

[Shri M. S. Gurupadasway]

States; I concede that point. But we are here to discuss not only the rights but also the wrongs of the State Governments. So now whether the State Government there has got a majority or no majority is a big question-mark. Therefore I suggest that we should not distract from the position that we have already taken that we have got to discuss this motion tomorrow after this Bill is disposed of.

**श्री निरंजन वर्मा (मध्य प्रदेश) :** श्रीमन्, मैं निवेदन करना चाहता हूँ कि माननीय भार्गव साहब ने जो कुछ भी अभी निवेदन किया है उस के अनुरूप पहली बात तो यह है कि इस हाउस में बहस लोक सभा में बहस होने के बाद हो तो इस हाउस की कोई विशेष गरिमा नहीं रहती, इसलिए उस के साथ ही, या उम के पूर्व इस हाउस में बहस हो जाय तो अच्छा रहेगा।

हमारे भाई चन्द्रशेखर जी की बात से मैं सहमत नहीं हूँ कि इस हाउस को ऐसा अधिकार नहीं है कि वहाँ की स्थिति के विषय में, या वहाँ की असोम्बली के विषय में हम कोई चर्चा नहीं कर सकते, हम चर्चा कर सकते हैं और वहाँ जो अवैधानिक कदम उठाया गया है, विशेषकर गवर्नर ने जो कुछ किया है उस की चर्चा अवश्य होनी चाहिए।

**SHRI BANKA BEHARY DAS** (Orissa): Mr. Deputy Chairman, perhaps you were here in this House when the Chairman was hearing the different points of view. He said that at 10 o'clock today he would be in his Chamber and whoever wanted to advise him about the advisability of accepting this Motion or not might discuss with him. I think that stage is over. So we need not now bother about giving any advice to you. My submission to you is that because the other House has already considered the advisability of accepting such a motion, I think our case has been more strengthened, and this matter should be taken up.

It will give an opportunity to both sides to discuss and if there is anything wrong about what the Governor has done or what the Chief Minister has done, we can discuss that also and the House should not shirk the responsibility of discussing that.

**SHRI BHUPESH GUPTA:** I demand that a discussion should take place because I will get an opportunity to demand the wholesale abolition of the Governorship.

**SHRI A. D. MANI:** I warned the Chairman two days ago to have a discussion so that the constitutional and other points would receive full consideration. My friend Mr. Chandra Shekhar said that this House is here to protect the interests of the State but this House has also asserted in the case of Pratap Singh Kairon its right to discuss the inequities and excesses committed in a State. We had strengthened the authority of the Parliament over the States by establishing a precedent and I think Haryana must be the subject of a full-fledged discussion.

**MR. DEPUTY CHAIRMAN:** We have had enough discussion on this. Mr. Gujral to move his motion.

THE PRESS COUNCIL (AMENDMENT) BILL, 1970

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING AND IN THE DEPARTMENT OF COMMUNICATIONS (**SHRI I. K. GUJRAL**): Sir. . .

**SHRI BHUPESH GUPTA** (West Bengal): Where is your senior?

**SHRI I. K. GUJRAL:** I hope you will be satisfied with me.

**SHRI BHUPESH GUPTA:** Of course but where is your senior?

**SHRI I. K. GUJRAL:** Sir, I move:

"That the Bill further to amend the Press Council Act, 1965, be taken into consideration."

Sir, I am grateful to you that this House is taking up the consideration of this Bill to-day. You will kindly recall that in the last session we had brought up an amending Bill for a very minor amendment and that was to give an extension to the existing Press Council so that this Bill could be brought up. This Bill is the child of the deliberations of the Members of Parliament Committee.

SHRI A. D. MANI (Madhya Pradesh): Common child.

SHRI I. K. GUJRAL: I presume that. It cannot be individual. We cannot produce one child individually.

SHRI BHUPESH GUPTA: Do not go into the parentage.

SHRI I. K. GUJRAL: The effort that went into it has produced a very worthwhile document and based on the recommendations primarily, this Bill has been drafted and has been brought here for the consideration of the House. As you know, the Press Council was set up in 1967 and the working of the Council has been discussed here from time to time. By and large it has been appreciated that the work of the Council has been satisfactory. It has also been felt that from the experience of the Press Council some more changes may be brought in both in the method of setting up the Council and in the Selection of its members and also giving it more powers so that it could have more teeth to deal with the problems that it is dealing with. As I said earlier, we all know the purpose of the Press Council. The Press Commission had suggested that it should be set up for the purpose of preserving the freedom of the press and of maintaining and improving the standards of newspapers in the country. Therefore this Council was set up in 1966 and it has functioned so far. I think before I proceed further I owe one apology to the House and that is that although the report of the Committee came in earlier, that is by the end of October 1968, we have taken more than a year to come here with this Bill. As I tried to explain last time, when

the Bill was being discussed, the main difficulty was that we had to consult many concerned associations and authorities before we could come with this amending Bill. That has taken an unduly long time and for that I wish to express my regrets to the House.

Some changes in the composition are being made in the amending Bill. It will be recalled that in the original Bill the Chairman was appointed by the Chief Justice of India. In the amending Bill it is now proposed that the Chairman should be nominated by a Nominating Committee consisting of the Chief Justice of India, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha. The Members also should be selected by the Nominating Committee. The Act at present provides that out of 13 working journalists, there should not be less than 6 editors. This provision leaves the actual number of editors somewhat imprecise. The Committee has proposed the following distribution of seats in the Council.

From the Working Journalists:	
Editors who are working journalists ... ..	6
Working Journalists other than editors ... ..	7
Persons who own carry on that business on management of newspapers ...	6
Other members ... ..	6
TOTAL ... ..	25

Twenty-five was the recommendation made by the MPs Committee. To this has been added one more, that is, a representative on behalf of the news agencies. Therefore now the number as visualised in the Bill is 26 and the Chairman.

As regards the 6 members representing the newspaper owners and managers, the breakdown of the 6

[Shri I. K. Gujral]

seats in the amending Bill is now detailed unlike in the existing legislation. Out of these:

Two members from among the big newspapers with circulation above 50,000;

Two members from among the medium newspapers with circulation ranging between 15,000 and 50,000;

Two members from among the small newspapers with circulation of less than 15,000.

Having regard to the increasingly important role played by newspapers published in Indian languages in the country, it should be specifically provided that under each of the category of editors, working journalists and owners, at least 3 persons should be from among Indian language newspapers. Provision has also been made that not more than one person interested in any newspaper or any group of newspapers under the same control or management should be nominated under the category of working journalists or persons carrying on the business of management of newspapers.

Of the other 6 members, 3 will be MPs—two from the Lok Sabha and one from the Rajya Sabha—and 3 persons having knowledge or experience in special fields like education, culture, etc. The UGC, Bar Council of India and the Sahitya Akademi should be requested to nominate a member each on the Council. This you would see, is a departure from the existing practice under the existing legislation. Although learned members were appointed under the present Act, we had not visualised or specified the area from which they would be appointed and, therefore, the nominating Committee was doing this job of selecting the people. Now it has been decided that these three institutions which I have mentioned, that is, the UGC, the Bar Council of India and the Sahitya Akademi, would nominate one member each.

Another idea which has been now incorporated in the Bill on the recommendation of the MPs Committee is that a review of the decisions of the Nominating Committee is now possible.

SHRI A. D. MANI: You can chuck out a man.

SHRI I. K. GUJRAL: Not we, but the Nominating Committee by itself can. It will enable a review of the decisions by the Nominating Committee either on receipt of a representation or otherwise. Therefore it will now be possible for the Reviewing Committee to revise its decisions about any individual whom they may have chosen and if representations are received about him by the Committee, the Committee would be in a position to review.

SHRI M. H. SAMUEL (Andhra Pradesh): A review will be done by the Nominating Committee?

SHRI I. K. GUJRAL: Nominating Committee itself. Another provision is, if any particular organisation fails to submit panels when invited to do so or otherwise does not cooperate in the constitution of the Council, the Nominating Committee should be able to fill the vacancies by nominating persons whether from the panels submitted by other organisations of the same category or by selecting individuals belonging to those categories so that the constitution of the working of the Council may not be held up.

Another point made by the MPs Committee was that the term of office of the Chairman and Members of the Council should be co-terminus. This was accepted and the amending Bills has taken note of that. The existing functions specified in section 12(2) of the Act is being retained with the modification that the Council should be enabled to review the cases of foreign assistance to Indian newspapers on a reference from the Central Government or of its own, because from time to time we do receive complaints both in the House and outside about some papers being helped

by outside agencies and I think the Press Council should be authorised to look into such allegations and come to its own conclusions.

A clause has also been added to enable the Council to make a study of the foreign journalists, particularly those brought out by the Embassies, their circulation and impact. You would recall, Sir, that while the debate was going on last time on the Press Council Bill, I had made this point and I had expressed some anxiety and said that the number of journals being published in this country by the foreign Embassies needed to be looked into. We have, in the last couple of years I think added a chapter in the Report of the Registrar of Newspapers for giving details of these journals and their circulation, so that the public is in a position to know as to which countries are publishing how many journals and what their circulation is. This Bill is now empowering the Press Council to look into this also so that they may be able to come to some conclusions which may be of interest to the public and to the Parliament.

Sir, last time when we were discussing the then Bill here, it was said that the Council lacked teeth. We have tried to give not all the set but I think a tooth or two.

SHRI A. D. MANI: The Bill has false teeth.

SHRI I. K. GUJRAL: Well, they were not born with them, and now we are trying to give them because the Council is born. (*Interruptions*). So therefore the Council is now being empowered to requisition any published record or a copy thereof from any public office which is not of a confidential nature. These powers are particularly being given because, Sir when we were discussing the amending Bill here last time, the point was made that, while inquiring into the growth of monopoly in the press, the Press Council was not in a position to call for records. Therefore, not only have we given them the power to call for records, the powers of the

civil courts also are being given to them under the Act so that they can requisition the records, and they can also enforce the powers for taking the evidence from people whom they may like to examine.

Sir, I do not have much more to say at this stage except to say that provision has also been made at the suggestion of the Council that it should be enabled to administer less severe punishment by way of a warning or admonition as disapproval of the conduct of the newspapers, news agencies, editors or the journalists concerned, and this is being done because, under the existing Act, only censor is provided.

Now, various other provisions are being made so that the Council may be in a position to apply lesser punishments also if it so feels. Under the Bill, Sir, the Council is also being empowered to get any censure or any warning or any admonition published in the paper, which has been warned, and if the Council so feels that it is in public interest, the paper, which is defaulting, has to circulate to its readers that it has been censured or admonished.

