

(a) whether it is a fact that Government have sent a circular to Public Sector Undertakings permitting or encouraging them to become members of Chambers of Commerce;

(b) whether Government have evolved any new policy in this regard; and

(c) if so, the reasons therefor?

**THE MINISTER OF REVENUE AND EXPENDITURE (SHRI VIDYA CHARAN SHUKLA):** (a) and (b) Public Enterprises have been advised that there is generally no bar to their becoming members of industrial and professional associations of the industries to which they belong, as is borne out from the fact that in the case of a number of enterprises, their memoranda of association contain a specific clause providing for this. The attention of Public Enterprises have also been drawn to a recommendation of the National Commission on Labour to the effect that Public Sector Undertakings should be encouraged to join their respective industrial associations.

Chief Executive of Public Enterprises have also been advised that there would be no objection to such Chief Executives being members of management committees of industrial or professional associations only.

(c) It is felt that within a particular industry, there is an identity of interest between public sector and private sector in finding answers to common problems facing the industry, and public sector being leaders in the industrial fields, it is essential that Public Enterprises are able to play a proper role in the councils of the industry to which they belong and through them in the wider forum available

12 NOON.

**STATEMENT BY MINISTER REGARDING UNSTARRED QUESTION NO. 351 ANSWERED ON THE 5TH MAY, 1970**

**DRINKING WATER FACILITIES IN URBAN AND RURAL AREAS**

**THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY):** Sir, it has since come to notice that the words "in the States" have been inadvertently omitted in part (b) of the Unstar-

red Question No. 351 asked by Shri J. P. Yadav on the 5th May, 1970. It is requested that the reply to part (b) of the question may kindly be amended to read as under, in place of the reply already given :—

"About 97,000 villages in the States with a population of about 5 crores have no water supply available within a depth of 50 feet or within a distance of one mile."

[MR. DEPUTY CHAIRMAN in the Chair]  
**CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE**

**FINDINGS OF PRESS COUNCIL ON THE COMPLAINT OF THE "TRIBUNE"**

**DR. BHAI MAHAVIR (Delhi):** Sir, I rise to call the attention of the Minister of Information and Broadcasting and Communications to the findings of the Press Council on the complaint of the Tribune.

**THE MINISTER OF INFORMATION AND BROADCASTING AND COMMUNICATIONS (SHRI SATYA NARAYAN SINHA):** Sir, as Members are aware, the Press Council has been constituted by the Government to safeguard the freedom of the press and maintaining and improving the standards of newspapers and news agencies in India. The Editor of the TRIBUNE, English daily, published from Chandigarh, lodged a complaint with the Press Council against the Haryana Government for withdrawing advertisements from the paper and taking steps which were alleged to have disrupted the distribution of sales network of the newspaper in Haryana State. The Editor also alleged that the above action had been taken because of the paper's two editorials critical of the Haryana Government.

The Haryana Government, who were consulted in the matter, stated that the stoppage of the advertisements to the Tribune was due to the fact that their advertisements tariff of Rs. 8.50 per column centimetre was higher than most of the English daily papers of Delhi. The Chief Minister also announced at a Press Conference on May 29, 1970, that if the paper was willing to lower its advertisement tariff, the Haryana Government would be willing to issue advertisements to it. The Haryana Govt. also stated that some private cars

[Shri Satya Narayan Sinha.]

which were carrying bundles of the paper 'The Tribune', Chandigarh, in contravention of the provisions of the Motor Vehicles Act were challenged and impounded in a routine check up on the road-side at Ambala on the night between 23/24 May, 1970 and 24/25 May, 1970 by Secretary, Regional Transport Authority, Ambala, and at Rohtak on the night between 24/25 May, 1970 by the Assistant Superintendent of Police, Rohtak.

The Press Council, after considering the statements of the Editor, Tribune, and the representatives of the Haryana Government and hearing the parties, came to the conclusion—

"that the action of the Government of Haryana in respect of the matters above-mentioned is calculated to threaten the freedom of the Press and that the withdrawal of advertisements and the attempts to stop the circulation of the paper were in retaliation of the editorial policy of the newspaper which was evidently not relished by the Government."

The Council considered that this was an attempt to influence the editorial policy of the paper and recorded its disapproval of this invasion of the liberty of the Press and of the freedom of the Editor, conducting his newspaper.

The Press Council in their report have raised several important points of law and fact and have also referred to the question of jurisdiction and equity of distributing advertisements. It would therefore, be necessary for the Government to examine these issues in detail in consultation with the Ministry of Law.

DR. BHAI MAHAVIR: The statement that the Minister has read could not be more than a worse narration of some events and facts and he could not be more lifeless also regarding the anxiety that prevails in this House and outside about what the Government intends to do in a very serious matter affecting the freedom of the press. Specifically I would like to know from the honourable Minister if the attitude adopted by the Haryana Government in this particular matter of complaint filed by the Tribune is not something which does not become a civilised Government which honours the freedom of the press.

Sir, as the Press Council has observed, first the State Government tried to gain time. When on the 18th July the Council met for hearing the complaint, Mr. Varma, the Public Relations Officer, asked for time and repeated that request near the close of the day. When the Press Council gave time up to the 30th July and asked the Haryana Government to file whatever papers it wanted in this connection by that date and decided that it would meet again on the 7th and 8th of August, the Haryana Government did not take any care to file any paper during this interval of more than ten days that was given to it. Not only that. When the Council met on the 7th August, Mr. Varma appeared and made only a brief statement objecting to the jurisdiction of the Press Council saying that he had instructions only to file an objection about the Council taking up this particular case, and after that when certain questions were put to him, he simply refused to answer any questions and said that his instructions were only confined to filing the objection papers. This matter has been commented upon by the Council in these words:—

"The Council is constrained to observe that it had naturally expected from a responsible authority like the State Government much more co-operation and assistance in fulfilling its statutory function of safeguarding the freedom of the press and must express its unhappiness and disappointment at the attitude which Mr. Varma has been instructed to adopt."

