

श्री राजनारायण : श्रीमन्, मैं आपसे एक व्यवस्था के द्वारा निवेदन कर रहा हूँ कि आप कृपा करके कोई ऐसी व्यवस्था करें कि सदन का समय बचे। प्रश्न यह है कि बेरोजगारी को हटाने के लिये सरकार क्या कदम उठा रही है।

श्री सभापति : अब क्वेश्चन आवर हो गया है।

श्री राजनारायण : इसका सरकार को उत्तर देना चाहिये, हमने कोई कदम नहीं उठाया और अगर उठाने जा रहे हैं, तो गलत उठा रहे हैं। अनावश्यक ढंग से जवाब न हो।

SHRI D. SANJIVAYYA: Sir, in the main answer itself it has been given.

MR. CHAIRMAN : Question Hour is over. Short Notice Question.

12 NOON

SHORT NOTICE QUESTION AND ANSWER

SPEECH OF SHRI SHYAM NANDAN MISHRA

2. SHRI M. S. GURUPADASWAMY †:

SHRI S. D. MISRA :

Will the Minister of INFORMATION AND BROADCASTING AND COMMUNICATIONS be pleased to state :

(a) whether it is a fact that the speech of Shri Shyam Nandan Mishra, Leader of Opposition in the Rajya Sabha, was not allowed to be broadcast by A.I.R. authorities, New Delhi, on 10th February, 1970; and

(b) if so what are the reasons therefore?

THE MINISTER OF INFORMATION AND BROADCASTING AND COMMUNICATIONS (SHRI SATYA NARAYAN SINHA) : (a) and (b) Deletion of certain expressions offending AIR Code was suggested to Shri Mishra. He did not accept the suggestion and, therefore, his talk could not be broadcast.

† The question was actually asked on the floor of the House by Shri M. S. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY : I must appreciate the Minister for his brevity in the reply. Sir, this raises a very fundamental question. What is the background of the whole affair? Shri S.N.Mishra was invited to speak and the prepared his speech on the judgment of the Supreme Court in respect of nationalisation of banks. The speech before it was recorded was seen by a certain official of the All India Radio. He objected to certain portions of the speech which contained some criticism . . .

SHRI A. D. MANI : Read it out..

SHRI M. S. GURUPADASWAMY : ... about the manner of functioning of the Prime Minister and the Law Minister. I will read that particular passage for the information of the House.

SHRI SATYA NARAYAN SINHA : Please read out the whole thing.

SHRI M. S. GURUPADASWAMY : Whatever you want. It reads:

"The rejection of the banking legislation by the honourable Supreme Court is obviously the result of the mishandling of a good cause by an angry head of the Government acting in unseemly haste and served by a servile and incompetent Law Minister only too willing to toe the line. After having dragged her feet on nationalisation earlier, the Prime Minister acted in such a slovenly manner that the Government has attracted severe structures from the Supreme Court. The course of the tragedy has been simple. Intrigue led to haste, haste led to slovenliness and slovenliness had led to the tragedy. The Prime Minister and the Law Minister must be made to pay the price for this ignominious failure. Shri Lal Bahadur Shastri resigned on a much smaller issue of a railway accident. The Prime Minister should have the courage to face up to the logical consequences of the severe condemnation by the highest court of the land."

SHRIMATI YASHODA REDDY : Very correct.

SHRI AKBAR ALI KHAN : If Mr. Gurupadaswamy had been the Minister, would he have allowed this statement?

SHRI S. D. MISRA : Why not?

SHRI RAJNARAIN : Why not?

SHRIMATI YASHODA REDDY: Why not?

SHRI AWADHESHWAR PRASAD SINHA: On a point of order, Sir. This statement contains two things.

MR. CHAIRMAN: What is the point of order.

SHRI AWADHESHWAR PRASAD SINHA: It says that the Supreme Court has passed strictures ...

SHRI RAJNARAIN: It is a matter of opinion.

SHRI AWADHESHWAR PRASAD SINHA: ... On the Government. But the court only said that the law was not all right. There was no stricture on the Government, Sir.

SHRIMATI YASHODA REDDY: Certainly there was.

MR. CHAIRMAN: Please sit down. Mrs. Reddy. You do not allow the business to go on.

SHRIMATI YASHODA REDDY: He says there is no stricture.

MR. CHAIRMAN: No., no, I rule it out.

SHRIMATI YASHODA REDDY: The Supreme Court has said "hostile discrimination". "Hostile discrimination" in legal terminology means that it has been a prejudicial and not a *bona fide* or fair action.

MR. CHAIRMAN: Please sit down. It is no point of order.

SHRI AWADHESHWAR PRASAD SINHA: My another point of order is about the word "condemnation" in the statement. The Supreme Court did not condemn the Government of India.

MR. CHAIRMAN: All right, please sit down.

SHRI PITAMBER DAS: One word, Sir. In this method of discussion, I am afraid the real issue would be clouded. Let us quietly listen as to what the real trouble is.

MR. CHAIRMAN: But that is what I want.

SHRI M. S. GURUPADASWAMY: Sir, objection was taken to this passage by an official of the AIR.

[MR. DEPUTY CHAIRMAN in the Chair]

The objection was taken on the ground that the AIR Code was violated. Naturally Mr. Mishra wanted to have the Code. The officer said that the Code was not available just then and he would send it to him the next day. But it was not sent to him later.

SHRIMATI YASHODA REDDY: Not so far.

SHRI M. S. GURUPADASWAMY: Only our friend Mr. Gujral obliged him with a copy of it. Now, the issue is whether the passage referred to here really violates the Code. What is the Code? That is important. There are nine commandments in the Code.

SHRI A. D. MANI: Not ten?