I do not have, as I said, much to say at this stage, but I am thankful particularly to the Members of Parliament who served on the Committee because, I think, they went into details, examined evidence and also came to conclusions which are very much worth while. Before I sit down I would like to draw your attention in a couple of minutes to the existing state of the press which, I think, need some discussion here. The world over today, Sir, we feel there is a crisis being built up so far as the press is concerned, and when I say the world over, I am particularly thinking of those countries which value freedom of expression and freedom of the press. Everywhere, Sir, it is being realised that the fourth estate is now being faced by a very new danger, the danger of the big money, and everywhere they are feeling that increasingly new groups and cartels are coming in, are trying to corner all the modes of expression. The result is that in some countries—I will not

[Shri I. K. Gujral]

name them; we all know them—not only newspapers, but radio, television and other modes of expression and media of expression are being so concentrated that public opinion in those countries is getting concerned. Up till now, I feel, unfortunately, human genius has not yet found a way out of it, but I am sure that, as our free societies progress, we will be in a position to come to some such conclusions whereby it would be possible to preserve the freedom of the press and at the same time not allow the money bags to dominate it.

SHRI A. D. MANI: Not "Mani" I believe.

SHRI I. K. GUJRAL: The difficulty with my friend, Mr. Mani, is that he mixes up his own spelling also sometimes and, therefore, in that mixing up, he sometimes confuses the freedom of the press with the freedom of the owner. Now, I think it is very important for us to understand that, if we want the freedom of the press to be sustained in this country, and in every free society, it is imperative for us to realise that freedom of the press and freedom of expression given in the Constitution is to the journalists, and when I am talking of the journalists, I am talking of the journalists as a whole.

SHRI U. K. LAKSHMANA GOWDA (Mysore): What about the radio?

SHRI I. K. GUJRAL: My friend is more bothered about the radio. I wish we had an opportunity to discuss the radio also, and perhaps while replying to the debate I will come to that point as well. But one thing I must say at this stage lest I should be misunderstood. There is a great deal of difference; if the radio is under the control and supervision of a thousand representatives, like the hon. House here, then the newspapers may be controlled by this big House or that big House. This line has to be understood because, as long as the medium of mass communication is controlled by the parliament, which is duly elected through the democratic process, there is no danger to its freedom. But one thing basically has to be understood.

SHRI BHUPESH GUPTA: When I heard the radio news at 9 o'clock yesterday night. I heard much about Bal Thackeray. You gave so much about him. Well, I do not know who was controlling the radio, Bal Thackeray, the Shiv Sena leader, or Mr. Gujral or my friend, Mr. Satya Narayan Sinha. There was so much about Bal Thackeray.

SHRI I. K. GUJRAL: Sir, I think at this stage I am not called upon to . . .

KUMARI SHANTA VASISHT (Delhi): This is because of the new friendship between the ruling party and Bal Thackeray of the Shiv Sena.

SHRI BHUPESH GUPTA: May be due to that.

SHRI I. K. GUJRAL: My hon. friend, the lady Member, has raised the question about new friendship and old friendship, and I think that we had better not go into those friendships, because old friendships are still very taxing to the mind and sometimes very straining too and the process is very painful.

Thank you very much.

(Interruptions)

MR. DEPUTY CHAIRMAN: Order, order.

KUMARI SHANTA VASISHT: But this new friendship is no credit to this Government, the friendship with Bal Thackeray, the Shiv Sena leader.

(Interruptions)

*The question was proposed.*

SHRI R. T. PARTHASARATHY (Tamil Nadu): Mr. Deputy Chairman, Sir, today I wish to offer a few comments not only on the Bill but also on the speech of Mr. Gujral . . .

SHRI A. P. CHATTERJEE (West Bengal): But that is not part of the Bill.

**SHRI R. T. PARTHASARATHY:** ...because, explaining the objects of the Bill the hon. Minister said that it aimed at safeguarding the freedom of the press and promoting the standards of the newspapers in India—if I have heard him correctly, I entirely agree with him, but what he has forgotten, what he has left out in the Objects of the Bill,—is the independence of the press. Perhaps a slip has been made. It is to maintain the independence and to promote the standards of newspapers in India. I pin my faith in the word 'independence' because the Constitution of India has not only given us the freedom of speech and expression and also the freedom to write, but it has also enabled us, in various forms, and particularly through the safeguard it has given to the judiciary, to maintain our independence.

Sir, I would agree with the sentiments expressed by the hon. Minister in formulating the amended Bill that is before this House, but I would go a step further and say that the pulse of the nation is felt through public opinion and in turn it is reflected in and through the national press. And today the national press in India is occupying an exalted place and it is reflecting the public opinion to a large extent although this country, by and large, is highly illiterate.

Sir, the basis of democracy is a healthy press and the press is a fountain source of public opinion. A free and independent set of newspapers will certainly contribute vitally to the growth of public opinion in the country and that would mean ultimately we shall be preserving not only our democratic tenets but also the essence of democracy in the country. The hon. Minister towards the end of his speech made a passing reference to the big business holding and regulating the press. Well I am completely in agreement with him though I sit in the Opposition but where I disagree with him is when the Government attempts to make a number of newspapers instruments of the Government. That leverage

is very powerful in the hands of the Government. I do not want to name any particular newspaper or a group of newspapers but the hon. Minister knows in how many newspaper directorates the Government's chosen nominees are there to project a particular way of thinking and a particular way of acting. I would only be content to make that passing reference without making any pointed reference to any particular newspaper or group of newspapers and here I would appeal to the hon. Minister that the Government under no circumstances should interfere with the freedom of any newspaper whether it be of the capitalist or whether it be of the origin of Mr. Bhupesh Gupta or Mr. Chatterjee. I do not mind it. But the freedom of the press should be preserved. Let it go to the people and let the people understand or misunderstand. If the people are going to swallow everything even if it is bad it will get reflected in the Government and they will get what they deserve and they should thank themselves for it. So whatever be the Government, whether it is the State Government or the Central Government, it should be your duty to see that the Government does not interfere with the working of the newspapers. You should not try to curtail the allotment of newsprint or advertisements to those newspapers who may not be singing your tune. I would make this plea here that the Government should be very careful and very diligent in the exercise of their functions towards the newspaper industry as such.

Sir, a reference was made to the constitution of the Press Council and to their acceptance of the Parliamentary Committee's advice to have a 25 Member Council. They have added one more; I have no quarrel with that but I would like to bring to your notice that during the last term we have found that the real representatives of the three organisations of the journalists have not taken their rightful place in the Press Council. The Press Council should be made as fully efficient and for

[Shri R. T. Parthasarathy]

that purpose as fully representative of the national press as possible. Otherwise the Press Council will remain a paralysed body absolutely ineffective in every way and my suggestion to the hon. Minister is to make the Press Council fully representative particularly of the working journalists. They have, I believe, been allotted seven seats; fairly equally they should be distributed not only to bodies like the Indian Federation of Working Journalists—I believe you are doing it—but more important the Press Association in the capital should be properly represented. I feel they are not represented properly; even if they are represented their true representation is not reflected in the Press Council. I would like to make the point here that the Press Association of the capital is playing a vital role in the nation's press activities. In the Press Association the cross-section of the newspaper industry is represented. Accredited correspondents, some of them eminent, and parliamentary correspondents, equally eminent in every way, are there and may I ask the Government whether any of them or the cream of that category is represented in the Press Council? I would beg of you to see, particularly as the suggestion comes from the Opposition, that the best available material from the Press Association in Delhi, the capital of this country, should be adequately represented in the Press Council and at least three out of seven seats should be given to them. I would ask you to consider this because in the entire context, not only of reporting parliamentary news but in covering the entire news, both political and economic, these correspondents have set up an ethical tone in reporting and I would certainly impress upon the Minister for Information & Broadcasting the fact that because of this ethical tone they have not taken sides; they have been absolutely fair in their approach and in their writings.

Sir, with the clause which deals with nomination I am afraid I have to disagree with the Government. They have stated that one Member of

the Rajya Sabha and two Members of the Lok Sabha will take their place in the Press Council having been nominated by the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha. May I ask why you should involve these two highest offices of the Speaker and the Chairman in this delicate task and ask them to nominate? Could you not make a provision to see that the Rajya Sabha elects one of its Members and the Lok Sabha elects two of its Members. Personally I feel that the task of the Press Council itself is very delicate and to ask the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha to make such nominations will only involve them in greater delicacy and ultimately you will be asking them to do a very difficult job which could not be palatable either to them on the one side or to the Members of the two Houses on the other side. So I would beg of you that the Government itself should bring an amendment if possible today or tomorrow if the Government and the hon. Minister are in a mood to accept my suggestion to leave it to the two Houses to elect their own representatives for the Press Council and not involve the Presiding Officers to make the nominations.

Sir, one word about the employees of the Press Council. I am not happy with the economic standards in which the employees of the Press Council are placed. I would only make this general observation without going into the details. I would very much like the Government to have a second look into the whole matter and even ask the Press Council itself to look into the matter once again to see if better economic standards by way of salaries and the like could be given to the employees of the Press Council. I would leave it at that; I would not like to make any further comment on this point. I would only say they deserve it; they deserve more.

With reference to the powers of the Press Council I am in full agreement with the Government especially with reference to clause 11

which seeks to bring its powers in conformity with the provisions of the Civil Procedure Code. I would describe this as a welcome change.

Clause 13 makes it compulsory that periodical interim reports would be submitted to the two Houses of Parliament so that Parliament could be vigilant about the work of the Press Council. That is an essential feature of this amending Bill with which I fully concur.

Sir, in your speech you made a passing reference to the newspapers getting aid from foreign countries. The whole country knows about it, how many lacs of rupees the Patriot and the Link have been getting. I want to know what the Government has done with reference to this, whether they have instituted an enquiry to find out the source from which this money came and what further action they have taken in the matter to block foreign capital indirectly or surreptitiously flowing into our newspapers in order that they may indirectly direct the public opinion and not leave it to our own countrymen for the public opinion to be evolved. I would very much like to see that the Government takes stringent measures from whatever quarter this money may come; otherwise our public opinion will be not only mutilated and moth-eaten and ultimately it will be destroyed. Sir, I would add only one more point. Today I make an appeal to the national press to regulate public opinion keeping in view national standards, national unity, national defence and particularly the youth of the country should view the various problems of India in the national perspective. What is happening today and particularly what the regional newspapers are doing is to promote regional fanaticism. I am confident, Sir, that the hon. Minister of Information and Broadcasting sitting there will be in full agreement with me when I say and even charge some of the regional newspapers, particularly from Tamil Nadu, with promoting not a healthy growth, not a national approach to problems, not nationalism or the national spirit, but regionalism and even

a separatist spirit. I am sorry for it. Unless and until the Government takes very strong action against these newspapers, through the Press Council if necessary, and see that regionalism is put an end to and that the fostering of nationalism is the badge of the newspapers' approach, I am afraid we will not march towards progress in every direction.

Lastly, a word about the yellow press. I am afraid the Government, in spite of its supposed vigilance, has not been truly vigilant. The yellow press will not only kill public opinion in India, but it will spoil the mind of the youth of India and I would request the hon. Minister to take the most stringent measures not only to curtail, but totally annihilate the yellow press in the interests of the growth of public opinion, a healthy public opinion and the growth of democracy and good Government. I thank you.

