की खिदमत में पढ़कर सुनाना चाहता हूँ और मैं इसीलिए सुनाना चाहता हूँ कि प्रेस की फ्रीडम की, जो प्रजातंत्र का चौथा पिलर कहा जाता है, जिसे फोर्थ स्टेट कहते हैं, उसकी मौजूदा स्थिति हिन्दुस्तान में क्या है। मैं रिपोर्ट के पंज 517 से पढ़ रहा हूँ—

"The tender plant of democracy can flourish only in an atmosphere where there is a free interchange of views and ideas which one not only has a moral

right but a moral duty to express. Democracy can thrive not only under the vigilant eye of its legislature but also under the care and guidance of public opinion. The Press is, *par excellence*, the vehicle through which such opinion can become articulate. The Press has not only a moral right to free expression but it is subject to certain responsibilities also. But the terrain of moral restrictions is not always co-extensive with the legal restrictions which may be imposed upon the right. Up to a point the restrictions must come from within. The legal protection may continue to remain even though the moral right to it has been forfeited. Within the limits of this legal tolerance, the control over the Press must be subjective or professional. The ethical sense of the individual, the consciousness that abuse of the freedom of expression, though not legally punishable must tarnish the fair name of the Press, and the censure of fellow journalists, should all operate as powerful factors towards the maintenance of the freedom without any legal restrictions being placed on that freedom."

इसलिए मैंने इसको पढ़कर सुनाया कि हमको डर है कि इस पैरा में जो जिक्र किया गया है प्रेस फ्रीडम का प्रजातंत्र का मजबूत करने के सिलसिले में, देश में लोकशाही को मजबूत करने के सिलसिले में उस के लिए जिस तरीके से सरकार की ओर से काम होना चाहिए वह नहीं हो रहा है। हमें बहुत मानसिक तकलीफ के साथ कहना पड़ता है कि बंगला देश में संसदीय प्रजातंत्र को खत्म कर दिया गया है। वह हमारा पड़ोसी देश है। पार्लियामेंटरी डेमोक्रेसी का प्रेस बहुत बड़ा अंग है। वहाँ संसदीय प्रजातंत्र प्रायः खत्म कर दिया गया है और इसी प्रकार प्रेस फ्रीडम। हमें इस पर बहुत तकलीफ है। हमारे देश की प्रधान मंत्री ने, जिन्होंने संविधान के प्रति शपथ ली है, संविधान की मौलिक धाराओं, प्रिन्सिपल के प्रति शपथ ली है, कहा कि वे स्वागत कर रही हैं मजीबुर्रहमान का कि वे राष्ट्रपति बन गए, प्रीसिडीशियल सिस्टम बन

गया। प्रजातंत्र का खात्मा हो गया फिर भी प्रधान मंत्री ने स्वागत किया। गुजराल साहब कह सकते हैं यह हम लोगों ने औपचारिकता-वश किया। मैं आपसे कहना चाहता हूँ कि जब पाकिस्तान में अयूब खान के जरिए डेमोक्रेसी को खत्म कर दिया गया था तो प्रधान मंत्री श्री नेहरु तब जिन्दा थे और उन्होंने इसकी निन्दा की थी। लेकिन जिस तरीके से बंगला देश में पार्लियामेंटरी डेमोक्रेसी को खत्म कर दिया गया तो हमारे देश की प्रधान मंत्री ने उस काम को, उस काम के नायक का स्वागत किया। इसलिए मेरे मन में यह आशंका है कि पार्लियामेंट की पावर्स को आहिस्ते आहिस्ते कम किया जाता है, जैसे कि इस देश में प्रेस फ्रीडम को बरकरार रखने के लिए पार्लियामेंट में—जिस तरीके से इस रिपोर्ट में कहा है—एक वातावरण की देश में जरूरत है। हजार चीजें हम प्रेस फ्रीडम के बारे में इस हाउस में बोलें, लेकिन देश के अन्दर एक वातावरण होना चाहिए जिसके चलते हम प्रेस फ्रीडम को बरकरार रखना चाहते हैं।