SHRI M. S. GURUPADASWAMY: Only nine commandments. My information is that this Code has not been discussed in Parliament and it has not been approved by Parliament. This has been drafted by the Ministry. Now, number 8 of this Code says:

"There should not be hostile criticism of any State or the Centre".

Look at the passage which I have quoted. Does it violate this item at all?

SHRI S. D. MISRA: Read all the items.

SHRI M. S. GURUPADASWAMY: I do not want to tire the House by reading all the items in the Code. Does it really violate item 8 of the Code? If it is interpreted as an adverse criticism of the Centre as such, and not the action of any individual, then I quote article 19 of the Constitution. We are saying so many things in this House and in the other House about the Government, about the actions of individual and Ministers, and they are broadcast in the AIR as news; there is nothing objectionable. But a commentary or speech is objected to. Now, Sir, the Code itself, to my mind, violates article 19 of the Constitution. There are certain restrictions on article 19 and the restrictions placed on article 19 refer to freedom of speech and expression.

And sub-clause (2) refers to restrictions. What does it say? It says :

"Nothing in sub-clause (a) of clause (1) . . ." that is, freedom of speech and expression —

" . . . shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."

It does not refer to any hostile criticism of any State or the Centre as objectionable. Therefore, when a passage refers to a criticism—whether it is hostile or not, I am not going into that matter at all, it may be hostile or it may not be hostile of anybody in the Government, may be, the head of the Government, then, should it be deemed as violating the Code and therefore, should not be broadcast? So, my points are two here. Firstly, the Code itself violates the fundamental rights which are envisaged in the Constitution. Secondly, the speech does not violate the Code as it is even. It is not a hostile criticism. So, my plea with the Government is that there has been an abuse of power on the part of the official concerned in asking Shri Mishra not to broadcast the speech. Sir, incidentally I may say that another honourable Member of this House was allowed to broadcast in the same series and he criticised the Prime Minister and also demanded her resignation. When he was allowed, why was the Leader of the Opposition disallowed on the ground that his speech violated the Code? Therefore, my plea with the Government is that the official has violated his powers, he has misused his powers . . .

MR. DEPUTY CHIRMAN : That is enough.

SHRI M. S. GURUPADASWAMY : . . . and he has gone beyond the censorship given to him. This substantiates my thesis that the AIR is being used as an appendage of the Government. In the BBC such broadcasts are allowed. I am aware of it . . .

MR. DEPUTY CHAIRMAN : Please be brief.

SHRI M. S. GURUPADASWAMY : Please let me make my points. The BBC is an autonomous organisation where such broadcasts are allowed and no objection is taken. Criticism of the Government is also allowed on the BBC. Therefore, this corroborates my criticism of the AIR, the way it is functioning and the manner in which it is being used by the Government to suit its own needs. My friend, Mr. Akbar Ali Khan, has asked me whether I would have allowed it if I had been a Minister. I would not have objected to this kind of a speech. I was a member of the Chanda Committee myself . . .

SHRI M. P. BHARGAVA : On a point of order. Are we observing the rules that no supplementary can be put which exceeds 150 words?

SHRI GURUPADASWAMY : I am finishing.

Therefore, I call the attention of the Minister and request him to take severe action against the official who has violated his duties and responsibilities. I would also like him to express regret for the action taken by that official.

SHRI SATYA NARAYAN SINHA : I am very grateful to the honourable Member because the later part of his speech, if I can call it a speech, has practically said what I was going to say by quoting some of those portions . . . (Interruption).

The Government was very bitterly criticised, I do admit. Objection was not taken to the broadcast—my friend will excuse me, he has tried to cloud the issue—the broadcast was not refused. Objection was taken only to certain words, certain phrases, "servile" etc. Look at the meaning of this word "servile" in the dictionary. He says, "servile Law Minister". Look at this word "servile". No Member calls another Member "servile and slovenly" . . .

SHRIMATI YASHODA REDDY : On a point of order. I need your protection, Mr. Deputy Chairman.

MR. DEPUTY CHAIRMAN : What is the protection that you want?

SHRIMATI YASHODA REDDY : Did the speech of the leader of our party contain anything contradictory to any of the nine points made out by the Code? I may tell you, Sir, that all the words or adjectives used are the opinions . . .

MR. DEPUTY CHAIRMAN : He is coming to that.

SHRIMATI YASHODA REDDY :
... given or the feelings expressed by a Member. His opinion of a particular person cannot be questioned. Whether what he has said comes under the Code or not, is the point. If I say so and so person is an angel or so and so person is good, or is bad, it cannot be questioned and you cannot quarrel with the adjectives. It is a personal opinion of a Member...

(Interruptions)

MR. DEPUTY CHAIRMAN : The question is whether the Code was violated.

SHRI SATYA NARAYAN SINHA :
Let me finish my reply. Before I could finish my reply the lady intervened and said certain things which are not relevant. All that I said was that the broadcast as such was not refused. All that was pointed out to him was that if he deleted certain words, then, the broadcast could go on. As I said, it was not only he, but there were eight or nine other Members also; all the leaders of the political parties were there. They made strong criticism of the Government perhaps more bitter criticism than that of my friend but they never used anything personal, they never called anybody incompetent or servile or slovenly. These are the words which my friend used. Therefore... (Interruptions) ... if you allow such things to be used on the AIR now, tomorrow some other Member will stand up and say, so and so person is a liar, an intriguer, servile, slovenly, and all that. Then what will happen? Therefore, this Code lays down certain things. May I read out the Code?

"... criticism of friendly countries, attack of religion or communities, anything obscene or defamatory..."

When the word "defamatory" is included in the Code, if the word "servile" is not defamatory, I do not know what else can it be called. Would the honourable Member accept to be called by somebody else "servile"...

(Interruption By Shri S. D. Misra.)