SHRI M. M. DHARIA (Maharashtra): Mr. Deputy Chairman, Sir, at the outset I would like to congratulate the Government for accepting the various recommendations made by the parliamentary committee regarding the new amendments that should be introduced in the Bill and accordingly the Press Council (Amendment) Bill, 1970 is before us. As was rightly pointed out by the hon. Minister, there are various features in the new changes. The basic changes are to section 4 where we have changed the constitution of the Press Council, to section 8 where we have given the right to co-opt members even from outside the members of the Press Council, to section 12 where we have given additional powers to the Press Council. The existing section 12(f) seeks to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government. The powers were restricted. It was only on reference from the Central Government that the Council was entitled to enquire into the matter, but



[Shri M. M. Dharia.]

here according to the new section, it says:

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

So, the amendment gives wider powers.

Besides, under the proposed section 12(e), the Council is authorised to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies.

As was pointed out by the Minister, in section 13, along with the power to censure, the power to warn, admonish or even to disapprove the conduct is given to the Press Council. The power given to the Press Council under the Code of Civil Procedure, 1908 is that of a civil court in section 14. Previously it was for holding an enquiry under the Act. Now, it can be seen that the power is given not only for holding the enquiry, but also for the purpose of performing its functions or holding any inquiry. The functions are enumerated in clause 11. So, Sir, the Council, with its new teeth and all possible strength can now go into several aspects.

Up to this time there was no provision for laying any report regarding the functioning of the Press Council before Parliament. Section 18A now provides that there will be an annual report which will have to be laid before both Houses of Parliament and naturally we shall be entitled to discuss the functioning of the Press Council.

SHRI BHUPESH GUPTA: It is not so natural. They were very much opposed to it.

SHRI M. M. DHARIA: I know it. I happened to be a member of the Committee appointed by the Government and the hon. Member, Mr. Bhupesh Gupta, was also there.

SHRI BHUPESH GUPTA: Therefore, Mr. Dharia, I was surprised when you said 'naturally'. Cut out that word 'naturally'. We had to fight for it.

SHRI M. M. DHARIA: These days fights have become natural. Anyway, I should say all the members agreed. Mr. Bhupesh Gupta, myself, Mr. Atal Bihari Vajpayee, Mr. S. M. Joshi, Mr. K. K. Shah, we were all members of the Committee. Even though we belong to different parties, the House will perhaps be surprised to know that it was a unanimous report which was given by the Committee. There was no note of dissent. Nobody dissented. We all agreed with the recommendations. It was an assurance given by the then Minister, Mr. K. K. Shah...

SHRI BHUPESH GUPTA: We were served an excellent Gujarati meal.

SHRI A. G. KULKARNI (Maharashtra): May I say...

MR. DEPUTY CHAIRMAN: Why do you interrupt now? Please continue your speech.

SHRI A. G. KULKARNI: If a proposal for a dinner is coming, why are you objecting to it?

SHRI M. M. DHARIA: I am sure that with Mr. Gujral it will be possible for us to go in for a Punjabi style meal. So, Sir, an assurance was given by the hon. Minister that if the Committee was unanimous he would endeavour before the Cabinet and request them to approve all the recommendations of the Committee. That is why I paid compliments to the Government for accepting the core of the report as was given to the Government.

Now, Sir coming to the functioning of the Press Council, there were so many grievances, particularly from the Federation of Working Journalists. They refused to join the Press Council because they said that there was overdomination of the press lords. So, proper action has been taken to amend section 4 by which there will not be domination

by the press lords. The hon. Minister has pointed it out, Section 4 is regarding the composition of the Council. May I bring again to the notice of the House that even here care has been taken to give protection to the Indian language newspapers? Out of these six members from among the working journalists who are to be nominated, there must be three who belong to the Indian language newspapers. Out of six who shall be nominated by the nominating Committee from among persons who own or carry on the business of management of newspapers, one each shall be a representative of big newspapers, medium newspapers and small newspapers published in Indian languages, and one each shall be a representative of big newspapers, medium newspapers and small newspapers published in any other language.

श्री निरजन वर्मा (मध्यप्रदेश) : यह मेहरबानी है क्या ?

SHRI M. M. DHARIA: I am happier. I am welcoming the Bill. It is not doing any मेहरबानी or doing any favour, but I feel that all possible precautions are taken where protection is given to Indian language newspapers and also protection is given to small newspapers and medium newspapers and the previous domination of the press lords and particularly of the monopoly is now done away with, and therefore I welcome the whole Bill.

Coming to the functions of the Press Council, I feel that the Press Council is now vested with several powers. They can for the purposes of this Act call anybody as a witness; they can call for any record, and all those powers under the Civil Procedure Code are now given to the Press Council, except that nobody can be forced to say from where the material was brought by him, what is the source of his information, because it is also necessary for protecting the freedom of the press. After giving them so many powers if the Press Council fails in its duty, I feel it will not be possible for the Press

Council to do justice, that justice which we now expect from the Press Council, because a reference was made to the monopolies and the Press Council Act under its section 12(2)(j) says:

"The Council may, in furtherance of its object, perform the following functions, namely:

"to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor".

We know in this country that it has become absolutely difficult for any district newspapers to compete with the chain newspapers. Here a constant vigil and a constant study have to be done through some mechanism by the Press Council, and it is for the Press Council to make recommendations to the Government to take proper action. It may be argued where the Press Council may make all the recommendations to the Government, if the Government fails to take action, then what is to be done. Then under section 18 every year their report will be coming to us. If the Press Council says that it had recommended to the Government but nothing was done by the Government, we shall certainly criticise the Government. Here I feel that all possible care is taken to make the Act more perfect.

*(Interruption)*

Mr. Deputy Chairman, I was making a reference to the concentration of the economy. As was rightly pointed out by the hon. Minister, some care shall have to be taken. But that is not enough. May I make a demand that whenever the circulation of any newspaper goes beyond 50,000 or if the investment of capital in that particular newspaper is more than Rs. 25 lakhs, the Government should come before the House and say that all such newspapers having a circulation above

[Shri M. M. Dharia.]

50,000 or having a capital investment of more than Rs. 25 lakhs shall only be controlled through a trust and not by private owners? If this great danger created by the fourth estate in this country is to be prevented, if in the real sense of the term that freedom of expression and that freedom of the press in this country are to be preserved, this concentration of economy and these monopolies in the country who are preventing their freedom and thereby are not allowing others to have their voice . . .

**SHRI R. T. PARTHASARATHY:** Mr. Dharia has mentioned a very important point about the creation of a trust if the circulation is above 50,000. I would like to ask him whether he means by trust a public trust, or if the capitalists so desire, they could make the family members into a trust and defeat the object. By trust he may mean nationalisation. He must make it clear.

**SHRI BHUPESH GUPTA:** There should be a Board of Trustees where men like Mr. Mani should not be there. Men like us should be there.

**SHRI A. D. MANI:** Mr. Bhupesh Gupta should be there.

**SHRI BHUPESH GUPTA:** Not you.

**SHRI M. M. DHARIA:** Had my friend, Mr. Parthasarathy, allowed me to speak for a few minutes more, he would have had the clarification that he wanted to have. Anyway I appreciate his enthusiasm and his anxiety. I am very clear that this trust should be a public trust. But so far as the trustees are concerned I am not of the opinion that they should be the nominees of the Government. That is not my suggestion. I do not want this trust to be made up of the nominees of the Government. At the same time panels could be created may be of eminent jurists, lawyers, professors, journalists, etc. Out of such panels recommendation could be made and that too in a very democratic process.

**MR. DEPUTY CHAIRMAN:** You have got only a few minutes.

**SHRI M. M. DHARIA:** Then I can continue tomorrow.

**MR. DEPUTY CHAIRMAN:** Not tomorrow. Your own time is about to finish. We are sitting up to 6.

**SHRI M. M. DHARIA:** Then I shall try to finish. I make this demand today because I have no doubt in my mind that the present press law has created a danger to our democracy, and if that danger to our democracy is to be prevented, there is no other alternative but to come before this House with a legislation whereby any paper having a circulation beyond 50,000 or capital investment above Rs. 25 lakhs should be necessarily controlled and run by a public trust and not by an individual. Let us be very clear about it. Otherwise this danger cannot be prevented. So far as the other mechanism is concerned, I will not go into detail but it is possible to work that out. The nomination by the hon. Chairman of this House and by the hon. Speaker of the other House was not appreciated by my friend, Mr. Parthasarathy. I have functioned in that Committee. We have tried to apply our mind to the extent possible and afterwards to create that sense of impartiality. So far as those nominations are concerned on the Press Council, we felt that these are two representatives, the Speaker and the Chairman, who are not only connected with Parliament but who are aware of the aspirations of the people. The Supreme Court Chief Justice is there who is also aware . . . (*Interruption*). I do not want to pass any remark as the Prime Minister yesterday very rightly said that we have faith in the Supreme Court. The only thing is that because of some judgments the faith in the Judges is being shattered somewhere. I do believe that the Supreme Court in this country has to play an important role in days to come.

SHRI BHUPESH GUPTA: Every-body believes.

SHRI M. M. DHARIA: From that point of view I am sure that due note of the aspirations will be taken.

5 P.M.

So, here this panel for me is the most important panel. I mean the Chairman of our House and the Speaker of the House of the People are also there. That sort of panel can certainly prepare the list of the trustees to be nominated and those trustees could be chosen. I have no objection. I am not going into those details. But this is my demand today. Secondly, this foreign money which is coming into this country, that is also a great danger not only to our democracy but to the freedom of the press, and from that point of view, good powers are given to this Press Council. It is for them to go into all those details in what way that assistance is coming. They can call for records. They can have their proper vigilance. And here all proper precautions shall have to be taken by the Government, and the Government should warn our own friends, all the foreign embassies, all the High Commissions of foreign countries telling them that any interference in our internal affairs including the press will not be tolerated by this country. There is no other alternative. I would like to warn this House that the concentration of the economy and the hold of these barons over the press and this domination of the foreign countries through some assistance to our press, these are the big dangers to and all possible caution and precaution shall have to be taken. If that is taken and if this scheme of trust is approved by the Government and adopted by this House, I have no doubt that the press in this country shall always remain a free press and it will certainly serve the cause of the people. I welcome this measure.

SHRI BHUPESH GUPTA: You have already welcomed it.

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SHRI M. M. DHARIA: I would like to pay our compliments to Mr. K. K. Shah, though he is not here. He was the Minister in charge. I would like to say that it was because of his patience and perseverance and because of his way of approach that it was possible for us to have this. Of course, hon. Members like Mr. Bhupesh Gupta also helped to have a unanimous Report. Mr. Gupta is also a member. It is not any joke. Because of the co-operation from all, it was possible. I pay my compliments to the Government for bringing forward this Bill. I welcome this. I wish that the Press Council will go ahead with full speed and shall make the press a free press in this country and shall create the best possible traditions and conventions so far as our press is concerned.