This, Sir, was the comment of the Press Council. I would like to know from the honourable Minister whether this type of attitude on the part of the State Government will continue later on also and what the Central Government proposes to do in this regard in the light of the observations of the Press Council.

On the question of jurisdiction, the plea taken by the Haryana Government that the Press Council had no jurisdiction on the matter of the complaint of the Tribune was presumably based on a most untenable ground. The plea was taken up by them on the basis of the reported view of the Attorney-General. Now, the Attorney-General is reported to have said that under article 13, the Council could not take up a complaint of this kind. Sir, I would like to know

if it is not a fact that the Press Council Act also has section 12(1)(a) and this section is more relevant and the complaint of the Tribune was based on this section and in this section the Council is asked to help protect the newspapers to preserve the freedom of the press and to checkmate whatever threatens that freedom. The Haryana Government has not only not co-operated in this but has practically refused to help. This question has been raised in this House a number of times during this session. Whenever it was raised, we were told by the Government that the question was being enquired into by the Press Council and that we would be able to say anything only when the Press Council submitted its report. Now when the findings of the Press Council are there, what the Government says is precious little, practically nothing. It does not say anything at all....

MR. DEPUTY CHAIRMAN: You are supplementing information instead of getting information from the honourable Minister.

DR. BHAI MAHAVIR: When they refuse to give any information, I have to put some information and then ask them how they react to that information. The problem is not that they have to give us information. When they refuse to share any information and they refuse to tell us what they propose doing, naturally we have to give information and ask for their reaction...

MR. DEPUTY CHAIRMAN: That you can do by asking supplementary questions.

DR. BHAI MAHAVIR: That is what I am trying to do.

MR. DEPUTY CHAIRMAN: But you have taken already seven minutes. There are many Members who want to ask questions on this.

DR. BHAI MAHAVIR: You will permit me to say that when on the last occasion it was raised here the Minister said that the right to advertisement was not a right of the newspapers as such. Very well. Now the Press Council has gone into the matter, and after going into the matter the Press Council has observed that the Governments' discretion I — quote—in the matter of advertisement is not absolute, but that it is

subject to the condition that the advertisements are not placed or withheld for the purpose of influencing the editorial policy of a particular newspaper or as a punishment for persisting in an editorial policy which does not meet with the approval of the Government. When it was said that there was something in this and a question was put to the Minister on the last occasion in this House as to whether he would accept the opinion of the Press Council while withholding advertisements to any particular newspapers—of course, we are not here to justify the grant of advertisements to newspapers which write obscene things or which indulge in scurrilous type of writing, but where a question of policy is involved... (*Time bell rings*) Mr. Deputy Chairman, I do not know how this bell helps me in permitting me to raise the points which are very relevant.

MR. DEPUTY CHAIRMAN: But you have already taken about seven or eight minutes.

DR. BHAI MAHAVIR: Sir, is this House not on record having permitted twenty minutes or twentyfive minutes to the person who opens the calling-attention motion? I would like your opinion on this.

MR. DEPUTY CHAIRMAN: You have taken eight minutes already.

DR. BHAI MAHAVIR: Do these few minutes appear to be too much in your view?

MR. DEPUTY CHAIRMAN: There are other Members also who are raising their hands that they want to put questions.

DR. BHAI MAHAVIR: Other Members will certainly raise their hands. But have you laid down any guidelines?

MR. DEPUTY CHAIRMAN: If you think it is important for you, other Members also will say that it is important for them.

DR. BHAI MAHAVIR: Yes, this is very important...

MR. DEPUTY CHAIRMAN: Please put your questions and finish as early as possible.

**DR. BHAI MAHAVIR :** Now the question is that the Government took the plea that the advertisement rates of the Tribune were high. This also has not stood the test of the Press Council. As you know, the whole attitude of the Haryana Government appears to be a bundle of lies because whatever they said at one place, they contradicted it at another place. On one side they said that the rates of the Tribune were high and then they said we are not interested in the extra-territorial coverage of the Tribune, it is none of our concern. They say it is because the Delhi newspapers cover Delhi and most of the contractors reside in Delhi and therefore, they are not advertising anything in the Delhi newspapers. (*Interruption*) Does it not reflect on the attitude they are adopting—the Haryana Government's attitude in discontinuing the purchase of the dak editions of the Tribune? There were instructions by the Chief Minister to the municipal bodies to discontinue subscribing to the Tribune. Later on there is a very irresponsible and wrong statement that from what appeared in the minutes of the municipality concerned, it was the result of a conspiracy between the municipality and the Tribune—that is, between the executive officer of the municipality and the Tribune—as if the executive officer of the municipality is not an officer of the Government and is beyond the control of the Chief Minister. These pleas were taken merely to flout the issue and when the Press Council told this to the representatives of the Haryana Government, they were not only unable to reply, but they refused to answer the questions.

They said: "We take only the Haryana coverage. . .