MR. DEPUTY CHAIRMAN: Mr. Misra please listen to the reply.

SHRI T. CHENGALVAROYAN : Mr. Deputy Chairman, I want to correct the Minister. "Servile" and "incompetent" are never held to be defamatory under law.

SHRI SATYA NARAYAN SINHA:
At least let me have my say. I am just reading from the Oxford Dictionary the meaning of the word "servile". It reads

"Of, being, a slave or slaves,... having no other function than to indicate pronunciation of another as i. e. in manageable, saleable..."

SHRIMATI YASHODA REDDY:
It is not defamatory.

SHRI SATYA NARAYAN SINHA:
Let me finish.

"...as of a slave, slavish, cringing, meanspirited, minial, completely dependent..."

I do not know what else it is. And therefore, Sir, let me come to the question to Code. You have the Code. The Code was discussed in the Cabinet and then it was sent to all the State Governments, and all the State Governments have accepted this. The Bengal Government did not accept it in the beginning, now that has also accepted it with this provision that if there is any difference so far as... (Interruptions) Let me finish it. I am placing the facts before you. You may or may not agree with me. I am just giving you the information because you wanted to know how this Code came into existence. I say that this Code was discussed about two years ago in the Cabinet and then it was circulated to all the State Governments, and all the State Governments agreed to it except the Bengal Government which also has accepted it after six months. The only point is that if there is any difference in the matter of interpretation of this Code between the AIR officials of that Station and the State Government representatives, either the Minister or the Chief Minister, the matter is to be referred to the Central Government whose interpretation, it was agreed, would be accepted as final. This is the position. I am only placing the facts. All that was objected to by the officials was the use of these words 'servile', 'intrigue' and 'mean-mindedness'.

SHRI S. D. MISRA: Sir, unfortunately this Government does not seem to have reconciled that there is official opposition and the Leader of the Opposition and the same thing has percolated to the officers of the Ministries. Mr. Gurupadaswamy asked whether the Code was brought to the notice of the Parliament. The Minister has not replied to that. The Government might have discussed it but Parliament never discussed this Code.

The other point is that the Leader of the Opposition, Shri S. N. Mishra, did not volunteer himself to make a comment on the bank nationalisation. He was invited to do so. So, it is not only this word which was being objected to but my information, as given by Shri Mishra, is that the whole portion, the paragraph which was read out by Mr. Gurupadaswamy, was being objected to. My friend, a legal luminary of Tamil Nadu has said that the words 'servile' and 'incompetent' are not at all defamatory. Sir, was it expected from the Leader of the Opposition to praise the Government or praise the Prime Minister and the Law Minister who have acted in an incompetent way and in an irresponsible way in handling this issue? Was it expected by the AIR that he would go and praise them? This was not expected of the Leader of the Opposition at all.

Lastly, Sir, I would say that now this Government is in a minority, as a party. Unfortunately the opposition is not united but it is in a majority. The Government has to concede the right which it itself takes of criticising others. This right has to be given to the Leader of the Opposition. But unfortunately they are trying to discriminate and they are making hostile discrimination. Then he has not replied to one question which was raised by Mr. Gurupadaswamy that one of the Members of this House talked about the resignation of the Prime Minister and the Law Minister and he was allowed to do so. So, it is not only one or two words, but the whole portion was being objected to.

SHRI SATYA NARAYAN SINHA : I will again say that the last portion of Mr. Mishra's speech is a criticism and the Government was not objecting to it. Objection was taken only to 3 or 4 lines where personal reference was made. On many occasions Mr. Mishra has spoken outside the AIR and the House and the AIR has given full coverage to all his speeches. One day immediately after that broadcast, he criticised the Government's action with regard to the Code. (*Interruptions*) All his other utterances elsewhere were given full publicity. If there had been any animosity against him, he would not have been allowed it.

MR. DEPUTY CHAIRMAN: This is only a Short Notice question. We have taken 25 minutes for supplementaries.

श्री राजनारायण : शार्ट नोटिस क्वेश्चन पर कभी हमने पूरा दिन ले लिया है, यह शार्ट नोटिस क्वेश्चन है, शार्ट ड्यूरेशन नहीं है ।

श्री उपसभापति : शार्ट नोटिस क्वेश्चन आर्डिनरी क्वेश्चन की तरह होता है ।

श्री राजनारायण : शार्ट नोटिस क्वेश्चन पर हमने तीन दिन भी लिए हैं ।

SHRI G. RAMACHANDRAN: Sir, I am very grateful to Shri Gurupadaswamy that he read out the passage about which there has been a dispute. The issue involved is not a criticism of the Government about which there is no dispute, because he himself admits that another Member who spoke on the radio made even a stronger attack on the Government and it was allowed to go through. Now that is a point he conceded in favour of the broadcasting authorities who were not objecting to even the strongest criticism of the Government. But if Mr. Gurupadaswamy was sitting on this side today and he was a Member of the Government of which his Party which is now in opposition, I have not the slightest doubt, Sir, that he would have objected to the slanderous language in that passage. So it is not a matter of objecting to any harsh criticism of the Government. No Government worth the name can or will stop any political criticism however hard but under the cover of such criticism in regard to bank nationalisation here is a most slanderous personal attack on one of the most eminent Law Ministers ... (*Interruptions*) we have ever had in the Government.

SHRI LOKANATH MISRA: Sir, in view of the wishes of the House I would request that there may be a short duration discussion allowed for two hours on this subject, I think the entire House will agree if I ask for a short duration discussion.

MR. DEPUTY CHAIRMAN: We have taken half an hour. Why do you want a short duration discussion?

SHRI LOKANATH MISRA: Sir, it is a question of policy which cannot be discussed in such Short Notice Questions. It is a policy matter and therefore I would request that we should take it up in a short duration discussion or debate.