भले ही सर्चलाइट के बारे में गुजराल साहब जिक्र किया है कि कुछ राजनीतिक दल और एंटी-सोशल एलिमेंट्स सर्चलाइट के ऊपर कूद पड़े, उन्होंने इसकी निन्दा की, लेकिन मैं यह कहना चाहता हूँ कि जो लोग और जो विचार सर्चलाइट को जलाने के पीछे थे वह प्रेस फ्रीडम के खिलाफ हैं। मैं यह कहना चाहता हूँ कि बिहार की गफूर सरकार इसके लिए जिम्मेदार है। जिस दल की बिहार में गफूर सरकार है उसी दल की केंद्र में भी सरकार है। इसलिए प्रेस काउंसिल को चलाने की जो चीज है, जैसा मैंने पहले जिक्र किया था गुजराल साहब से मैं जानना चाहता हूँ कि बिना ऑर्डिनेंस की सहायता के वह नहीं कर सकते थे? लेकिन सवाल यह है कि इनफार्मल कमेटी आफ पार्लियामेंट जिसका काम था कि कैसे चुना जाए, वह कमेटी इसमें क्यों सफल नहीं हुई? कब तक इसकी रिपोर्ट देंगे यह जानकारी मंत्री महोदय को सदन के सामने रखनी चाहिए।

दूसरा सवाल यह है कि यह मामला सबजुडिस है—मौरिट के बारे में मैं नहीं जाना चाहता हूँ, लेकिन लोगों के दिमाग में यह असर जरूर पड़ा कि हमारे देश के एक नामी पत्रकार वर्गीस जो हिन्दुस्तान टाइम्स के संपादक थे, गुजराल साहब मान चुके हैं कि कुछ मंत्री उनको सलाह दिये हैं क्योंकि वह सरकार के खिलाफ संपादकीय लिखते हैं। हिन्दुस्तान टाइम्स का रुख सरकार के खिलाफ जाता है, इसलिए उनको संपादक पद से हटाया जाए, ताँ यह भी प्रेस फ्रीडम के ऊपर बहुत बड़ा खतरा है। जो भी विचार हमारे सामने आयेगा उस पर हम बहस करेंगे, लेकिन कुछ सालों से प्रेस फ्रीडम के ऊपर विशेष तौर से सरकार की ओर से जो हमला हो रहा है, उस सिलसिले में यह जरूरी हो जाता है कि यह जो एक साल की अवधि बढ़ाने के लिए मंत्री महादय कह रहे हैं, मैं चाहूँगा कि दो-तीन महीने के अन्दर पार्लियामेंट की इनफार्मल कमिटी इस सम्बन्ध में अपनी राय दे दे ताँकि मंत्री महादय इस सम्बन्ध में सदन के सामने एक इंटिग्रेटेड लीजिस्लेशन लाने की कोशिश करेंगे ताँकि प्रेस काउंसिल देश में प्रेस फ्रीडम का बरकरार रखने के लिए अपने उत्तरदायित्व को ठीक ढंग से निभा सके।

आखिर में मेरा सवाल यह है कि प्रेस काँसिल जिस तरीके से काम कर रही है मैं चाहूँगा प्रेस काँसिल इस बारे में और ज्यादा विजिलेंट हो। मैं चाहूँगा देश में नागरिकों के बुनियादी अधिकारों की रक्षा करने के लिए प्रेस काँसिल इस मामले में ज्यादा सजग होनी चाहिए। मंत्री महादय इस सदन में यह भी बताएं कि क्या वजह थी जिस कारण से यह आर्डिनैन्स लाना पड़ा। आर्डिनैन्स और डेमोक्रेसी में बहुत फर्क है। आर्डिनैन्स जहाँ चलता है वहाँ डेमोक्रेसी नहीं चलती है। मेरा कहना यह है कि प्रेस काँसिल का जो विधेयक है और इस बारे में जो मैंने जिक्र किया मंत्री महादय इन सब

—SHRIMATI MARGARET ALVA (Karnataka) : The Press Council in India was created by an Act of Parliament in 1965. i And according to the provision's of this l

Act, a nominating body of three members was constituted in order to nominate the 21-member Council. Very high hopes were raised in this country that this Council would provide certain guidelines for the working of the press and guarantee a certain standard of freedom of the press. Unfortunately, however, in the course of a few years, a certain controversy over nomination to the Press Council arose creating a deadlock and resulted ultimately in the resignation of the Nominating Committee itself. This happened in 1971, and ever since then we have been debating and discussing about the alternative arrangements to be made. And in order to take into confidence all sections of this House, an Informal Committee of Members has been formed to settle the entire question. It was hoped that a comprehensive Bill to cover all the loopholes which have been there in the past would be introduced so that this deadlock could be solved and a more smooth running of the Council could be guaranteed. And this Committee, as we know, contains representatives of Members from all sections of the House. Unfortunately, this Committee has not been able to submit its final report and therefore it was required that this Council which had been constituted before this dispute should continue for some time more, and a Bill to this effect to permit the Council to continue was introduced in the last session. But for many reasons it was not reached. That was why an Ordinance during the off-session period was promulgated and this amendment which has been introduced today is only an attempt to regularise and accept this extension of time.