**MR. DEPUTY CHAIRMAN :** Please ask the question. Please allow other Members also to put questions.

**DR. BHAI MAHAVIR :** I will put my question. I want to know whether the hon. Minister agrees with me that the opinion given by the Attorney General in this respect and the stand taken by the State Government on this issue are wrong and the opinion of the Attorney General, even if it has been given by him, is not sacrosanct and he has ignored section 12(1) (a) of the Press Council Act. The council is a body set up by the Parliament. It is a quasi-judicial body. It is presided over by a High Court Judge or a

Supreme Court Judge. It has given certain findings. It can be said that these findings are not binding and therefore if the Chief Minister says that he is unable to accept the findings the Central Government will keep on looking helplessly. But is it not a fact that all commissions of inquiry are of the same status and though their findings are not binding, was not Shri Pratap Singh Kairon asked to resign within 24 hours on the basis of the report of the Das Commission? What is going to be. . .

**MR. DEPUTY CHAIRMAN :** Please conclude now. You have put so many questions.

**DR. BHAI MAHAVIR :** Have you decided on the quota of questions to be put?

**MR. DEPUTY CHAIRMAN :** Please sit down.

**DR. BHAI MAHAVIR :** If I put an irrelevant question, you can object to it and shut me out. Since the Press Council is a quasi-judicial body, does the Government think that the Haryana Government can brush aside the findings of that body and refuse to accept them? If they refuse to accept, what is the Central Government going to do in the matter? I would like. . .

**MR. DEPUTY CHAIRMAN :** Now please sit down. You have taken about fourteen minutes.

**DR. BHAI MAHAVIR :** I am finishing. I would like to know from the hon. Minister as to what the Central Government proposes to do and whether they propose to ask Shri Bansilal to resign on the basis of these findings or to make amends for what the Press Council has described as an invasion on the freedom of the press.

**SHRI SATYA NARAYAN SINHA :** Within these fifteen minutes, the hon. Member has narrated many things which have nothing to do with the direct question.

**DR. BHAI MAHAVIR :** This is the most fantastic statement.

**SHRI SATYA NARAYAN SINHA :** He has narrated the facts. Many a time when this question came up, my colleague. . .

SHRI M. S. GURUPADASWAMY (Mysore) : You cannot say that it was irrelevant. He was quoting the report.

SHRI SATYA NARAYAN SINHA : We have seen the report and we have said what we are going to do. If you have not heard it, it is not my fault.

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : Is this subject to be discussed like this? Is this a question hour?

डा० भाई महावीर : बैठिये बैठिये ।

श्री अवधेश्वर प्रसाद सिंह अभी अभी आयें हों। कुछ दिन हुए, कोई तरीका है, मिनिस्टर जवाब दे रहे हैं सुनते हैं : नहीं है ।

श्री जगदम्बी प्रसाद यादव (बिहार) : मिनिस्टर कभी जवाब नहीं देते जवाब दें तो सुन जाय ।

(Interruptions)

MR. DEPUTY CHAIRMAN : No interruption please.

SHRI SATYANARAYAN SINHA : I have not gone into the details of the Act. I know the real findings and I have read out what the Press Council has said. That is the real thing. Ultimately the Press Council has come to this decision which I have read out to you. But I also said what the Government is going to do. I have said that the Press Council, in their report, have raised several important points of law and facts and they have also referred to the question of jurisdiction and equity of distributing advertisements. They have said that they have no jurisdiction. It would, therefore, be necessary for the Government to examine these issues in detail in consultation with the Ministry of Law.

DR. BHAI MAHAVIR : This is what the Government has decided to do. Sir, I seek your protection. . .

(Interruptions)

MR. DEPUTY CHAIRMAN : Mr. Mulka Govinda Reddy.

SHRI M. M. DHARIA (Maharashtra) : Sir, on a point of order.

MR. DEPUTY CHAIRMAN : What is the point of order?

SHRI M. M. DHARIA : Sir, my point of order is this. According to the Press Council Act, the powers and the authority of the Press Council have been prescribed.

AN. HON. MEMBER : Have been . . . what?

SHRI M. M. DHARIA : . . . have been prescribed. Now, this matter is before the Press Council. They have submitted their report or recommendation to the Central Government. Now, Sir, again our Constitution has also prescribed the powers of the Central Government as also the State Governments. Under these circumstances, when the hon. Minister said that all these problems, all these matters, have to be examined, how could it be insisted upon the Government that the Government must do something? Sir, it is a matter which involves several constitutional and legal issues including the jurisdiction and fortunately, the Press Council has made a mention of it in their report. Under these circumstances, to say that the Government must do this thing or must do that thing is, I think, going much beyond the limits of the hon. Member and here we should try to realise the difficulties.

DR. BHAI MAHAVIR : Sir, Mr. Dharia's point of order . . .

MR. DEPUTY CHAIRMAN : Mr. Mulka Govinda Reddy.

DR. BHAI MAHAVIR : Sir, this is unfair. He has raised a point of order with regard to what I was saying. . .

MR. DEPUTY CHAIRMAN : Mr. Reddy. . .

(Interruptions)

DR. BHAI MAHAVIR : Now, Sir, this is not the report of a seminar. . .

(Interruptions)

MR. DEPUTY CHAIRMAN : I have understood his point of order and it is not for everybody to go on commenting on it.

DR. BHAI MAHAVIR : Sir, what do you mean by everybody? . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : I have called Mr. Reddy.

DR. BHAI MAHAVIR: No, no, Sir. It is a very important problem... (Interruptions) . . . You will permit me. . .

MR. DEPUTY CHAIRMAN: I have called Mr. Reddy.