MR. DEPUTY CHAIRMAN: We have taken about half an hour now. Why do you want a short duration discussion? We can continue this for about five minutes more for supplementary questions. Every thing has been cleared and a number of supplementaries have been asked.

(Interruptions).

SHRIMATI YASHODA REDDY: Sir, I would put three pointed questions to the hon. Minister. The first is this: Have the AIR officials got a right to go beyond the Code and which Code of the Government says that these words are defamatory? Can they have this right to judge the text and strike down or curtail something from a responsible person's broadcast? That is my first question. My second question is this: The Supreme Court has struck down the measure because of the incompetence and hastiness on the part of the Government. If the Leader of the Opposition says...

SHRI AKBAR ALI KHAN : If a High Court decision is reversed by the Supreme Court, does it mean that the Judges of the High Court are incompetent?

SHRIMATI YASHODA REDDY : Sir, I am not saying that. If the hon. Leader of the Opposition comments that it was due to the hastiness and incompetence on the part of the Law Minister, is it objectionable? Thirdly, Sir, you will kindly refer to the Code as given by the hon. Minister himself. This is more important. It says :

(5) anything amounting to contempt of court;

(6) aspersions against the integrity of the President, Governors and Judiciary.

Now there is a reaction by Dr. Ranen Sen on this judgement of the Supreme Court. He says :

"This piece of judgement as it was pronounced by the Supreme Court of India will be criticised by the progressive people as a retrograde judgement detrimental to the progress of the country".

He says that the judgement of the Supreme Court will be criticised by the people of India as a retrograde one. Now is it contempt of court? I want to know how that was allowed. He clearly says that the people will criticise it. Have the AIR officials any right to go beyond the Code

and if they have, let us know about it. Has not the Leader of the Opposition, in view of the background of the Supreme Court striking down the Bank Nationalisation Act, the right to say that the Law Minister was incompetent which is not defamatory?

SHRI SATYANARAYAN SINHA: I have answered that point several times. So far as any criticism of the Government is concerned, we concede that any strong criticism is allowed. All that I say is personal attacks calling anybody incompetent, not only incompetent but hasty and also using the words servile and intriguing that is defamatory, otherwise what is the use of shutting down criticism? Any criticism of the Government they are entitled to make and we have allowed other Members to do so. All that we have said is, because they have not used particular words which are slanderous, the whole thing was allowed.

SHRIMATI YASHODA REDDY : I read No. 5. Contempt of court is a specific sanction of the court. Nobody should say anything against their judgement. Here I am quoting from their own report and when he says that the people of India will criticise the judgment of the Supreme Court as retrograde, is it not contempt?

MR. DEPUTY CHAIRMAN: Perhaps in the opinion of the Minister, that may not amount to a contempt of the court.

SHRIMATI YASHODA REDDY : That is where discrimination comes.

MR. DEPUTY CHAIRMAN : He has given the reply.

श्री राजनारायण : श्रीमन्, मुझे जो जानकारी श्री एस० एन० मिश्रजी से हुई है, उस की बुनियाद पर मैं यह सप्लीमेंटरी कर रहा हूँ। उनका यह कहना है कि जो पहला पैरा है उसको आल इंडिया रेडियो के अधिकारियों ने कह दिया कि उसको बिलकुल निकाल दिया जाय। क्या यह सत्य है? कोई एक शब्द नहीं पूरा पैराग्राफ निकालने की बात है और अगर माननीय मंत्री जी को इसकी जानकारी न हो तो वे ठीक से जानकारी कर के उत्तर दें। अफसरी को बचाने के लिए ऐसा न करें।

दूसरी बात मैं यह जानना चाहता हूँ कि क्या दुनिया की किसी बेंच ने कभी भी इस 'सरवाइल' शब्द को डिफेमेटरि कहा है ? मैं यह कहने के लिए भी तैयार हूँ कि श्री सत्यनारायण सिंह जी भी सरवाइल हैं; क्योंकि प्राइम मिनिस्टर की ही कृपा पर हैं। प्राइम मिनिस्टर अगर आज चाहें . . .

श्री सत्यनारायण सिंह : मैं कहता हूँ कि सरवाइल शब्द के अर्थ डिक्शनरी में डिस्पिरिटेड हैं।

श्री चन्द्र शेखर : अंग्रेजी नहीं आती है।

श्री राजनारायण : सरवाइल शब्द के जो अर्थ किसी डिक्शनरी में लिखे हों उनको ही श्री सत्यनारायण जी न ले, लेकिन सरवाइल शब्द का जो प्रचलित अर्थ है उसको लें। धर्म का अर्थ धार्मिक है, लेकिन अगर धर्म का अर्थ हिन्दू मुसलमान को लड़ाना लगाया जाय तो वह अधार्मिक है।

श्री उपसभापति : आप सवाल पूछिये।

श्री राजनारायण : आप सुनिये न। हमसे ज्यादा चेयर बोलने लगेगी तो हम क्या करेंगे ? चेयर शुड स्पीक लैस।

श्री उपसभापति : चेयर आपसे बहुत कम बोलती है। आप सवाल पूछिये।

श्री राजनारायण : क्या सरवाइल शब्द पर माननीय मंत्री जी इस बात के लिए तैयार हैं कि अटार्नी जनरल की ओपिनियन ली जाय या सुप्रीम कोर्ट से खुद इसका अर्थ कराया जाय कि सरवाइल शब्द क्या कांस्टीट्यूशन के अंदर जो रीजनेबिल रिस्ट्रिक्शन्स हैं उसके अंदर 'डिफेमेटरि' के मतलब में आयेगा ? श्रीमन्. मैं यह पूछना चाहता हूँ माननीय मंत्री जो से कि क्या संविधान की सुरक्षा करना इस समय उनका कर्तव्य नहीं रह गया है ? यह शुद्धतः 19 वें अनुच्छेद का निषेध है और आज रेडियो के जरिये, उनके रेडियो के अफसरों के जरिये जो अनाचार और दुराचार और मिथ्या-