Thank you very much.

MR. DEPUTY CHAIRMAN: Mr. Niranjana Varma.

श्री निरंजन वर्मा : श्रीमन्, इस बिल के सम्बन्ध में हमारे माननीय मंत्री जी ने अभी जो कुछ भाषण दिया उसको हमने बहुत गौर के साथ सुना और हमारे मित्र धारिया जी ने भी जो कुछ कहा उसको भी बहुत गौर के साथ सुना गया। श्री धारिया जी की सद्भावनाओं में तो किसी प्रकार की कोई कमी दिखाई नहीं पड़ती लेकिन यदि वह यह समझते हैं कि सेलेक्ट कमेटी में से यह बिल निकल कर आया है और वहाँ पर सब ने एकमत हो कर इसके ऊपर चर्चा की और इसे पास किया और इस सदन को भेजा तो हम समझते हैं कि उसका प्रभाव यहाँ पर कोई विशेष रूप से नहीं पड़ेगा, इसलिये कि यदि हमारे मित्र धारिया जी की यह कल्पना है कि हम पहली बार बड़े बड़े मोनो-पोलिस्टिक या बड़े बड़े बिजनेसमेन के हाथ से प्रेस को निकाल कर के सर्वसाधारण जनता के लिये लाये है तो हम समझते हैं कि यह बात सर्वांश में सत्य नहीं है। अभी पिछले दिनों में प्रेस के बारे में जो कुछ भी कहा-सुनी हो रही थी अगर उसको छोड़ दिया जाय तो इस वक्त चार

[श्री निरंजन वर्मा]

महीने में इस देश के प्रेस और इस देश के रेडियो के बारे में जो चर्चाएँ हुईं, श्रीमन्, हम समझते हैं कि उनका दुहराया जाना कोई आवश्यक नहीं है। प्रस बड़े बड़े पूजीपतियों के हाथ में है इससे कोई इंकार नहीं कर सकता और पूजीपतियों के हाथ में प्रेस होने के कारण किसी न किसी प्रकार उन पूजीपतियों पर भी शासन का प्रभाव है और शासन जैसा चाहता है उसी प्रकार प्रेस वाले लिखते हैं और उसी प्रकार से वह उसकी सहायता करते हैं यह तथ्य भी छिपा हुआ नहीं है।

[उप सभाध्यक्ष (श्री अकबर अली खान) पीठासीन हुए।]

श्रीमन् पिछले तीन चार महीनों में यह बात और खुल कर के सामने आ गई है कि प्रेस आंख मूद कर शासन की सहायता करता रहा है और बम्बई कांग्रेस के अधिवेशन के बाद जब कुछ प्रेसमेन हमारे देश की प्रधान मंत्री से मिले और उस समय प्रेस के बारे में जो कुछ भी उन्होंने रवैया अख्तियार किया उससे हम पर काफी प्रकाश पड़ता है, अर्थात् शासन की हमेशा यह नीति रही कि इस देश में प्रेस जो कुछ भी लिखे, प्रेस जो कुछ भी समाचार प्रसारित करे, वह गवर्नमेंट की इच्छा के अनुसार ही नहीं किन्तु गवर्नमेंट के हाथ को मजबूत करने के लिये डोना चाहिये। इस प्रकार की मनोवृत्ति रही है। तब भी इस मनोवृत्ति में कुछ सुधार हुआ ऐसा तो समझना चाहिये और उसी कारण यह बिल इस सदन के सामने लाया गया है। इस बिल में पुराने एक्ट से जो विपरीत बातें हुई हैं, उसमें एक विपरीत बात यह है कि अब इसका विस्तार पूरे देश भर में किया गया है, पहले इसका विस्तार जम्मू और काश्मीर के ऊपर नहीं था, अब इस बिल के द्वारा इसका विस्तार वहाँ पर अवश्य किया गया है लेकिन यदि वहाँ पर इस प्रकार के कोई कानून न हो तब ही इस तरह के अन्य कानूनों का सहारा लिया जायगा, ऐसा इसमें बताया गया है।

इसमें पांचवी धारा में भी कुछ बातें बताई गई हैं। हमारी समझ में नहीं आता कि एक सुप्रीम

कोर्ट के चीफ जस्टिस के हाथ में जब पहले सारे अधिकार दिये गये थे, तो फिर और दो व्यक्तियों की नियुक्ति का क्या अर्थ है। या तो यह कहिये कि सुप्रीम कोर्ट के जो जस्टिस हैं, उनमें आपका पूर्ण रूपेण विश्वास नहीं है और अगर उनमें पूर्ण रूपेण विश्वास है, तो फिर दो और व्यक्तियों को जिनको कि और दूसरे बहुत अधिक काम रहते हैं, उनको मिला कर के तीन आदमियों की कमेटी बनाने का क्या प्रयोजन है। इस पर माननीय मंत्री जी ने कोई प्रकाश नहीं डाला। फिर इसके बाद इस बिल में जो सबसे भारी कमी है, उसकी तरफ मैं श्रीमान आपका ध्यान आकर्षित करूंगा। हमारे देश में यह दुर्भाग्य है कि समाचार पत्रों को पढ़ने वाले अधिकांश में जनता नहीं है, कुछ शहरों में रहने वाले और कुछ ऐसे शहर जो गांवों से शहर बनते चले जा रहे हैं, उनके आदमी समाचार पत्र पढ़ते हैं। इसमें इस तरह की भाषा का उपयोग किया गया है कि जिससे भारतीय भाषा में जो समाचार पत्र निकलते हैं, उनके लिए कोई विशेष प्रकार का रिप्रेजेंटेशन नहीं मिलेगा इसमें अंग्रेजी के जो समाचार पत्र निकलते हैं, उनके ही नुमाइंदों को यहां पर बैठाने की ज्यादा हिमायत की गई है, उदाहरण के लिये इसमें यह बताया गया है जो 13 मेम्बर होंगे, उन 13 मेम्बरों में 3 व्यक्ति देशी भाषाओं के समाचार पत्रों के भी होंगे। अपने योग्य मित्र से हम पूछते हैं कि इसका तात्पर्य साधारणतः यह हुआ कि 10 व्यक्ति तो निश्चित रूप से अंग्रेजी के जानकार होंगे और अंग्रेजी समाचार पत्रों के नुमाइंदे होंगे। यह बिलकुल स्पष्ट है। फिर इसके पश्चात् जो सबक्लाज़ (बी) में बताया गया है कि 6 व्यक्ति होंगे तो उन 6 व्यक्तियों में 3 देशी भाषाओं के होंगे। तो 10 और 3 अर्थात् 13 अंग्रेजी के हूये। आगे चल कर फिर यह बताया गया है कि बड़े बड़े समाचार पत्रों के भी नुमाइंदे होंगे और देश का दुर्भाग्य यह है कि बड़े बड़े समाचार पत्र देशी भाषाओं में बहुत कम हैं। तो 3 व्यक्ति उधर से आ जायेंगे और इस तरह से 26 व्यक्तियों की कमेटी जो बनी है, इस 26

की कमेटी में 16 अंग्रेजी की हिमायत करने वाले व्यक्ति रहेंगे ।

और अगर हमारे मित्र वा यह कहना है, जैसा कि हमारे मित्र मोहन धारिया जी ने अभी बताया कि हमने बड़ा ध्यान रखा है कि देशी भाषा के प्रतिनिधियों को भी सबसे पहले मौका मिले, हमने उनको 3 रखा, तो मैं समझता हूँ उन 3को भी रखने की आवश्यकता नहीं है, इसलिये आवश्यकता नहीं कि अगर चुनाव में खड़ा होना है, तो 13 आदमी जो चुनाव में खड़े होंगे वह सबके सब देशी भाषा के भी हो सकते हैं । फिर 3 को विशेष रूप से रखने की कोई आवश्यकता नहीं थी । उन पर एक प्रकार की मेड़खानी कर दी गयी है ।

इसी तरह से पहली बार जब देश में समाचार पत्रों की स्वतंत्रता का दिंडोरा पीटा जा रहा है और प्रेस के लिये अधिक से अधिक अधिकार दिये जाने की बात कही जा रही है, तब हम समझते हैं इस प्रकार का कानून नहीं आना चाहिये था, जिसमें एक विशेष परिस्थिति को बनाकर विदेशी भाषायी समाचार पत्रों के लिये अधिक से अधिक प्रथम दिया जा सके । उदाहरण के लिये श्रीमान्, इसमें एक धारा है . . .

KUMARI SHANTA VASISHT (Delhi): Mr. Vice-Chairman, there is no quorum in the House. We should be heard by people.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I think the Whip will take note of this.

श्री निरंजन वर्मा : मेरी प्रार्थना यह है कि जब एक मेम्बर ने कोरम का प्रश्न उठाया है, तो आप निर्णय करें । उसके पश्चात ही मैं प्रारम्भ कर सकता हूँ ।

श्री शीलभद्र याजी (बिहार) : आप प्रारम्भ कीजिए ।

श्री निरंजन वर्मा : मैं आपकी आज्ञा को कैसे शिरोधार्य करूँ ।

कुमारी शांता वशिष्ठ : आप क्यों माननीय सदस्य को कहते हैं, काटीन्टू कीजिए । आप उनको बताने वाले कौन हैं/(Interruption) आप चुप बैठे रहिये ।

श्री निरंजन वर्मा : श्रीमान्, इसमें धारा 5 के (2) द्वारा धारा 4 को अमेंड करने का निश्चय किया गया है । इसमें एक तो :

“(i) one each shall be a representative of big newspapers, medium newspapers and small newspapers published in Indian languages.”

और इसके साथ में जो दूसरा बताया गया है कि :

“one each shall be a representative of big newspapers, medium newspapers and small newspapers published in any other language.”