DR. BHAI MAHAVIR: Sir, you will permit one sentence.

MR. DEPUTY CHAIRMAN: Not one sentence. I have called Mr. Reddy.

DR. BHAI MAHAVIR: I am asking for only one sentence. It is not the report of a seminar on the reform with regard to the Press Council Act. The question is that the Press Council had a complaint. The "Tribune" complained that its circulation was being obstructed, and its advertisements had been stopped and that instructions have been issued. . .

(Interruptions)

MR. DEPUTY CHAIRMAN: What do you want? . . .

(Interruption)

DR. BHAI MAHAVIR: Will the Government ask the Haryana Government to withdraw these wrong steps? That is the question.

(Interruptions)

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: Mr. Reddy, please.

SHRI MULKA GOVINDA REDDY (Mysore): Sir, this is not a simple question. . .

(Interruptions)

MR. DEPUTY CHAIRMAN: Order, order, please.

SHRI MULKA GOVINDA REDDY: Sir, this is not a simple question concerning the "Tribune" and the Government of Haryana. There is a very fundamental question involved in this. Under the Constitution, Article 19(1)(a), we have guaranteed freedom of speech and expression, and in the Press Council Act, Clause 12(1) says, "The object of the Council shall be to preserve the freedom of the Press", and 12(2)(a) says, ". . . to help newspapers to maintain their independence." So, it is quite clear. Sir, When we have accepted the parliamentary system of Government, the freedom of speech and freedom of expression which are guaranteed under

the Constitution should be preserved and specifically for this purpose, the Press Council was constituted by an Act of Parliament, to guarantee freedom of expression and freedom of the Press and also to maintain its independence. What has happened in this case, Sir, is that the freedom of the Editor to criticise the actions of the Government has been taken. On March 4 and April 11, the editorials of the "Tribune" appeared to have stated that the Chief Minister of Haryana nominated some members of the Legislature, who had levelled charges of corruption and nepotism against the Chief Minister to the President, and those very persons were nominated to the Council of Ministers. This was attacked by the "Tribune" in its editorials of March 4 and April 11.

MR. DEPUTY CHAIRMAN: Will you please put the question?

SHRI MULKA GOVINDA REDDY: And for this, the Government took the retaliatory steps of withdrawing the advertisements and of curtailing the circulation and even it went to the extent of advising the municipalities not to subscribe to this paper and even the police was requisitioned to see that this paper was not circulated in Haryana. This is a very fundamental and important question. If the Chief Minister of Haryana is to behave like a subedar and if he wants to assert his independence, we will have to take a very serious note of it. The very faith of the people in parliamentary democracy will be undermined and people will have to resort to other things. So in view of the threat to the freedom of expression, I Pratap Singh Kairon, Mr. Biju Patnaik whether he would take serious action against the curtailment of freedom of expression resorted to by the Haryana Government's Chief Minister.

Secondly, I would like to point out that when the Commissions of Enquiry were appointed, the Chief Ministers who were found guilty were asked to resign as happened in the case of Shri Pratap Singh Gairon, Mr. Biju Patnaik and Mr. Mitra. Then, when some adverse remarks were passed against the Government of Andhra Pradesh with regard to some matter by the Supreme Court, I must say that the then Chief Minister of Andhra Pradesh, Mr. Sanjiva Reddy, without any prompting from the Congress Working Committee

or the Prime Minister at that time resigned his Chief Ministership. I would like to know whether the Chief Minister of Haryana would be asked by the Indira Gandhi Government to resign to set up good principles and standards, because he is their party-man. So, it is a moral obligation on the part of the Central Government to advise their own Chief Minister to resign.

Now, Sir, I would like to quote here one thing.

MR. DEPUTY CHAIRMAN : Do not quote. Please ask a question.

SHRI MULKA GOVINDA REDDY : Only one thing I would like to quote, Sir. It says :

"In its decision on the Tribunal's complaint against the Government of Haryana, the Council recorded its disapproval of this invasion of the liberty of the press and of the freedom of the Editor in conducting his newspaper."

Then it goes on like this :

"On the basis of these findings, Council came to the conclusion that the action of the Government of Haryana in respect of the matters above mentioned was calculated to threaten the freedom of the press."

MR. DEPUTY CHAIRMAN : It is already there in the Report. Why do you want to quote? The Report is under consideration.

SHRI MULKA GOVINDA REDDY : Yes, it is already there but there is an apprehension that the Government of India wants to be a silent spectator without taking any action on this. Sir, it is a statutory body. So if the findings of the Press Council are treated with contempt as has been done by the Chief Minister of Haryana, what is the use of having this Press Council? It is an affront to our parliamentary democracy. Therefore I request that the Government should make a statement that they would like action forthwith on the findings of the Press Council by appointing a Commission of Enquiry. Otherwise, Sir, it will be an insult to this Parliament. I would like to know what action the Minister wants to take in this matter.

SHRI SATYA NARAYAN SINHA : Sir, I have never said that the Government is going to be a silent spectator. Where have I said it? There is one thing which I would like the hon. Members and also this House to bear in mind and that is this : The Haryana Government and all the other State Governments are very sensitive these days about their rights and jurisdiction. It is not as simple a matter as the hon. Member thinks. We have got the Report only now and we cannot take action here and now. It is a matter which needs full consideration and we shall go through the whole thing and whatever is possible under the law, we shall certainly do it.