चार प्रचलित किया जा रहा है, उसके लिए कोई जबरदस्त कायदा कानून बनना चाहिए; क्योंकि यह देश माननीय बाबू सत्यनारायण सिंह जी के रेडियो का गुलाम नहीं है, यह गुजराल साहब का गुलाम नहीं है। मैं एक एक शब्द के लिए, जिसको कि रेडियो के अधिकारियों ने कहा है कि वापस लिया जाना चाहिये, पहले पैरा के साथ उसके लिए कहना चाहूंगा कि उन्होंने ऐसा कर के अनुचित काम किया है और सरवाइल एटीट्यूड से रेडियो के अधिकारियों ने श्री एस० एन० मिश्र जी के इस पैरा को हटाने की बात कही है। बिल्कुल सरवाइल एटीट्यूड था। तो मैं यह कहना चाहता हूँ कि . . .

MR. DEPUTY CHAIRMAN: That will be enough.

श्री राजनारायण : क्या सरकार सरवाइल शब्द पर किसी कोर्ट का जजमेंट मानेगी। अगर हों, तो अटार्नी जनरल की ओपिनियन ली जाय ? इसके अलावा क्या पूरा पैरा हटाने की बात थी या कुछ शब्द हटाने की बात थी, इसके बारे में पूरा उत्तर होना चाहिए।

श्री उपसभापति : उन्होंने जवाब दे दिया है उनका।

श्री राजनारायण : और 19 वें अनुच्छेद की तह में क्या यह सरकार तैयार होगी कि रेडियो के लिए कोई एक ऐसा कोड फिर से बने जिसमें कि अनुच्छेद 19 का उल्लंघन रेडियो विभाग कतई न कर पाये और इसी के साथ-साथ मैं कहना चाहता हूँ कि रिप्रेजेंटेटिव स्पीच इस संसद् के सदस्यों की रेडियो के अंदर जानी चाहिए। रेडियो राष्ट्र की निधि है, वह केवल सरकार का ही नहीं है। तो सदस्यों की रिप्रेजेंटेटिव स्पीच के लिए रेडियो समय दे, इसके लिए सरकार क्या व्यवस्था कर रही है ?

श्री सत्यनारायण सिंह : मैंने खुद कहा कि जहां तक पहले पैराग्राफ की बात है, उसमें हर तीन, चार लाइन में ये शब्द—इंटीम, स्लोवन, सरवाइल आदि आये हैं . . .

श्री एस० डी० मिश्र : स्लोबन के माने क्या हैं ?

श्री सत्यनारायण सिंह : इंग्लीश शब्द खराब नहीं है क्या ? तो उस के लिए कहा गया था कि ऐसी सब चीज को आप हटा दीजिए...

(Interruption)

SHRI DAHYABHAI V. PATEL: Are Ministers not expected to give intelligent answers? Is it the answer to be given by him ?

SHRI P. C. MITRA : Sir, he is shifting his stand now. Previously he said that certain words were objected to but he refers to sentences now.

SHRI S. D. MISRA: He first said that there was objection to one word 'servile'. Now he has gone to a few words. He should say one thing finally.

MR. DEPUTY CHAIRMAN: He said 4 or 5 words.

श्री राजनारायण : श्रीमन्, मैं आपकी शरण में आना चाहता हूँ कि मंत्री जी जो इंग्लीश कर रहे हैं, उससे आप मुझे बचावें। मेरा सवाल है कि क्या पूरा प्रथम पैरा निकालने की बात थी ? अब मंत्री जी केवल इसका उत्तर दें।

श्री सत्यनारायण सिंह : यह कोई बात नहीं है। उसमें शब्द सरवाइल है, इंग्लीश है और उनसे कहा गया कि इस तरह के शब्द नहीं इस्तेमाल करने चाहिए... (Interruption) आप बैठिये।

(Interruption)

श्री राजनारायण : मैं बैठूँ ? बैठूँ क्यों ? इस तरह अपोजीशन का गला घोटने की कोशिश क्यों हो रही है ?

श्री उपसभापति : आपने सवाल पूछा है। आप बैठिये। वह कह रहे हैं कि पांच, छः शब्दों को निकालने की बात थी...

श्री एस० डी० मिश्र : सवाल यह है कि ये शब्द होते हुए भी क्या वह कोर्ट के अगेंस्ट हैं या नहीं इस बात को देखा जाय।

श्री सत्यनारायण सिंह : मैंने पहले भी सरवाइल शब्द का जिक्र किया था, इंग्लीश शब्द

भी कहा था और तीन, चार लाइन के बाद फिर इंग्लीश शब्द आता है। इन्हीं सब बातों को ले कर यह कहा गया था।

MR. DEPUTY CHAIRMAN: Order please. I think perhaps the hon. Members are not attentive to the reply of the Minister. This is not the first time he has said that. He has been saying it repeatedly that there are 4 or 5 objectionable words which were deleted.

श्री राजनारायण : बड़े-बड़े लोगों से मिल कर इंग्लीश कर के ऐसा किया जा रहा है।

MR. DEPUTY CHAIRMAN: Still the Members are persisting in getting the same information. He said there was objection to four or five words.

श्री राजनारायण : श्रीमन्, आपके इस इंटरप्रेटेशन पर मुझे क्षोभ है और मैं कहना चाहता हूँ कि चेयर की इग्ज्यूटिव मिनिस्टर्स को प्रोटेक्ट करना नहीं है, मेम्बरों को भी प्रोटेक्ट करना है। मैं आपका प्रोटेक्शन चाहता हूँ।

श्री उपसभापति : मैं आपको प्रोटेक्शन देना चाहता हूँ, मगर हाउस को भी आपका प्रोटेक्शन होना चाहिये, यह भी मैं आपसे अपेक्षा करूँगा। आपने 40 मिनट इस विषय पर ले लिया है...