Mr. Advani from the other side started off this morning by attacking this rule by Ordinance, as he called it. If this Bill was not reached during the last session, it was not that we were not interested in having it discussed, but it was essentially because of our friends on the other side who did not allow the smooth running of the running of the session last time and who brought in so many other debates

and discussions and did not permit the normal working of Parliament itself, not permitting this Bill to be reached.

DR. K. MATHEW KURIAN (Kerala): That is not true.

SHRIMATI MARGARET ALVA : There is no point now in blaming the Government for bringing the Ordinance, when they did not permit the discussion during the entire session last time.

(Interruptions)

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR): Dr. Kurian, you will have your chance.

SHRIMATI MARGARET ALVA : You can answer after I finish. In any case the Constitution does provide for ordinances to be brought under these circumstances I do not see why we should in any case attack this simple procedural question.

This Amendment Bill seeks to extend up till 31-12-75 or till the new Council is nominated the existing Council which was nominated sometime ago and I do hope that the procedure for the new Council would come into existence in the near future so that the deadlock would be resolved.

Sir, in the course of speeches this morning a number of points have been raised by Members on the other side. Mr. Vice-Chairman, today we are living in an atmosphere in which whatever happens in the country is blamed on the Government. Take, for instance, the Ver-gheze affair with the Hindustan Times. Speakers on the other side blamed the Government for what transpired between the owner of the press and its editor. Mr. Krishna Menon had rightly said that time has come in India when freedom of the press really means the freedom of the owner of the press, and this has really been proved by this incident. When Mr. Birla wants to get rid of any editor, when an owner decides to get rid of an editor the Government gets blamed for it. Various speakers pointed out that

in the course of the correspondence Mr. Birla had said that certain friends of his had advised him that he should get rid of this editor. I would like to know why Mr. Advani presumes that Mr. Birla has friends only on this side of the House and not on that side.

SHRI LAL K. ADVANI (Delhi) : He has mentioned Ministries and M.Ps.

SHRIMATI MARGARET ALVA : There are Ministers all over the country not only in Delhi. I would also like to point out that I think that Mr. Birla would be having more friends on that side.

SHRI DWIJENDRALAL SEN GUPTA (West Bengal): He means Ministers representing that side.

SHRI LAL K. ADVANI : In one of his letters he has identified Ministers.

SHRIMATI MARGARET ALVA : Why do you blame Ministers ? There are M. Ps. on both sides, including you, Mr. Advani ?

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): If you want my help I can come over to that side.

SHRIMATI MARGARET ALVA : I think Mr. Advani said that the correspondence should be published. We have nothing to hide. If Mr. Birla wants the correspondence not to be published it is not because we do not want it not to be published but because truth would come out because it would not do good.

Sir, when the Press Council was formed it was hoped that it would help to set certain standards and that a code of conduct would be evolved in course of time. I would like to point what the opposition thinks about the code of conduct which has been there up till now and which has been developed by the Press Council. I feel we should all stand together and see that a certain code of conduct is decided upon because today I find that in the name of the freedom of the press papers

[Shrimati Margaret Alva]

are coming out with statements and articles and remarks about anybody in the country and they believe that they can get away with it. I do not want to give many quotations. I would like to point out two articles, copies of which I have got. There is Motherland dated January 4, 1975 which gives an article "Who killed Mr. Mishra?" and the second one is in the Organiser dated January 4, 1975 giving "Pouring Salt on Nation's Wounds". It is unbelievable that any responsible people could even publish such an article in a paper . . .

SHRIMATI MARGARET ALVA : This

श्री राजनारायण (उत्तर प्रदेश) : मैं यह जानना चाहता हूँ कि इनके भाषण से पाइन्ट क्या निकल रहा है ?

उपसभाध्यक्ष (श्री जगदीश प्रसाद माथुर) : आप समझने की कोशिश करिये।

article tries to suggest that the Father of the Nation was murdered by Pt. Jawaharlal Nehru.

SHRI LAL K. ADVANI : Is it a responsible statement to say that the Samasti-pur murder was a rehearsal to kill some one ?

SHRIMATI MARGARET ALVA : You have editorials in your papers . . .

SHRI SUBRAMANIAN SWAMY : It is an independent paper with wide circulation in India.

SHRIMATI MARGARET ALVA : We know what this paper is.

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR) : Please do not enter into controversy.