Sometimes we may like to do something but we have not the jurisdiction. What can we do? Therefore I have submitted to the House that all these things are not so simple. Yesterday we got this report and the judgment and to-day you ask me here and now what steps we are going to take. You give us time. We must read the whole thing and discuss it. It is not a question of one State only. It concerns all the States and the Members are fully aware as to how the States are reacting with regard to their jurisdiction and rights.

SHRI P. C. MITRA (Bihar) : I would like to know from the Minister whether the Press Council Act was enacted not only to regulate the writings of the editors but also to protect the editors from the high-handedness of the Government and, if so, after this judgment whether the Government will at least send a copy of this recommendation of the Press Commission to all the State Governments drawing their attention to the adverse remarks against the action of the Chief Minister of Haryana? He spoke about the State Governments wanting freedom but the freedom of the press is nothing to him. The Minister is particularly interested in stressing on the freedom of the State Governments only. The freedom of the press which is embodied in the Constitution, for which the Press Council Act was enacted, does not get much importance from the Minister. This is a forthright judgment and on every point the State Government's defence was met but the Minister only comes and says

[Shri P. C. Mitra.]

that it will be considered by the law Ministry and what can be done. May I know whether the Minister will at least send a copy of this judgment to every Chief Minister and ask him not to do anything as Mr. Bansi Lal has done so that such adverse remarks do not come from the Press Council?

SHRI SATYA NARAIN SINHA : I do not think any useful purpose will be served now by circulating this. Let us ourselves come to some decision about it and then we can do it.

SHRI P. C. MITRA : You request them to follow it.

SHRI SATYA NARAIN SINHA : It will not serve any useful purpose now.

SHRI M. M. DHARIA : This issue involves the prestige of the Press Council, the preservation of the freedom of the press and also the powers of the Central and State Governments and having regard to the various difficulties, a new code shall have to be evolved whereby we can preserve and maintain the prestige of the Press Council and also the freedom of the Press. There are so many complicated problems which are concerned in this matter. In that light I feel that the Minister should sit with the Chief Minister or other officers concerned and instead of allowing anybody to create some technical reason, should try to find out how we can come out of that difficulty and try to preserve the dignity and honour of the Press Council and also the freedom of the press. That is the main problem and will the Minister assure the House that he will bear in mind these various issues and try to maintain the dignity of the Press Council and also the freedom of the press and in that way he will create a good code of conduct in the country?

SHRI SATYA NARAIN SINHA : Sir, I am very grateful to the hon. Member for making certain suggestions, with which I really agree. One thing I have made clear times without number, inside the House and outside, that the freedom of the press is an article of faith with us. It is enshrined in the Constitution, and we shall do all that lies in our power to see that the freedom of the press is safeguarded. The only question is how to do it, and under the present circumstances, as he has put them, we have to examine our jurisdiction and, if necessary ...

SHRI BHUPESH GUPTA (West Bengal) : It seems there is a fall in your faith.

SHRI SATYA NARAIN SINHA : Our faith is as robust as your faith if not more. (*Interruptions*) Therefore, Sir, I have said what I had to say and I do not think I can dilate on it more. As he has rightly pointed out, it is a simple thing. It concerns the State Governments' right and their jurisdiction, and the right and jurisdiction of the Press Council also. I have pointed out, while the hon. Member read out Section 12, that it is not such a simple matter as that. Section 13, if you permit me, I will read out. Section 13, clearly lays down against whom the Press Council can hold an inquiry. The Section reads :

"Where on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper or a news agency 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 the journalist concerned an opportunity of being heard," . . .

SHRI LOKANATH MISRA (Orissa) : Sir, he is reading out a wrong Section.

SHRI SATYA NARAIN SINHA : I am reading the right Section.

SHRI LOKANATH MISRA : Members of the Opposition have been suggesting to you all the time that it is probably Section 12. . .

SHRI SATYA NARAIN SINHA : I am reading out the powers of the Press Council.

SHRI LOKANATH MISRA : That is as regards the erring newspapers, newspapers which err. (*Interruptions by Shri Heel Bhadra Yajee*) आपने तो जो वह कहते हैं उसे समझते हैं और न जो हम कहते हैं उसे समझते हैं आप फिर बीच में क्यों चिल्लाते हैं ?



MR. DEPUTY CHAIRMAN: Mr. Yajee, order please.

SHRI LOKANATH MISRA: Let me have my say. Let me make the point clear for the hon. Minister. Section 13 lays down the procedures for erring newspapers a newspaper which goes down in standards, which resorts to yellow journalism and all that. Now this 'Tribune' by any stretch of the hon. Minister's imagination cannot be brought under that even though reference was made to it. (*Interruptions*) The reference was made under Section 12(1)(a).

SHRI SATYA NARAIN SINHA: I was driving at something, and before listening to me the hon. Member says something. All that I have said is that this Press Council has been given the right to make inquiries against the erring newspapers but nothing has been said about an erring Government. That is our difficulty. We have to examine that point. In the powers of the Press Council itself—I was pointing out—if there are some lacunae, we can come to the House and we can set them right.

SHRI BHUPESH GUPTA: Why don't you edit a paper?

MR. DEPUTY CHAIRMAN: Order, order.

SHRI SATYA NARAIN SINHA: Sir, I am just presenting to the House as the situation and the Act stand today.