श्री राजनारायण : इससे क्या होता है होल डे लिया जाना चाहिये।

श्री उपसभापति : ... आपको प्रोटेक्शन दे रहा हूँ, आप भी हमें प्रोटेक्शन दीजिये, आप थोड़ा सा हमें भी प्रोटेक्शन दीजिये, शार्ट नोटिस क्वेश्चन पर 40 मिनट लिये जाते हैं और वही सवाल बार बार रिपीट कर रहे हैं, जब कि आनरेबिल मिनिस्टर ने एक बार नहीं कई बार कहा कि दो चार पांच वर्ड्स थे, जिनके ऊपर आबजेक्शन लिया गया था, उन्होंने सरवाइल या इंग्लीश के बारे में कहा या स्लोबन के बारे में कहा, जो चार पांच वर्ड्स थे, उनके बारे में उन्होंने शुरू में बता दिया था। If the hon. Members want, they can go through the proceedings. I am also prepared to go through the proceedings. But by repeating the same question and asking

for the same information we need not waste the time of the House. We can accommodate some other Members and we could have accommodated some other Members to ask supplementary questions.

श्री राजनारायण : श्रीमन्, हमारा सवाल तो हुआ नहीं, उन्होंने एटार्नी जनरल के बारे में क्या कहा? उन्होंने कोड बनाने के बारे में क्या कहा? क्या 19 अनुच्छेद की तह में यह रेडियो के द्वारा आज जो अनुच्छेद का उलंघन हो रहा है, इसको पुनः निर्मित करने का सरकार विचार करेगी और दूसरे यह कि एटार्नी जनरल की ओपीनियन ले कर कि अनुच्छेद 19 के अन्दर ये शब्द डिफिनेटरी शब्द में आते हैं या नहीं, सरकार इसका कोई उत्तर देगी। तो हमारी इस बात का कोई उत्तर नहीं आया है, आप इसका जवाब दिलवाइये।

श्री सत्यनारायण सिंह : यह कोई सवाल नहीं है। कोड के बारे में हमने कहा कि सब स्टेट गवर्नमेंट्स से पूछा गया, सबकी एक राय है, इसलिये इसके बारे में कुछ नहीं कह सकता।

SHRI S. D. MISRA: There is a difference between our interpretation and Government's interpretation.

श्री सत्यनारायण सिंह : ... अब एटार्नी जनरल ने क्या पूछा जाय, यह तो कामनसेंस की बात है।

श्री राजनारायण : श्रीमन्, श्रीमन्।

श्री उपसभापति : आपके सवाल का जवाब आ गया। गवर्नमेंट ने कहा कि कोड बदलने की आवश्यकता नहीं, सरकार ने जवाब में बताया कि वह अभी बदलना नहीं चाहते और उसके बाद एटार्नी जनरल का जो आपने कहा उसके लिये सरकार ने कहा कि जब पक्का है, तो एटार्नी जनरल को रेफर करने की जरूरत नहीं है। आपके सवाल का जवाब आ गया।

SHRI S. D. MISRA: We want your protection here, when there are the objections raised to the stand taken by the Government and the authorities of the AIR here on four or five words. Let us

take that we are wrong. Now, when Members of Parliament from this side say that a word is the right word, and the Government say that it is a wrong word there should be some authority, there should be the Attorney-General who should give his opinion whether a disputed word is a right word or a wrong word.

MR. DEPUTY CHAIRMAN: You have got one opinion and the hon. Minister has got another opinion.

SHRI S. D. MISRA: Why are they shirking to refer it to the Attorney-General?

SHRI SATYA NARAYAN SINHA: I have said that this matter was taken up with the State Governments. The question arose that if there was a difference of opinion about the interpretation, then what happened. And the State Governments have agreed that, if there is a difference of opinion in interpretation, then the decision of the Minister for Information and Broadcasting of the Central Government will be final.

MR. DEPUTY CHAIRMAN: This is the position that if there is a difference of opinion then his decision will be final.

श्री राजनारायण : श्रीमन्, हम कांस्टीट्यूशन की बात कर रहे हैं। स्टेट मिनिस्टर्स उसको नहीं समझते।

श्री उपसभापति : आप बैठिये। श्री पीतान्बर दास।

श्री पीतान्बर दास : श्रीमन्, मैं तो जो सवाल पूछना चाहता था, उसको राजनारायण जी ने पूछा। लेकिन इतना झगड़ने के बाद भी उसका जवाब वह प्राप्त नहीं कर सके, मैं अपने तरीके से उस प्रश्न को पूछना चाहता हूँ। आपने जो गुरुआत की वह पांच या सात शब्दों से की और वह सरवाइल हुआ, इनकाम्प्लिट हुआ, स्लोरेनली हुआ, इंड्रीग हुआ, आपने प्रारम्भ तो शब्दों से किया और उसके थोड़ी देर बाद आपने यह भी बताया था कि तीन चार लाइनें थीं, जिनके बारे में आब्जेक्शन था। तो ये जो शब्द हैं, ये चार, पांच लाइन में कवर हो जाता है, लेकिन यह फर्स्ट पैरा जो है इट कंसिस्ट्स आफ सिक्स-टीन लाइंस, तो मैं यह डेफिनिटली पूछना चाहता

हूँ कि ये जो तीन चार लाइने थीं जिनमें ये शब्द आये हैं इन्हीं पर आब्जेक्शन किया गया था या इन 16 की 16 लाइनों पर आब्जेक्शन किया गया था। I want to get a categorical reply.