तो “एनी अदर लैंग्वेज” में “अदर” की तरफ मैं श्रीमान् का ध्यान आकर्षित करता हूँ । भारतीय भाषाओं में जितने भी समाचारपत्र प्रकाशित होते हैं—अदर का क्या मतलब है, क्योंकि कोई फ्रांस, जर्मनी या रूस की भाषा तो यहां चलती नहीं है, केवल एक भाषा चलती है अंग्रेजी तो यह जो अंग्रेजी के हिमायती हैं उन्होंने “अदर” के साथ खिलवाड़ करके “एनी अदर लैंग्वेज” लिखा है । इसका मतलब यह है कि 3 अंग्रेजीदां यहां फिर आयेंगे और अंग्रेजी की हिमायत करेंगे । प्रेस जो सर्व जनता का प्रेस बनने जा रहा है, उसमें रोड़ा अटकेंगे और देशी समाचारपत्रों के लिये या देशी भाषा के समाचारपत्रों के लिये जो सुविधाएं मिल सकेंगी, उनको नहीं मिलने दिया जायेगा । यहां पर श्रीमान्, किस प्रकार से सुविधाएं गेकी जाती हैं, उसका एक उदाहरण प्रस्तुत करूंगा । दिल्ली में एक पब्लिकेशन्स सिंडीकेट नाम की एक हिन्दी संस्था है और वह हिन्दी की संस्था के एक्सेडिशन के लिये करीब करीब 5 वर्ष से लड़ाई लड़ रहे हैं लेकिन एक्सेडिशन के लिये जो समिति बनी है, उसमें सब अंग्रेजीदां हैं और इस कारण उस संस्था का एक्सेडिशन

[श्री निरंजन वर्मा]

लिस्ट में नाम नहीं आया जब कि उसके लिये 5 वर्ष से बराबर कोशिश की जा रही है। अभी हमने डम विषय में माननीय मंत्री जी का ध्यान खींचा है। तो इस तरह से जब सारे के सारे अखबार वाले अंग्रेजी के हिमायती बन कर बैठेंगे, तो देशी भाषा के समाचारपत्रों के लिये किस प्रकार से प्रश्रय मिल सकेगा, इसमें हमें बड़ा भारी संदेह है।

श्रीमन् इसमें एक और बात बनाई गई है कि बिना न्यूजपेपर्स से क्या मतलब है और मीडियम न्यूजपेपर्स से क्या मतलब है, स्माल न्यूजपेपर्स से क्या मतलब है। श्रीमन्, आपको स्मरण होगा कि डम देश में सारे देश भर के समाचारपत्रों में जो सबसे अधिक समाचारपत्रों का प्रकाशन होता है वह अंग्रेजी के समाचारपत्र है . . . .

श्री गनेशी लाल चौधरी (उत्तर प्रदेश) : श्रीमन्, हाउस में कोरम नहीं है। पहले भी आपका ध्यान खींचा गया था, अभी तक मालूम होता है हाउस में कोरम नहीं है। आपका क्या आदेश है ?

SHRI BANKA BEHARY DAS (Orissa): When the point of quorum has been raised the quorum bell should be rung. Once that point has been raised it will have to be wrested.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Have you finished?

SHRI NIRANJAN VARMA: No.

Sir. अभी तो मैंने प्रारम्भ किया है।

(Quorum bell rings)

(After the quorum was there)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now you can continue. You can take a few minutes more, if you like. There are many speakers.

श्री निरंजन वर्मा : श्रीमन्, इस बिल में स्थान स्थान पर यह जोड़ा गया है कि न्यूज एजेन्सी को भी कहीं कहीं इसमें प्रतिनिधित्व मिलना चाहिये। इसके बारे में मेरा एक सुझाव है। मैं समझता हूँ कि जितनी न्यूज एजेन्सीज अपने यहां भारतवर्ष में हैं, वे अधिकांश में सरकार की हां में हां मिलाने वाली होती हैं, विशेष रूप से एक दो न्यूज एजेन्सीज के बारे में मैं निवेदन कर सकता हूँ कि पिछले समय जब अपने यहां पर कांग्रेस में दो दल हुए, इन्डीकेट और सिन्डीकेट, उस समय एक न्यूज एजेन्सी ने जिसके ऊपर सरकार का 60 लाख रु० से ऊपर ज्यादा बकाया है, उसने सरकार की आंख मूंद कर सहायता की। तो हम समझते हैं जिन एजेन्सियों के ऊपर रुपया बकाया रहे या जो ऋण पर चलते हैं या कोआपरेटिव सोसाइटी की तरह अधिक ऋण लेकर अपना कार्य चलाते हैं, वे किसी प्रकार से ऐसा कार्य नहीं कर सकते हैं, जिसे स्वतंत्रतापूर्वक कार्य संचालन किया जाना कहा जा सकता है। तो इसमें जो धारा 5 में धारा 4 का संशोधन करने के लिये प्रस्ताव किया गया है, उसमें इस प्रकार की एक परिभाषा आनी चाहिये कि ऐसे सदस्यों में जिनका चुनाव उन 26 मेम्बरों में होगा उन व्यक्तियों को तरजीह नहीं दी जायेगी या उन व्यक्तियों को सम्मिलित नहीं किया जायेगा, जिनकी संस्थाओं को सरकार की तरफ से इस प्रकार अधिक कर्जा मिल रहा है या उनके ऊपर उस दिन जिस दिन उनका नामिनेशन हो, उस दिन किसी प्रकार का कर्जा हो।

श्री आई० के गुजराल : वह कोई एक्सेप्शन नहीं है।

श्री निरंजन वर्मा : नहीं है। वह हम चाहते हैं।

श्री कृष्ण कान्त (हरियाणा) : वह एजेन्सी कौन है, पता तो लगे।

श्री निरंजन वर्मा : उदाहरण के लिये अगर एजेन्सी नहीं है, तो जैसे १० टी० आई० है।

SHRI I. K. GUJRAL: I think the hon'ble Member is mixing up two things. I might say that giving loans to the news agencies for their effective functioning does not involve any interference of the Government. And for his information I may say so that all the news agencies that are functioning in the country in one form or the other are getting money. But it is not to interfere or control them but to let them function. If he says that some news agency should be discriminated against, then it will be difficult.

श्री निरंजन वर्मा : मैं माननीय मंत्री जी को इस इन्फारमेशन के लिए धन्यवाद देना चाहता हूँ। लेकिन मैं एक बात यह निवेदन करना चाहता हूँ कि जिन एजेन्सियों के ऊपर ऋण होता है, क्या उनके कार्य संचालन की तरफ भी ध्यान दिया जाता है। इस तरह की एजेन्सियों का सरकार के ऊपर अवश्य प्रभाव पड़ता है और मैं यह बात मानने के लिए कतई तैयार नहीं हूँ कि उनका प्रभाव सरकार के ऊपर नहीं पड़ता है। पिछले समय हमने जब प्रेस के ऊपर आपत्ति उठाई थी, तो उस समय कहा था कि जान बूझ कर एक विचार-धारा रखने वाली न्यूज एजेन्सी लगातार दूसरे कांग्रेस के खिलाफ प्रचार कर रही है और तरह-तरह के समाचार प्रसार कर रही है। उस समाचार एजेन्सी ने जो असत्य बातें थी उनका जानबूझकर प्रसार किया। इस तरह से इस एजेन्सी ने एक गलत काम किया और यह सबसे अच्छा समय है कि जब मैं इस तरह की गलत बातों को प्रसार करने के संबंध में माननीय मंत्री जी का ध्यान आकर्षित करूँ।

हमें इस बात की खुशी होगी कि अगर कोई भी एजेन्सी है जिसके ऊपर ऋण हो, अगर उसका कार्य संचालन ठीक तरह से होता रहे, वह निष्पक्ष रूप से और समानता के आधार पर खबरों का प्रसार करनी रहे, तो हमें वड़ी खुशी होगी। अगर इस तरह की बात नहीं है, तो यह निश्चित रूप से कहा जा सकता है कि इस

तरह की जो एजेन्सी है, जो सरकारी पक्ष का प्रचार करती है, गलत ढंग से करती है, जो निष्पक्ष नहीं है, वह एक गलत काम करती है।

इसी प्रकार श्रीमन्, पिछले दिनों प्रेस की जो आलोचना हुई थी, उसके बारे में मंत्री जी ने दो चार बातें कही। कहा गया है कि कुछ प्रेस एगेंस हैं, जो इस देश में कभी-कभी कम्युनिटीज के लिए या कभी कभी किसी विश्व नेता के विरुद्ध किसी न किसी प्रकार से प्रचार करते रहते हैं। उनके इस कथन के संबंध में मैं यह निवेदन करना चाहता हूँ कि इस एकट में एक नई धारा है, जिसमें प्रेस कौंसिल को व्यापक अधिकार मिले हैं। तो मैं यह जानना चाहता हूँ कि ऐसे समाचारपत्रों के विरुद्ध कोई कार्यवाही करने में वह सक्षम हो सकेगी। इस संबंध में उन्होंने कहा कि इस तरह के जो प्रेस हैं या समाचारपत्र हैं वे एक प्रकार के प्रतारणा के अन्तर्गत आ जाते हैं। हम इस संबंध में उनका ध्यान दो तीन बातों को तरफ आकर्षित करते हैं। हम समझते हैं कि इस प्रकार की प्रतारणा मात्र से कोई लाभ नहीं होगा। उदाहरण के लिए बम्बई का जो विस्टज अखबार है, उसके जीवन से आज तक, इन कुछ वर्षों में कितने कोर्टों द्वारा प्रतारणा मिल चुकी है, कितनी बार सजा और दंड की आज्ञा हो चुकी है। लेकिन मैं उनमें यह निवेदन करना चाहता हूँ कि इतनी प्रतारणा, दंड आदि होने पर भी उस अखबार और प्रेस के विरुद्ध कुछ नहीं हुआ और वह प्रेस मनमाने तौर पर अभी भी लिखते ही चले जा रहा है।

इस बिल में एक स्थान पर यह लिखा हुआ है कि किसी लीडर या किसी दूसरे व्यक्ति के विरुद्ध इस तरह की बातें नहीं कही जानी चाहियें, लेकिन हमें दुःख के साथ कहना पड़ता है कि कुछ इस प्रकार के प्रेस हैं, जो बहुत से लीडरों के खिलाफ प्रचार करने रहते हैं।

श्री आई० के० गुजराल : आप कौन से क्लज का जिक्र कर रहे हैं।



**SHRI NIRANJAN VARMA:**  
 "Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste, or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council may, after giving the newspaper, the editor, or journalist concerned an opportunity of being heard, hold an inquiry."