SHRI LOKANATH MISRA: Sir, I am very thankful to you, you have given me the chance just after the hon. Minister finished speaking. The hon. Minister, who piloted the Press Council Bill in this House, categorically made a statement, and the same hon. Minister, who was the then Information and Broadcasting Minister, happens to lead the entire Council of Ministers now, who is the Prime Minister now. And it was her assurance. What did she say? During discussion by the Joint Select Committee on the Original Bill it was suggested that specific provision should be made empowering the Council to censure a Government, if the occasion arises, as it has been empowered to censure a newspaper. But the then Information and Broadcasting Minister remarked it was not necessary—though the Select Committee wanted such an assurance—because

(1) the Council was being set up by the Government of India under an Act of Parliament; (2) it will be presided over by a Supreme Court or a High Court Judge, and (3) it will be the Supreme Court, so to say, in journalistic affairs and therefore no civilised Government could ignore its recommendations. This is what the present Prime Minister, in her capacity as Information and Broadcasting Minister had said. Therefore, both the Houses agreed. (*Interruptions*) चिल्लाते क्यों हैं? आप सुनिये What is this? This cannot go on. That Member should behave or quit. He cannot go on like this.

SHRI GODEY MURAHARI (Uttar Pradesh): The question is whether the Haryana Government is civilised or not. That is why they are agitated.

SHRI BHUPESH GUPTA: My friend, Mr. Misra, is using Hindi occasionally. I think it is good and we are having the promotion of Hindi here.

SHRI LOKANATH MISRA: Only because of this assurance, categorical assurance, given by the Minister the House did not insist that there should be a section regarding an erring Government. Now, for the hon. Minister, her successor, to take the plea in this very House that the Houses have not provided them with a section for dealing with an erring Government does not carry us anywhere.

MR. DEPUTY CHAIRMAN: What is your question?

SHRI LOKANATH MISRA: This is a reply to the hon. Minister who wanted to escape under some shelter or another. He cannot, because it is already there and if you will look into the records you will find that it is very specific.

SHRI MAHAVIR TYAGI (Uttar Pradesh): The Minister has said 'civilized Government'.

SHRI LOKANATH MISRA: I would like to know, in view of the point of order raised by Mr. Dharia... he has left. He has done his job...

AN HON. MEMBER: He is here.

SHRI LOKANATH MISRA: He is not in his seat. I am not to search the entire House to look for him.

MR. DEPUTY CHAIRMAN: All right, please continue.

SHRI M. M. DHARIA: Mr. Deputy Chairman, I admire his impatience and I also appreciate his blindness in the House.

SHRI LOKANATH MISRA: I would like to be blind so far as the Congress (R) Members are concerned. I do not want to look at them. Now, Sir, the point is this. Mr. Dharia got up to say on a point of order. . .

MR. DEPUTY CHAIRMAN: Please put your question.

SHRI LOKANATH MISRA: . . . as if he was anxious to preserve the rights of the Chief Minister of every State. As far as the rights of the Chief Ministers of States are concerned, I am one with him, but so far as article 19 of the Constitution is concerned, that has also to be looked into and that has to be. . .

SHRI M. M. DHARIA: Mr. Deputy Chairman, the hon. Member is doing great injustice to me. I said, in order to maintain the prestige, dignity and the freedom of the press and also of the Press Council, because I was a Member of the very Committee on the basis of which this new legislation has come up. I did not refer to that question. You cannot cast such remarks and you should be very cautious about it.

MR. DEPUTY CHAIRMAN: Please put the question.

SHRI LOKANATH MISRA: I am putting the question. This thing must be made clear. During his point of order only he referred to the rights of the Chief Ministers and subsequently when he asked his question he brought in the freedom of the press. I am happy he did it, but in the initial stage his reaction was for the preservation of the rights of the Chief Minister.

MR. DEPUTY CHAIRMAN: No dialogue between you too please. .

SHRI M. M. DHARIA: Please excuse me. If there is any word like 'Chief Minister', I shall apologise to the House tomorrow, otherwise Mr. Misra should apologise.

SHRI LOKANATH MISRA: If he has said 'the State Government' it means the Chief Minister.

SHRI M. M. DHARIA: Why do you shift your ground?

SHRI LOKANATH MISRA: All right, it is a minor point.

MR. DEPUTY CHAIRMAN: Please put your question.

SHRI LOKANATH MISRA: Now, I would like to know in view of this barbaric aggression against the press by some of the authorities—it may be this Chief Minister or any other Chief Minister—against the freedom of the press, what guarantee can the Government of India and particularly the Information and Broadcasting Minister give to the newspapers in the country? If that is not being given, it would amount to almost a negation of democracy in this country, a negation of all institutions which we call democratic institutions. If the freedom of the press is intimidated either directly or indirectly by a Chief Minister or by some State Government, it would ultimately mean the negation of democracy. What positive action is going to be taken by the hon. Minister? He says that he has referred the matter to the Law Ministry. It is something laughable.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY): He did not say that.

SHRI LOKANATH MISRA: He is consulting the Law Ministry. If there is a lot of difference according to Dr. Murthy between consulting and referring. . .

SHRI MULKA GOVINDA REDDY: He is not yet a doctor. He deals with doctors.

SHRI LOKANATH MISRA: I would very specifically like to know in this particular case, in view of this condemnation of the State Government and of the Chief Minister of Haryana, what positive action he is going to take.

SHRI SATYA NARAIN SINHA: I do not know how many times I will have to answer this question. The hon. Member poses certain questions and answers them also himself that this will not be done therefore democracy is in danger. I do not know where danger to democracy comes in.

**SHRI LOKANATH MISRA :** What about the assurance given by your predecessor? Any civilised Government cannot behave in this way.