श्री सत्यनारायण सिंह : इनसे जो कहा गया था, मैं तो वहाँ मौजूद नहीं था, वह यह था कि जहाँ तक ये शब्द आये हैं—तीन चार लाइन में आये हैं या कितने में आये हैं इसकी गिनती तो मैंने नहीं की है—इनको हटा दिया जाय तो रहने दिया जायगा।

SHRIMATI YASHODA REDDY: He is beating about the bush.

MR. DEPUTY CHAIRMAN: Mr. Thillai Villalan. Last question.

DR. BHAI MAHAVIR: What about me, Sir? I have been rising from the very beginning to have the chance to put questions.

MR. DEPUTY CHAIRMAN: It is forty-five minutes past 12 of the clock now and still . . .

DR. BHAI MAHAVIR: Sir, I got my name entered when the Chairman was in the Chair. I am not going to repeat any question.

MR. DEPUTY CHAIRMAN: Let it be a brief one also. Now Mr. Thillai Villalan.

SHRI THILLAI VILLALAN: Sir, after hearing the discussion I come to know that the problem involved in this question reduces itself only to this whether certain words are defamatory or not. I want to generalise the problem leaving apart the personalities involved in the question the Law Minister or the Prime Minister or the Leader of the Opposition. Now, a person is invited by the AIR to make a speech. Here he has given a written speech and in that speech certain words are considered as defamatory. My point is this, Sir. Who is the authority to give a final opinion or decision on whether a particular portion is defamatory? Then my next question is this. If the AIR authorities are the final authority according to the Code, is there any provision for appeal? According to the Code this is the first forum.

MR. DEPUTY CHAIRMAN: Will you please ask your question?

SHRI THILLAI VILLALAN: I have asked the question. If a particular person wants to say that it is not defamatory to make this speech, is there any provision for appeal because this is disallowed by the AIR authorities? If there is no provision in the Code for appeal, is it not against the spirit of the Constitution, which guarantees freedom of speech? So my question is this whether this Government is prepared to place the Code, which is violative of Article 18 of the Constitution, before Parliament for review?

SHRI SATYA NARAYAN SINHA: I have already said more than once that this Code was circulated to all the State Governments and they all agreed to it. They have agreed also to this that, in the event of a difference of opinion about the interpretation of the Code—whether it is applicable or not—then the matter must be left to the Minister for Information and Broadcasting and his decision will be final. This is the position today.

डा० भाई महावीर : श्रीमन्, मैं दो तीन मिनट बहुत संक्षेप में पूछना चाहता हूँ। सवाल संक्षिप्त ही है, अगर मैं रिपीट करूँगा तो आप मुझे रोक सकेंगे।

पहला सवाल यह है कि इस कोड में जितनी बाने कही गई हैं उसमें क्या कोई ऐसा कोड है या नहीं कि एक दृष्टिकोण के लोग ही सारे न बुलाये जायेंगे और दूसरा मत रखने वालों को भी बुलाया जायेगा। तो मैं जानना चाहूँगा कि बैंकों के राष्ट्रीयकरण के प्रश्न पर उसके विरोध में किसी को बुलाया गया। अगर बुलाया गया तो किसे।

दूसरे मैं यह जानना चाहता हूँ कि यह जो कोड है वह न्यूज ब्राडकास्ट को भी कवर करता है। अगर करता है तो इस कोड में क्या ऐसी कोई शर्त नहीं है कि न्यूज ब्राडकास्ट्स फैक्टुअली करेक्ट होना चाहिये, जैसे कि अगर प्रधान मंत्री या कोई सरकार का मंत्री कही जाय और वहाँ मौ लो ग आये और न्यूज ब्राडकास्ट में यह आये कि दस हजार लोगों की सभा हुई या उनके विरोध में पाँच मौ लो ग प्रदर्शन करें तो कहा जाय कि पाँच सात लोगों ने काले झन्डे

दिखाये, तो इसमें कोड इनप्रिज होता है या नहीं। यह दूसरा प्रश्न है।

तीसरा सवाल यह है कि आपने कहा कि स्टेट्स ने और आल इंडिया रेडियो ने यह मान लिया है कि मिनिस्टर आफ इफार्मेशन एंड ब्राडकास्टिंग को जज बनाया जायगा लेकिन मेरा पूछना यह है कि अगर कहीं विवाद होगा, जहां पर कि मिनिस्टर के इंटरप्रिटेशन को ही चैलेज किया जाय, जहां वह एक पार्टी है वहां वही कैसे जज बन सकेगा इस कोड के इंटरप्रिटेशन के बारे में। तो क्या सरकार कोड के इंटरप्रिटेशन के लिये कोई निष्पक्ष ऐसा निर्णायक रखने का इरादा रखती है जिस पर कि सब लोग फेथ कर सके।

एक सवाल यह है कि श्री मिश्र ने जब कोड मांगा तो उस वक्त उनको दिखाया गया या नहीं। यदि नहीं दिखाया गया तो क्यों। और आखिरी बात यह कि, श्रीमन्, इस कोड में लिखा है : *Aspersions against the integrity of President, Governors and judiciary* यह नहीं होंगे। इसमें एसपर्शन्स अगेन्स्ट दि इंटेगरिटी आफ मिनिस्टर्स नहीं है, पालिटिशियंस नहीं है यानी, किसी मिनिस्टर को अगर बेईमान कहा जाय, तो यह कोड इन्फ्रिज नहीं होता।

श्रीमती यशोदा रेड्डी : ठीक है।

डा० भाई महावीर : मैं यह पूछना चाहता हूं कि आप इसको लागू करते हुए मेरी बात को मानेंगे कि नहीं कि "एसपर्शन्स आन् इन्टीग्रिटी" का मतलब है किसी की ईमानदारी पर संदेह करना, आक्षेप करना। अगर किसी मंत्री के बारे में बेईमान कहा जाये, तो क्या वह ब्राडकास्ट अलाऊ होगा क्योंकि इसमें समझ में नहीं आता है।