तो इस प्रकार से बिल में जो यह क्लोज है, उसमें दो प्रकार की बातें हैं। वास्तव में इसका उद्देश्य तो यह है कि उसे प्रेस कौंसिल के जरिये व्यापक अधिकार मिले हैं। इस संबंध में मैं यह निवेदन करना चाहता हूँ कि जो कई छोटे छोटे अखबार हैं, जो बर बर इस प्रकार का आन्दोलन करते रहते हैं जिससे देश की एकता को हानि पहुंचती है। कुछ समाचारपत्र ऐसे हैं जो अलग-अलग की भावना रखते हैं और कुछ समाचारपत्र ऐसे हैं जो देश में भाषाई विवाद फैलाते हैं। इस तरह के समाचारपत्रों के लिए इस बिल में जो मुझाव दिये गये हैं वे पर्याप्त नहीं हैं। इस तरह के समाचारपत्र जो क्रिमिनल प्रोसीजियर कोड और इंडियन पीनल कोड के दायरे से बचकर निकल आते हैं जिस चीज को इसमें दंडनीय बतलाया गया है, उसकी अन्यायपूर्णता से उन समाचारपत्रों का साहस बढ़ेगा। हमारा मुझाव है कि इस विषय में सरकार को बहुत सक्रिय होना चाहिये और जो समाचारपत्र प्रेस कौंसिल की आज्ञाओं के विरुद्ध काम करते हैं, उसकी बात मानने के लिए तैयार नहीं, हठधर्मी के कारण इस तरह की बातें करते हैं जिससे देश की एकता नष्ट होती है, देश को खतरा पहुंचता है जिससे देश में साम्प्रदायिक वमनभय फलता है, जिसके द्वारा भाषाई विवाद उत्पन्न होता है। ऐसे समाचारपत्रों को बंद करने की प्रक्रिया भी प्रेस कौंसिल को दी जानी चाहिये यही मेरी प्रार्थना है।

**श्री शीलभद्र याजी (बिहार):** उप सभाध्यक्ष महोदय, मैं इस बिल की तार्ईद करता हूँ और तार्ईद करते हुए अपनी सरकार से कुछ गुजारिश करना चाहता हूँ। यह ठीक है कि प्रेस कौंसिल बन गया है, लेकिन जिस तरह से इस देश में प्रेस काम कर रहे हैं, जैसा कि श्री वर्मा जी ने अपने भाषण में कहा कि आज हमारे देश में कुछ प्रेस वाले, कुछ समाचारपत्र खुलकर साम्प्रदायिक भवना फैला रहे हैं, भाषाई विवाद फैला रहे हैं, संकीर्णवाद फैला रहे हैं और दूसरे देशों की वकालत करते हैं, तो इस तरह की जो बात देखने में आ रही है वह देश के लिए हितकर नहीं है। यदि फ्रीडम आफ प्रेस हमारे देश में है, जैसा कि श्री गुजराल जी ने कहा और जिस के बारे में उन्होंने बड़ी दुहाई दी, तो इस तरह की फ्रीडम से देश में बहुत खराबी आ जायेगी और इसका नतीजा यह होगा कि लोग फ्रीडम आफ लूट और फंडामेंटल राइट टु प्रापर्टी की बात भी कहने लगेंगे। यद्यपि इस तरह की बात इस बिल में कहने की मनाही है। जो लोग इस तरह की बातें कहते हैं, लोगों को भड़काने वाले समाचार छापते हैं, उनके लिए इस प्रेस कौंसिल में प्रतारणा तथा दंड देने की व्यवस्था है। श्री हमारे पारथसारती जी ने कहा कि इस तरह की बातें लीडर्स भी बोलते हैं और छोटे छोटे अखबार भी बोलते हैं कि फलां भाग को उसके साथ चला जाना चाहिये और एक प्रदेश के कुछ हिस्से को दूसरे प्रदेश को दे दिया जाना चाहिये। इस तरह की फ्रीडम आफ प्रेस देने से देश को खतरा पैदा हो जायेगा और देश की अखंडता को भी खतरा पैदा हो जायेगा। इस विधेयक में फ्रीडम और इंडिपेंडेंट लिखा हुआ है, इस बात पर गौर करने की आवश्यकता है।

श्री वर्मा जी ने एक पक्ष यानी सिन्डीकेट का समर्थन किया जो उनके लिए मुनासिब नहीं था। उन्होंने पी० टी० आई० की बात कही। तो मैं उनसे निवेदन करना चाहता हूँ कि पी० टी० आई० कोई सरकारी एजेंसी नहीं है। जितनी

भी न्यूज एजेंसीज हैं वे सब सरकार को समाचार टैलीप्रिन्टर के जरिये देती हैं और उनके बदले वे रुपया लेती हैं। वे एजेंसियां कितनी को नौकर नहीं है। उन्हें कोई इमदाद नहीं मिलती है बल्कि जो वे सेवा करती हैं उसके बदले में उन्हें सालाना रुपया मिलता है चाहे वह यू० एन० आई० हो, पी० टी० आई० हो, भारतीय समाचार हो और या फिर हिन्दुस्तान समाचार हो। लेकिन हमारी मुश्किल तो दूसरी है और वह यह है कि हिन्दुस्तान में जो बड़े बड़े अखबार हैं वे जनसंघ माइन्ड को सपोर्ट करते हैं और जनसंघ के साथ हेलमेल करने वाले सिंडीकेट के लोग हैं, उनकी भी ये अखबार वाले ज्यादा तरफदारी करते हैं तथा उनकी ज्यादा पब्लिसिटी किया करते हैं (इन्द्रपशन्स) मैं तो वर्मा जी की बात के सबध में कह रहा हूँ कि पी० टी० आई०, यू० एन० आई० भारतीय समाचार और हिन्दुस्तान समाचार, ये सब सरकार से इमदाद नहीं पाते हैं बल्कि टैलीप्रिन्टर द्वारा जो वे सरकार को खबरें देते हैं, जो वे सेवा करते हैं उनके बदले में वे रुपया पाते हैं।

SHRI B. T. KEMPARAJ: Sir, on a point of order. What does he mean by "Syndicate"? That has to be expunged.

श्री शीलभद्र याजी : जो कांग्रेस से निकल गये हैं वे सिंडीकेट बन गये हैं। (इन्द्रपशन्स) तो मैं यह कह रहा था।

KUMARI SHANTA VASISHT: The other papers are supporting the "Indicate" and the C.P.I.

श्री शीलभद्र याजी : सिंडीकेट पब्लिक लिमिटेड कंपनी है जिसका अध्यक्ष श्री निजलिगप्पा जी हैं।

SHRI A. D. MANI: "Syndicate" is a private limited company or a public limited company?

कुमारी शांता वशिष्ठ : इंडीकेट कौन सी कम्पनी है ?

SHRI KRISHAN KANT: Sir, there is no "Indicate". We are the Congress.

SHRI B. T. KEMPARAJ: Sir, the hon. Member is making a reference to a thing which is not there in the Bill that is before the House. Let him explain what he means by "Syndicate".

SHRI SHEEL BHADRA YAJEE: I am explaining the Press Council Bill.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Yajee, you better confine yourself to the provisions of the Bill.

SHRI B. T. KEMPARAJ: What does he mean by that? Is it a joint stock company?

[At this stage, some hon. Members stood up.]

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit down. When a Member is speaking, others should not stand up unless they take my permission.

SHRI B. T. KEMPARAJ: Sir, want a ruling on this.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have heard you and I have given instructions to the Speaker kindly to avoid politics and not to use such words...

(Interruptions)

श्री शीलभद्र याजी : वाइस चेरमैन, इमका जिक्र कर दिया इन्होंने, इसलिए मैंने जरा इग्नारा किया। यह वेशहताई का बाजा हम नहीं बजाते, वह बजा देते हैं, फिर हम भी आदत से लाचार हैं।

तो मैं यह कह रहा था कि इस तरह की फ्रीडम आफ प्रेस ठीक नहीं है। हमारे गुजराल जी जहां भाषण देने हैं वहां फ्रीडम आफ प्रेस, फ्रीडम आफ प्रेस की बात करते हैं। मुझे जलन होती है कि ये लोग हिन्दुस्तान को कहाँ ले जाएंगे

[ श्री शीलभद्र याजी ]

कभी कभी गुस्सा भी आता है। आल इंडिया कांग्रेस कमेटी में और पार्लियामेंट में मैं बराबर प्रस्ताव लाता हूँ, सुझाव देता हूँ कि जितनी मोनोपोलिस्ट प्रेस है उसका राष्ट्रीयकरण किया जाये। राष्ट्रीयकरण के नाम पर घबड़ा गए पार्थसारथी जी लेकिन हमारे बगल में एक महिला प्रधान मन्त्री थी जिन्होंने वर्मा जी के शब्दों में जो बकवाम करने वाले लोग थे, जो देश के साथ बदमाशी करते थे उनके प्रेस को नेशनलाइज कर दिया, सारे वर्ल्ड का प्रेस चिल्लाता रह गया लेकिन इतनी हिम्मत हिन्दुस्तान में किसकी है। हिन्दुस्तान की एकता को तोड़ दो, हिन्दुस्तान की आजादी को बेच दो, इतनी फ्रीडम है जितनी किसी देश में नहीं है। बोलने की भी फ्रीडम है, बाहर मीटिंग करने की फ्रीडम है, नाक तोड़ने की भी इजाजत है, पुतला जलाने की इजाजत है, फ्रीडम टु लूट भी है। यह हिन्दुस्तान के लिए बड़ा खतरनाक है। मेरी यह प्रेस कौमिल वालों को सलाह है, जेसा वर्मा जी ने भी कहा है कि इन पर जरूर कोई कुठाराघात होना चाहिए, इस तरह की तजवीज होनी चाहिए नहीं तो हिन्दुस्तान की एकता, अखंडता और आजादी खतरे में पड़ जायेगी। भाषावाद के नाम पर, साम्प्रदायिकता के नाम पर हिन्दुस्तान का बंटवारा हुआ। एक शहर के लिए बेलगाम के लिए मेम्बर किस तरह लड़ते हैं यह आपने देखा है जैसे यह अरोबियन सागर में या बंगाल की खाड़ी में चला जायेगा। इस तरह की हरकत नहीं करनी चाहिए। इन बातों को रोकने के लिए प्रेस कौंसिल को सोचना पड़ेगा।

मैं मंत्री महोदय से दरखास्त करूंगा, प्रेस कौंसिल वाले भी सोचें कि जो न्यूज एजेन्सी है, पी० टी० आई० है, यू० एन० आई० है, हिन्दुस्तान समाचार है, उन्होंने कहा था मबके लिए एक कारपोरेशन होना चाहिए, मैं कहना हूँ कि जो हिन्दुस्तान की भाषा है, हिन्दी की या और भाषाओं की जो न्यूज एजेन्सी हो उनका एक कारपोरेशन बनना चाहिए। कारपोरेशन बना

कर उनको मदद दीजिए। सबसे ज्यादा कोशिश यह करनी चाहिए कि चाहे न्यूज एजेन्सी हों या समाचारपत्र जो उनके मुलाजिम हैं, जब चाहा उनको निकाल दिया, जब चाहा कुछ दिया, न दिया ऐसा न हो। जिन एजेन्सी को मदद देते हैं उनसे आप हिसाब-किताब भी लीजिए, वहाँ कोई धांधली तो नहीं हो रही है, उनकी नियुक्तियों को भी देखने की आवश्यकता है। मैं न्यूज एजेन्सियों पर कब्जा करने की बात नहीं कर रहा हूँ, उनका कारपोरेशन बनाइए, कारपोरेशन बना कर मुधारने की कोशिश कीजिए क्योंकि इससे समाचार एजेन्सी समाचारों को बढ़िया तरह से दे सकेंगे। मणि साहब बोलेंगे, वे हमारी तरफ देख रहे हैं...