**SHRI SATYA NARAIN SINHA :** The hon. Member, I think has sufficient experience of the House. The Act has been passed. You have raised this question. I remember this matter came before the Select Committee. It was discussed and the Government said this power should not be given to the Press Council. The matter came to the House. The House also agreed that the Press Council should not hold any enquiry against any Government. The matter is there. Therefore, I was reading the Act, whatever was there. The House has every right to say that it is not sufficient and we can bring another legislation amending the Act giving that power. All these things are there.

**SHRI MULKA GOVINDA REDDY :** Sir, on a point of order. The Press Council Act, section 12(2)(a) says "to help newspapers to maintain their independence". It is implied though it might not have been stated so in the Act. It is implied that action should be taken against an erring Government or Chief Minister.

**SHRI SATYA NARAIN SINHA :** To raise the standard of newspapers...

**MR. DEPUTY CHAIRMAN :** It is a question of interpretation.

**SHRI SATYA NARAIN SINHA :** There is nothing to raise the standard of the Government also. I said that this matter came before the House specifically that this power should be given to the Press Council to act against an erring Government. The House did not accept it. The demand was there. I am just telling you what was decided then and what obtains today. I do not say I agree with what is there in the Act. That is a different thing. I am just placing before the House the situation as it obtains today.

**SHRI A. D. MANI (Madhya Pradesh) :** I want to ask the Minister a concrete question. I do not want to make a speech as others have done. The Press Council has postulated this theory that it will be a gross impropriety on the part of private individuals or of the Government to use the giving or withholding of advertisements as a lever to influence the editorial policy of a paper, either in the publication of

the facts or in the free and fearless expression of views on public questions. You may examine the decision of the Press Council in detail. I want to ask you whether you endorse this wording of the Press Council because in the past Government has gone on record in this House as saying that it will never utilise advertisements as a lever to influence the editorial policy. I want to ask you whether you still stand by that commitment.

My second question is this. The other day my hon. friend, Mr. Gujral, mentioned 39 cases of papers which are indulging in alleged communal writing. I say 'alleged' because some of the cases are in courts of law. When we were in the Press Commission, we considered this matter also and many of us expressed the view that you cannot punish a man in two ways: you cannot withhold advertisements and you cannot prosecute him in a court of law. I would like to ask the Minister whether in those 39 cases, in which the Organiser is included, he would give advertisements to those newspapers till the cases are decided in the court of law... and a positive verdict obtained against the newspapers because what the Government of India is trying to do is exactly what the Haryana Government is trying to do in different ways, using the advertisement as a lever for controlling the editorial policy or influencing the newspaper in the matter of publication of news and views and comments. I do not want him to answer one thing and leave out the other. Are you going to be bound down by this verdict of the Press Council? This is a straight question that I am putting.

**SHRI SATYA NARAIN SINHA :** I have told you that this Press Council has also suggested that in such cases where certain papers indulge in communal writings we can withhold the advertisements.

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

**SHRI A. D. MANI :** Are you bound down? That you should answer. On a point of order, Sir.

**MR. DEPUTY CHAIRMAN :** Why don't you listen to the reply?

SHRI A. D. MANI: I will never waste the time of the House. Mr. Bhupesh Gupta will bear me out.

SHRI BHUPESH GUPTA: Why should I expose his weakness?

SHRI A. D. MANI: Do you endorse the Press Council's decision that it is wrong and improper to use advertisements for influencing the editorial policy? This is a straight question that I am putting to you. If you say, 'Yes', I will be very happy.

SHRI I. K. GUJRAL: Sir, he is mixing up two things. He was a member of the Press Commission. But then he talks of everything and his memory does not help him. In paragraph 860 of the Press Commission's Report itself, the Press Commission has laid down about this. I am quoting. There are judgments against quoted by the Press Commission. In paragraph 860 of the Report, they say—

"We agree that advertisements cannot be claimed by newspapers as a matter of right. We also agree that Government would be justified in withholding advertisements from papers which habitually indulge in in journalism which is obscene, scurrilous—which includes elements of coarseness, abusiveness and vulgarity—gives incitement to violence or endangers the security of the State."

*(Interruptions by Shri Mani)*

Sir, he has had his say. Let me have my say.

Therefore, when my hon. friend refers to these 19 papers the names of which I had disclosed the other day, he forgets that we are following in a complete sense the recommendation of the Press Commission itself, of which the hon. Member was a member. Therefore, we are in a way following his advice.

so far as the other things are concerned, the Government stands by the freedom of the press; Government stands by that advertisement is not an instrument of policy; Government stands committed that advertisements...

SHRI A. D. MANI: You endorse it?

SHRI I. K. GUJRAL: I say that it is a matter of commitment by us.

MR. DEPUTY CHAIRMAN: Mr. Mani, you have got your reply.

SHRI GODEY MURAHARI: I would like to know from the hon. Minister whether, having considered the question of Centre-State relationship and the plea that the Minister has been taking that there are certain questions of jurisdiction involved in the whole matter, the Government would bring in legislation to plug the loopholes that exist in the present Act and also whether the Government would not think it right to advise the Haryana Government. Whether it is legal or otherwise, I am not going into that question. It is for you and the law Ministry to decide. But I would like to know from the Government whether the Centre does not think it fit to advise the Haryana Government to abide by the recommendation of the Press Council, because it is the Haryana Government today that is indulging in such vandalism on the press. Tomorrow it may be UP, the day after tomorrow it may be West Bengal or Kerala or some other State, and may be some time, it will be the Centre. Therefore, Sir, it will be in the fitness of things if the Central Government were to interfere in this matter and advise the Haryana Government to abide by the recommendations of the Press Council and not to withhold advertisements and not to stop the circulation of the newspaper, the Tribune.