श्री राजनारायण : क्या उनके कहने का प्वाइन्ट यह है कि वर्गीवाद के मंत्रियों के कहने से बिड़ला ने द्वाब में आकर नहीं निकाला है ? अगर इनका यह प्वाइन्ट है तो यह बिल्कुल गलत है।

श्रीमती मार्ग्रेट आल्वा : उन्होंने कहा है कि कहने वालों में मिनिस्टर ही नहीं एम. पीज. भी हैं।

उपसभाध्यक्ष (श्री जगदीश प्रसाद माथुर) : राजनारायण जी, आपकी बात हो गई। आप बैठ जाइए।

श्री राजनारायण : मंत्रियों के कहने से उनको निकाला गया। के. के. बिड़ला का मैं जानता हूँ।

उपाध्यक्ष (श्री जगदीश प्रसाद माथुर) : आप अपना भाषण जारी रखिए। इधर ध्यान मत दीजिए।

श्री राजनारायण : मैं तो उनका बता रहा हूँ।

THE VICE-CHAIRMAN (SHRI JAGDISH PRASAD MATHUR): Mrs. Alva, you may continue.

SHRIMATI MARGARET ALVA : Speaking about this type of irresponsible statements, Mr. Vice-Chairman, I would like to say that if we wanted to make irresponsible statements, we had plenty of opportunities to make them. I do not want to sound harsh here, but we had recently in Delhi the death of Balraj Khanna, for instance. He died under very suspicious circumstances, if I may use that term. But we never made any political capital out of it. We honoured him in his death. We condoled with his family. None of our party papers or party organs made any statements. (Interruptions) I challenge you to produce any articles where we blamed anyone or we suggested that somebody got rid of him. A few months later when a man like L. N. Mishra died in an atmosphere of violence . . .

(Interruptions)

SHRI SUBRAMANIAN SWAMY : Your party MP is the Editor of T paper called "Secular Democracy" which alleged this.

SHRIMATI MARGARET ALVA : I am talking about articles which have been published in the Press.

SHRI V. B. RAJU (Andhra Pradesh) :
She did not say a word about his party.
Why is he feeling guilty ?

(Interruptions)

SHRIMATI MARGARET ALVA :
You just now said your party did not have anything to do with these articles. I am just pointing out that freedom of the press does not mean irresponsible writing by anybody about anything. I feel that a certain amount of responsibility has to be shown by the press in this country if any meaningful freedom of the press is really going to exist. I would also like to point out that freedom of the press is not an end by itself. It is only a means to the democratic system. If parties and others ! believe that while trying to destroy the democratic framework, while wanting to get rid of the democratic institutions in the country, they can still maintain the freedom of the press, then they are sadly mistaken because as the saying goes, those who sow wind will reap whirlwind. When you set in motion forces which tend to destroy the democratic system and the secular concept of democracy, then I am sure freedom of the press cannot exist for very long in this country. I am not threatening anyone. I am only cautioning Members and the press that, when certain attitudes are developed among our young people, then we have got to be prepared to face the consequences. What happened in the case of "Searchlight" ? Someone brought it up in the morning. Yes, in a certain atmosphere, in an atmosphere of violence, some people went and burnt down the newspaper office. When there is an atmosphere of violence, anything will happen. And when this happened, the Government was blamed. It was alleged that we were responsible for burning down that newspaper office. But who created the atmosphere of violence ?

SHRI LAL K. ADVANI : The paper was de-listed.

SHRIMATI MARGARET ALVA :
The Government took action against that paper, but the moment the Press Council said that it was wrong, we had the

courage and the honesty to admit it and immediately the ban was lifted. Why don't you give credit to the Government when it accepts the verdict of the Press Council ? No, it is only the wrong thing done somewhere which is highlighted and quoted. And what really should be highlighted in a democracy even by you is completely ignored.

Then I would come to certain trends in the press today to publish, I would say, immoral pictures and all sorts of filth which are really imported from abroad. And our young people and others have come to believe that without the picture of an obscene woman in a paper, it cannot sell or it cannot become popular. This is something on which, especially during this International Women's Year, this country must take a stand. I think the Press Council can take a positive stand in this direction. I do not want to say more. I welcome this amendment which is being brought in. Once again I repeat that I hope that the Bill will be introduced soon in this session itself and it will sort out all these problems. I also hope that the Press Council will build up a truly positive attitude and code of conduct which will really preserve the freedom of the press in the country and democratic way of life in our country.

QUERY RE POSSIBILITY OF ANY STATEMENT NOT LISTED IN THE ORDER PAPER

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, मैं एक जानकारी जानना चाहता हूँ, मैं बोल नहीं रहा हूँ बल्कि मैं एक जानकारी जानना चाहता हूँ और बोलना इसलिए नहीं चाहता हूँ क्योंकि मुझे मालूम है कि कांग्रेस पार्टी ने फैसला किया है कि जब विरोधी लोग बोलें तो उन्हें न बोलने दिया जाय ।

(Interruptions)

मैं आप से यह जानना चाहता हूँ कि आज पांच बजे के बाद कोई ऐसा विषय सदन में आयेगा जो कि आज की लिस्ट में नहीं है ?