श्री उपसभापति : ठीक है। आपका क्वेश्चन हो गया।

डा० भाई महावीर : आखिर में यहां लिखा है "एटेक आन् ए पोलिटिकल पार्टी बाई नेम"।

क्या मंत्री महोदय यह बतायेंगे कि किस पार्टी के ऊपर नाम लेकर आक्षेप नहीं किये गये। मैं जिस पार्टी से संबंध रखता हूं, हमारे विरुद्ध सब प्रकार का अप्रचार होता है और एक बार हम मंत्री के दरबार में यह आवाज लगा कर गये थे कि रेडियो को एक पार्टी का ही मुखपत्र नहीं बनाया जाये। क्या हमारे इस आरोप को दूर किया गया।

श्री सत्यनारायण सिंह : कई सवालों को माननीय सदस्य ने पूछा जिनका इस क्वेश्चन से खास ताल्लुक नहीं रहता। उसकी अहमियत अलग है। जहां तक उन्होंने कहा सब पार्टियां नहीं बुलाई गई, मैंने अभी बताया, उस दिन सभी पार्टियां . . .

डा० भाई महावीर : नहीं नहीं। मैं उस दिन की नहीं, बैंकों का राष्ट्रीयकरण जब हुआ, उसी दिन की बात कह रहा हूं।

श्री उपसभापति : मिनिस्टर साहब उसी के बारे में जवाब दे रहे हैं।

डा० भाई महावीर : वह कह रहे हैं जब वह रद्द हुआ। मैं कह रहा हूं जब सरकार ने पहली बार बैंकों के राष्ट्रीयकरण का अध्यादेश जारी किया था . . .

श्री सत्यनारायण सिंह : सभी के ब्राडकास्ट हुए थे, उसके पक्ष में, विरोध . . .

डा० भाई महावीर : नहीं हुए थे। सवाल यह है कि . . .

श्री सत्यनारायण सिंह : . . . उस दिन सभी लोगों को बुलाया। सब अपोजिशन के लोग आए। सिर्फ पी० एस० पी० के लोग नहीं बुलाये गये . . .

डा० भाई महावीर : मेरा सवाल कुछ और जवाब कुछ है। (*Interruptions*) उस दिन किसी को नहीं बुलाया गया, किसी और पार्टी के लोगों को नहीं बुलाया गया था। वह कह रहे हैं सुप्रीम कोर्ट के फंसले के बाद जिन लोगों को बुलाया गया, एक ही पार्टी को छोड़ कर बाकी

को बुलाया गया . . . (*Interruption*) आप बेशक रिकार्ड देख लीजिए ।

श्री उपसभापति : डा० महावीर, वे कहे रहे हैं कि except P.S.P. all the other parties were invited.

डा० भाई महावीर : श्रीमन् वह कह रहे हैं जो बैंकिंग के विरोध में थे वह बुलाये गये थे । जो बैंकिंग के विरोध में थे वे नहीं बुलाये गये थे ।

I am afraid I have not been able to explain; My point is whether the code lays down any guidelines about the people are to be selected and if so when the banks were nationalised whether any people who represented the view against it were called for giving any broadcast. That is my specific question. If he does not have the information now, I can have it later.

श्री सत्यनारायण सिंह : कोड में यह नहीं है कि किसको बुलाएं । कोड का काम है जिस दिन जो लोग बुलाये जाते हैं उनकी स्पीच को किस तरह से कम्पैक्ट किये जाये । इसीलिये मैंने कहा ऐसा अहमियत का मामला जब आयेगा, जैसे उस दिन लोग बुलाये गये हैं, सभी पार्टी के लोग बुलाये जायेंगे और बुलाये जाते हैं ।

SHRI S. D. MISRA: The Minister has forgotten the question. Let it be jotted down and then let it be replied.

DR. BHAI MAHAVIR: Sir, I raised four or five specific questions, but they have not been answered. I asked if news broadcasts are covered, if factual written statements can be broadcast, whether the code objects to that and I also asked whether a person who is a party can sit in judgment, if for instance the Information and Broadcasting Minister sits in judgement when a dispute involves him how is that judgment going to get proper respect and lastly . . .

MR. DEPUTY CHAIRMAN: You have made your points.

DR. BHAI MAHAVIR: But I am not getting any answer. The point is, he should touch upon them in his reply.

SHRI S. D. MISRA: These are matters which require just factual answers. One is whether Mr. S. N Mishra demanded the code and was not given; let him note down the question and then give the reply.

DR. BHAI MAHAVIR: If he cannot answer now, let him say that he will give the answer later.

(*Interruptions*)

MR. DEPUTY CHAIRMAN: Calling attention, Mr. Mohta.

WRITTEN ANSWERS TO QUESTIONS

FOODGRAINS TO U. P. AND BIHAR

*401. **SHRI SITARAM JAIPURIA:** Will the Minister of FOOD AND AGRICULTURE be pleased to state:

(a) whether it is a fact that prices of wheat have gone fairly high in Bihar and U.P. recently;

(b) if so, whether the Central Government has released large quantities of wheat to these States to lower down the prices;

(c) the total quantities released to each State and what was their demand; and

(d) to what extent prices have gone down in those States?

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHEB SHINDE): (a) Yes, Sir.

(b) Yes, Sir.

(c) A statement is placed on the Table of the House.

(d) The extent of fall in prices in important centres in U. P. is Rs. 0.74 to Rs. 3 per quintal. In the case of Bihar there has not been any appreciable fall in prices but the upward trend in prices has been averted.