श्री ए० डी० मणि : लाइफ - इंश्योरेंस कारपोरेशन की तरह बनाता चाहते हैं।

श्री शीलभद्र याजी : हम चाहते हैं कि कारपोरेशन बने जिससे सुचारु रूप से चले और रुपए-पैसे की दिक्कत न हो। आप चेयरमैन नहीं होंगे, कभी कभी आप चेयरमैन हो जाते हैं।

श्री ए० डी० मणि : चेयरमैन रहा 11 साल पहले।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No cross-talk, Mr. Mani. You are a senior Member.

SHRI A. D. MANI: I am sorry, Sir, I apologise.

श्री शीलभद्र याजी : हमारे पार्थसारथी जी ने कहा कि इसमें नामिनेशन की व्यवस्था है। जिस तरह की हालत है उसमें इसी हाउस में देखिए किस तरह से इलेक्शन करने में, भले ही प्रपोजर्शनल रिप्रेजेंटेशन में हो, क्या कठिनार्ड रहती है। इसमें हमारे चेयरमैन और स्पीकर हैं ही वे जैसा उचित समझेंगे, जिनका पत्रकारों के साथ सम्बन्ध है वैसे व्यक्तियों को चुनेंगे इसलिए इसमें जो नामिनेशन की प्रथा रखी

गई है, स्पीकर को और चेयरमैन को जो अधिकार दिया गया है कि एक राज्यसभा से हो और दो लोकसभा से हो उसकी व्यवस्था रहनी चाहिए।

एक बार फिर से मैं सरकार से निवेदन करता हूँ कि जल्दी से जल्दी जो न्यूज एजेन्सियाँ हैं उनका एक कारपोरेशन उसे बनाना चाहिए और उसके लिए पहले से ही रूल्स और रेगुलेशन्स बनाने चाहिए। इसके साथ ही जो हिन्दुस्तान की एकता को, आजादी को तोड़ने की कोशिश करें, इस तरह का प्रचार करे उसके ऊपर कड़े डंडे का प्रहार भी होना चाहिए। इन शब्दों के साथ मैं फिर इस विधेयक की तार्किकता करता हूँ।

श्री निरंजन वर्मा : मंत्री जी ने पूछा था कौन सी धारा में है—

Notes regarding guidelines framed by the Press Council of India—

उसमें धारा 3(ए) है—

All editorial comments and other expressions of opinion, whether through articles, letters to the editor, or in any other form, should be restrained and free from scurrilous attacks against leaders and communities and there should be no incitement to violence.

मैं इसका जिक्र कर रहा था।

**SHRI BANKA BEHARY DAS:** Mr. Vice-Chairman, Sir, we should all thank the honourable Shri Ganga Sharan Sinha who for the first time drew the attention of the House to the mismanagement and corruption that is going on in the Press Council. This enabled the Rajya Sabha to take up the matter as a result of which an Advisory Committee was set up consisting of Members of Parliament of both the Houses, and because of that Committee we have got this amending Bill before us. I am very happy and I support entirely the different clauses in the Bill, particularly, the clause on the constitution of the Press Council and

the provision for having a Nominating Committee which will be authorised to nominate the chairman and members of the Council. In this connection, I want to draw the attention of the House that nothing specific has been mentioned in the Bill about the nomination of working journalists, I mean, those 13 persons. Out of them six will be definitely editors who should be working journalists. I hope they would not be take journalists who sometimes manage themselves to be editors of different newspapers—the idea is that they should be *bona fide* journalists. I want to mention about other journalists. It should not be confined only to one association, because, after all, the object of the Press Council is to uphold the ethical standards of Indian journalism to promote it, and that cannot be done only through trade union organisations. Had it been a question of a wage board or something like that, I would have advised the Government that they should have the representatives of only such bodies who represent the economic interests of the journalists. Here it is a question of promoting the standards of journalism. I would say that instead of confining it to one organisation, you should keep it open to others also including the Press Association of New Delhi because, you know, the Press Association of New Delhi does not consist of only journalists who represent Delhi press, but journalists representing the entire country and they also cover Parliament. I will not go into those aspects now. But I have one fundamental objection. I want to draw the attention of the hon. Minister to the fact that the object of this Bill is to preserve the freedom of the press and maintain and improve the standards of newspapers. Can you preserve the freedom of the press and maintain and improve the standards of newspapers as long as the Press of India functions as it is functioning today? Can it be done only through a disciplinary machinery by censuring the journalists or a certain press? Is it not a fact that in most of the West-

[Shri Banka Behary Das]

ern countries also freedom of the press in as much valued as it is in this country? They also have their respective Press Councils to regulate the standards of journalism. But what has been the experience of the press in those countries? At the outset I would say that unless the Press of India is, to a certain extent, liberated, liberated not only from the clutches of the big business, but also from the clutches of the Government, the freedom of the press cannot be preserved nor can the standards be improved. In this connection I want to say that we do not want a press which is a combine press or a concubine press because we know where there is a monopoly press or where there is Governmental influence on the press either through advertisements or through financial assistance or through other means, the freedom of the press will be jeopardized and it will gradually deteriorate into a position which in the journalistic world is called a concubine press.

Mr. Vice-Chairman, therefore I want to give some suggestions today. If we examine this Press Council (Amendment) Bill, we will find that in the earlier Bill also we had a provision for making a study about the trend towards the development of monopoly or concentration of ownership. That provision was there. But what was the result of it? When we made this demand in this House, the Minister gave the assurance that the Press Council had been entrusted with the job of looking into the matter and giving a report. But I think it is already two years and no report has come to us about the trend that has developed in the field of press in this country in the direction of concentration of ownership. So I feel that unless that basic aspect is attacked in this country, it is no use talking of the freedom of the press or of maintaining or improving the standards of the newspapers in this country through a Press Council. So that is much more important. There I will refer to the

recommendations of the Press Commission. Of course some of the recommendations have become out of date and the necessity has arisen for having a fresh Press Commission to look into the matter and study particularly the trend as far as the monopolistic growth of the press is concerned. One thing here is very clear that you cannot manage it or regulate it through the Press Council because according to the Report of the Registrar it is found that the combined ownership of dailies owned by first 10 common ownership units accounted for 48.2 per cent. of the total circulation. That means only 10 concubine press units in the country control 50 per cent. of the circulation of the country. So is it not a fact that these 10 combines or concubines control virtually the public opinion of the country? The more interesting thing is that the dailies numbering 48 owned by common ownership units and located in metropolitan cities like Madras, Calcutta, Bombay and Delhi have 95.2 per cent. of the total circulation of all the metropolitan dailies. That means only 48 newspapers which belong to chain-group newspapers and function in 4 metropolitan cities control the readership to the extent of 95.2 per cent. That means you can say that they control the public opinion of those four metropolitan cities.

SHRI M. N. KAUL (Nominated): That assumes that everybody reads the leading articles.

SHRI BANKA BEHARY DAS: It is not a question of reading articles only. I think you are a regular reader of the newspapers. If you look at the headlines and the way the news is flashed in the newspapers, you will find it is done in a very tendentious manner in this country. I am not saying that in other countries it is not being done; it is done in other countries also. But if we are very much interested in the democratic functioning of the press then it is absolutely necessary that our public opinion should be to

a certain extent free from this monopolistic control. So I think the Press Council should first address itself to this task, how to free the Indian press from this monopolistic control.

One important thing that has been done by this Committee and which has been incorporated in the Bill, for which I am very grateful to them, is about enquiring into foreign assistance to the Indian newspapers and news agencies. Up till now news agencies were not under the scope of the Press Council; now they have been brought in and that is very good. But I want to say here that some of the news agencies in this country are being patronised by the Governments of East-European countries and some by the Governments of Western countries. I am not going into the question of the PTI or the UNI which have commercial arrangements with free news agencies in the Western countries. I would like to give one example here of 'Samachar Bharati' because I was very much interested in the growth of this vernacular news agency. Everybody wants that it should grow even now, we want that it should grow. But what has happened? Sir, the 3 news agencies—ADN, CETKA and TANYUG—which are governmental agencies of Eastern Europe are giving free news service to the 'Samachar Bharati' and also they pay some charges for the use of the teleprinters that are being used here for the dissemination of news. I want the growth of these news agencies because I want some competition among these news agencies but I cannot agree that some news agencies which are obliged to foreign countries and their Governments will be allowed to function in this country. Thereby to a certain extent the standard of journalism in this country will suffer.

Well, here I am not going into all the aspects of the question, because Mr. Gujral very well knows how the employees are being punished and harassed and how the Wage Board Awards are being violated. Though we want these news agencies to grow, it does not mean that they

would be allowed to violate the Wage Board Awards and harass their employees. Sir, by coming into collaboration with foreign agencies.

Again there is another type of corruption with regard to foreign advertising because some of the newspapers in this country are getting enough of foreign advertising from other countries at a price which is much more than the normal price which prevails in India. So I would rather suggest that the Press Council also should look into this aspect. If some formula is evolved that foreign concerns want to advertise in this country, we have no objection to it but there must be some formula, there must be some agency through which it should be diverted. Otherwise that foreign money which is playing havoc in the political field and also in journalism will create a condition in which the freedom of the country will be jeopardised. Mr. Vice-Chairman, here I want that the other aspect of assistance should be seriously considered and studied by the Press Council so that our Indian press is free from those foreign influences. In this connection I want to draw the attention of the Minister to the constitution and the functioning of these news agencies. You know that the Press Commission some time back stated that the composition or the formation of the PTI and other institutions should be changed, but up till now nothing has been done and the Government has always conveniently evaded that task by saying that that task or that recommendation was addressed not to the Government but to the shareholders of the PTI or other news agencies.

SHRI I. K. GUJRAL: Mr. Mani said it, I did not say it.

SHRI BANKA BEHARY DAS: Mr. Mani has said it because he belongs to that type of press which does not believe in freedom as we do. But now it is high time that because we have got 3 or 4 news agencies in this country, some sort of study about the structure of these news agencies should be gone into.

[Shri Banka Behary Das]

I think the Government can either entrust this to the Press Council or to the new Press Commission which I have demanded to be set up. These aspects should be seriously considered by them so that the news agencies in this country function in a very impartial way and the interests of the workers and the journalists are properly safeguarded. Also, Sir, news agencies like the PTI should be persuaded to bring some representatives of the employees on the Board of Directors.

In this House, when he was in-charge of Communications also, I drew the attention of the Minister when he expressed regret on behalf of the Government about censuring the press telegrams in an unauthorised and illegal way when there was a communal tension in Cuttack. I am happy the Government retraced its steps and expressed its regret and sent a circular throughout India that the press should not have been treated in that way by the Telegraphs Department, but I read three months back that in Jamshedpur one of the journalists of Patna daily was prosecuted for sending a telegram to his paper at Patna. I raised this question in the Postal Advisory Committee and I asked: How can the police, on the authority of the Postal Department, prosecute after that circular, a journalist in Jamshedpur because he sent a particular news to a Patna paper? I was astonished to know that in the Press Council the Minister had to say: 'We have not lodged any complaint before the police'. I do not know what is the collusion between the local officers at some places and the magistracy or the police so that persons, without the knowledge or complaint from the Postal Department, journalists can be prosecuted under the Telegraph Law. I think the Minister should immediately impress on the Postal Department which has been promised a long time ago so that the Telegraph Law is changed so that the journalists at different places are not unnecessarily harassed and punished because of such

attitude of some officers because of the antiquated law that is prevailing for the last century.

Then about the immunity of the press from the scope of the legislation in this country, because though the Indian Editors' Conference and the Working Journalists Federation have agitated in this country that the papers and the journalists should absolutely enjoy immunity when they cover the proceedings of the various assemblies in this country, though the Parliament has passed the law about 12 years back, I am sorry to say that till now, barring 3 assemblies in the country, no State has passed any law to provide immunity to the journalists when they cover the proceedings of the legislatures of those States. Absolutely it impinges on the freedom of the press because when they faithfully report some scandalous statements or some disparaging statements made in the assemblies which conform to parliamentary procedure of that assembly but the press and the journalists can be punished under the law. I was the first person in Orissa to bring such a non-official measure and Orissa was the first State which passed that measure. Next was the Maharashtra State but I am sorry that till now other States have not passed such measures. The Government, particularly in this Ministry, if it is interested in seeing that the interest of the journalist and the press is protected and they are free to faithfully report the proceedings of the legislatures of this country, should impress on the States to pass such a law so that the Indian press also can function independently to a certain extent without incurring the displeasure of the Parliament or the Assembly whenever they also cover faithfully the proceedings of the Assemblies.

With these words I thank the Committee that produced this report on the basis of which this measure has come and I am also happy that this has come and I hope that both

the Houses will pass it early and it will not take six months—till September—for the constitution of the Press Council because when the last amendment came and we objected to the March deadline, the Minister assured us that he would see that it was not extended but that assurance was like all other assurances of the Government that we have seen. I think Mr. Gujral will see that September will not be September only for this Council to be born but it can be born earlier also, after both the Houses pass this measure.

**SHRI A. D. MANI:** I welcome this Bill which in my opinion, will strengthen the functioning of the Press Council. I have suggested a number of amendments which will strengthen the hands of the Press Council in dealing with the various matters coming before it. I would refer to an observation by Mr. Gujral that the Press Council has functioned satisfactorily. As a newspaper man of 40 years' standing and as an editor of 34 years' standing, I would say that unfortunately the Press Council has not made any impression on the journalistic profession. I understand that the total money spend on the Council is of the order of Rs. 3 lakhs per year. This is not much but as Mr. Parthasarathy pointed out, in spite of the existence of the Council there is a good deal of regional propaganda going on in all parts of the country. I feel that the Press Council should have taken the initiative in sending a team to Ahmedabad when riots were in progress in order to moderate the writings in the press which undoubtedly influenced the situation there. It is not the duty of the Press Council to sit like the Supreme Court, in Delhi. They ought to take the initiative in sending teams whenever riotous or disorderly disturbances take place in the various parts of the country. My friend Mr. Dharia referred to the question of the formation of trusts. My newspaper is managed by a trust. Nobody has given me an order for the past 34 years. I have been perhaps one of the most independent editors as far as the

freedom of press is concerned. I have decided the policy always but unfortunately the trust form of management—and I want Mr. Gujral to understand this point of view sympathetically—at the moment, on account of the Income-tax Act, is the most unsuitable form of management because Mr. Desai took away that precious privilege that we had as newspaper trusts, of Income-tax exemption. In the Bill which was passed in 1964, he took a way that exemption. Now, the Tribune is subject to taxation, so also Samyu Karnatak. With regard to my own paper, we have to spend all the money on charity, not on expansion of the paper. Unless we do that, we cannot get the Income-tax exemption. I would very much like the trust form of management. Mr. Gujral wants big papers to be turned into trusts. I would like him to persuade the Finance Minister to give back that exemption that we enjoyed at that time before the Income-Tax Bill was passed both the Houses of Parliament, in the time of Mr. Desai.

My friend Mr. Das referred to the question of monopolies. I would say—and it is a very significant fact—that in all the cases dealt with by the Press Council no monopoly newspaper has figured before the Press Council. It is the small chaps in the districts and small towns who have been hauled up before the Press Council. By and large, whatever Mr. Gujral or Mr. Das may think about the ownership of newspapers—I may agree with parts of their opinion—I would like to say that the big papers of India have set up a very high standard of performance which can compare with the performance of the best newspapers in the world. I have said so in the time of the Press Commission. Dr. V.K.R.V. Rao is not here. You should not think in terms of monopoly houses like the Tatas, the Birlas and Dalmias. Mr. S. P. Jain is coming into the profession. We have to find a solution for the problem. This is, what I am here for—to find a solution. If we have to meet the needs



[Shri A. D. Mani]

of an expending literate electorate, we have to have massive circulation in this country. We do not want our people to be dependent upon the bamboo telegram which is Mr. Gujral's radio and which is radioed to all parts of the world. We want circulation to develop and circulation-developing means more and more capital investment. I have been thinking a lot about this problem, how to find the money for development. It is 6 o'clock now, Sir, Can I carry on?

6 P. M.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): For five minutes if the House agrees.

SHRI A. D. MANI: About ten minutes, Sir, and I shall finish my speech.

SHRI KRISHAN KANT: Let him finish his speech, Sir.

SHRI A. D. MANI: My own feeling is this, Sir,—I may even give the example of a State—that a State like Rajasthan does not have a good English newspaper. Similarly, a State like Madhya Pradesh does not have a good newspaper because we want more and more money for capital investment; we have to invest more capital. And even if workers' co-operatives manage newspapers, there will be the increase in circulation. There we cannot think in terms of monopolies on the lines on which we think of monopolies in the case of commercial organisations.

Sir, I would like to make one observation about the Press Council's working and this is necessary for Mr. Gujral to note, and also my good and learned friend, Mr. Rajagopala Aiyangar, Chairman of the Press Council. A point was argued before the Press Council that the Press Council should not become a court of law to consider defamation cases. I want you to refer to page 18 of the latest Report of the Press

Council. A little paper 'Hardwar Darshan' published some defamatory matter about someone. That man sent a reply. The reply was not published in the paper. The paper was hauled up before the Press Council and the editor said he was going to substantiate the allegation. And yet the editor was censured. I would like to say this is interference of the freedom of the press, because I have been placed in a similar position many years ago. A person was about to appointed as a High Court Judge. Our paper published that his standing is not very high. He threatened to sue me for defamation. We consulted an eminent lawyer in Allahabad and I asked him, "If a man does not settle his petrol bills at a petrol bunk for the past one year, can I say his standing is not high?" He said, "You can prove it by justification." Now I do not want the Press Council to become courts of law, where defamation cases will be tried. Sir, the Press Council has also been ineffective in regard to Governmental interference with the freedom of the press. There is the case of the 'Malayala Manorama' cited in the Report of the Press Council which complained about Government interference in the communist-governed State of Kerala. The Press Council expressed deep regret about what has happened. I would like the Press Council to be a little more vigilant in regard to these matters and conduct enquiries and publish their findings then and there, so that we can mobilise public opinion against Governmental interference in the freedom of the press.

Sir, a third point I would like to make is this. I would like to suggest to Mr. Gujral that please do not involve the Speaker of the Lok Sabha or the Chairman of the Rajya Sabha in the nominated committee for the Press Council. This is one of the most contentious professions. Last time, the Chief Justice of India selected a committee. Allegations were made also about various persons on the committee. I do not want to mention those various allegations.

Outside this chamber the Chairman of the Rajya Sabha, and outside the other chamber the Speaker of the Lok Sabha do not have the parliamentary privilege or immunity. (*Interruptions*). The Parliamentary Committee itself has mentioned, and Mr. Krishan Kant has mentioned that these two presiding officers refused to be in the panel. Now I would not like these two persons to be involved in controversies. We want to hold our Chairman of the Rajya Sabha, and the Speaker of the Lok Sabha in great respect. I would not even like the Chief Justice of India to be involved in this controversy.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** You want him to be involved?

**SHRI A. D. MANI:** I am coming to it when it comes to the stage of amendments.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** What is the alternative?

**SHRI A. D. MANI:** When it comes to the stage of amendments—I have given notice of an amendment—I would like you to take the Chairman of the University Grants Commission, for example. He is a person who has got a public standing. I may even mention the Attorney-General—somebody may object to it—or the Comptroller and Auditor-General; these are statutory authorities under the Constitution. But please do not drag in our Chairman or the Speaker of the Lok Sabha in controversies.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** And the Chief Justice also?

**SHRI A. D. MANI:** Yes, because this profession is the most controversial profession in this country, and other parts of the world.

Sir, I would like to mention that one of the duties of this Press Council—I have given notice of an amendment—is that they must enquire into the charge made in certain quarters that foreign money is being utilised for running certain newspapers and periodicals. Now this is a serious matter because, if you will recall, before the fall of Paris, in the time of Hitler, there was an allegation made against the French press that some of the newspapers in Paris were under Nazi control. Now we do not want foreign influences to permeate our Indian press. I feel that a stage has come, on the basis of debates in parliament, on the basis of questions asked in parliament, for the Chairman of the Press Council to initiate an enquiry into this matter.

Sir, I would like to make one more point, and I hope Members would have the patience for a few minutes more because this is a very important matter. (*Interruptions*). I would like to mention here that, if the Press Council is to function, let us not look upon it as the Supreme Court of India for the press. We have got to work through regional committees. I was a Member of the Central Provinces Advisory Committee during the most difficult years of the war and was its convener for about twelve years. I think time has come for the Press Council to constitute regional committees and I would suggest the following steps immediately, where an experiment can be carried on in the regional committees of Gujarat, Bombay, Bengal, Madras, and also Uttar Pradesh in view of the political turmoil that is going on...

**SHRI KRISHAN KANT:** Why not Madhya Pradesh?

**SHRI A. D. MANI:** Well, Madhya Pradesh also; I am prepared to accept the amendment. Now we would like these committees to be nominated by the Press Council, because representatives of the working journalists are there and because the representatives of the proprietors are

[Shri A. D. Mani]  
there, all of them would see to it that broad-based committees will be set up, because I feel that with ten thousand newspapers in India we cannot maintain discipline, we cannot maintain high standards of profession, unless local pressures are exercised by the people affected by the wrongful publications in newspapers. *(Time bell rings)*.

I hope that steps would be taken by the Press Council to constitute such regional committees. Sir, I am very thankful to the Members for agreeing to sit for a few minutes more than the allotted time and

allow me to make my observations on this important Bill. I would like to make other suggestions when the amendments are moved and they come up.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The House stands adjourned till 11 A.M. tomorrow.

The House adjourned at eight minutes past six of the clock till eleven of the clock on Wednesday, the 4th March, 1970.