Also I would like the Minister to clarify whether he would bring in legislation to plug the loopholes which do not empower the Centre to interfere in such matters, matters which are vitally concerned with the Constitution. After all, the Central Government is there to protect the Constitution and the freedom and the rights that are given under the Constitution. If the Central Government is unable to do it, I do not see any reason what they are here for. The States can rule themselves.

SHRI SATYA NARAYAN SINHA: I myself have suggested that the Government, in view of the Press Council's decision, is going to consider the whole thing. If the Government thinks that something more has to be done or has to amend this Act, we will see. But I cannot here and now say with regard to any advice to the Haryana Chief Minister. Also with regard to the advice of the Haryana Chief Minister

we do not know what we are going to do. As I said, the entire thing is not so easy. I will consider it. It is a serious matter, and we shall do all that is possible under the circumstances.

MR. DEPUTY CHAIRMAN : Mr. S. N. Mishra.

(Some hon. Members from Haryana stood up in their seats.)

MR. DEPUTY CHAIRMAN : We will see afterwards. Mr. Mishra.

THE LEADER OF THE OPPOSITION (SHRI S. N. MISHRA) : Sir, first I want to congratulate the Press Council for having stood so remarkably well by the freedom of the press. In fact, it seems that it is fulfilling the hopes and expectations that were entertained when this body was established. But, Sir, we are squeezed between two lords, the 'press lords' and the 'suppress lords'. The 'press lords', it is well known, have been playing havoc on us. Then there are 'suppress lords' like the Chief Minister of Haryana. He seems to have the least regard for the basic and liberal freedom which one cherishes so much and also disregard for the public rights. If it is being suppressed at the State level, Mr. Chairman, it is because the Centre itself has been setting a tone which cannot be said to be a very ideal one. And we cannot forget the fact that the hon'ble Prime Minister, while speaking to some 14 journalists in Bombay, said, "Don't you know. I can fix your proprietors"?

SHRI MAHAVIR TYAGI : No, No.

SHRI MAHATOSH PURAKAYASTHA (Assam) : No, no.

SHRI GODEY MURAHARI : But, Mr. Mishra, the proprietors are fixing her.

SHRI S. N. MISHRA : If they are fixing her, it is all right. She is calling their tune. The Chief Minister of Haryana has based his reaction, which he has given, on the findings of the Press Council, on the legal opinion of the Attorney-General. Now, the basic point that I want to raise is whether any opinion can be given by the Attorney-General to the Chief Minister of a Government.

According to article 76, the Attorney-General can give opinion only on a subject which has been referred to him by the President of India. He cannot give any opinion. That might be the opinion of one eminent lawyer Shri Niren De. But that cannot be the opinion of the Attorney-General of India. Therefore, it is highly improper to say that the opinion of the Chief Minister is based on the opinion of the Attorney-General. And if the Attorney-General has given any opinion to the Chief Minister, I must make it clear that the House will have to pull up such an Attorney-General and the Government must take action. An opinion can be given to a State Government only on a reference by the Governor who represents the entire executive. It cannot be given on a reference by a Minister or a Chief Minister. That is another thing. Therefore, this is one aspect in which I would like the hon'ble Minister of Information and Broadcasting to go and find out whether the Attorney-General has given his opinion in his capacity as the Attorney-General or he has given it as an eminent lawyer of this country.

The last point is that the question has been asked: What does the Government propose to do in this matter? The answer of the Government has been that they propose to read the entire thing. They propose to read the entire thing, that seems to be the first action that the Government wants to take. The second stage would be that they would propose to learn to act in this matter. I do not know. But I must say that in such matters the moral atmosphere generated by the findings of the Press Council should be most important. Although that 2 P.M. might be intangible, it is a thing which will have to be reckoned with by all democrats, and the Government must be responsive to the findings of a body like the Press Council. If the State Government does not fall in line with the recommendations of the Press Council, there must be at least a moral duty cast on the House. Would the Minister be prepared to come before the House with a resolution condemning the action of the State Government? That would reinforce the recommendations of the Press Council. If the Government does not propose to do that, we would think that the Government of

[Shri S. N. Mishra.]

India has let down the Press Council which we have established with so much hopes and expectations.

**SHRI SATYA NARAYAN SINHA:** Sir, as regards the hon. Member's first remark, the allegation about the Prime Minister from somewhere in Bombay, it was contradicted by her and all the journalists who were present there also said. . .

**SHRI S. N. MISHRA:** Where did the contradiction appear?

**SHRI SATYA NARAYAN SINHA:** The contradiction appeared in the press. With regard to the Attorney-General, I had not brought in the Attorney-General in whatever I had said. But it is a fact that the Attorney-General's opinion was taken by the Haryana Government and the Attorney-General has said. . .

**SHRI S. N. MISHRA:** How could it be?

**SHRI SATYA NARAYAN SINHA:** He has clearly said that he had given that opinion in his private capacity.

**SHRI S. N. MISHRA:** Why has the Chief Minister quoted him as the Attorney-General of India?

**SHRI SATYA NARAYAN SINHA:** He has given his opinion as Mr. Niren De, not as the Attorney-General.

**SHRI GODEY MURAHARI:** On a point of order. The Attorney-General cannot have two capacities. Either he is Attorney-General or he is an individual, Mr. Niren De.

**MR. DEPUTY CHAIRMAN:** I think the Attorney-General can accept private briefs also; I am not sure.

**SHRI K. CHANDRASEKHARAN** (Kerala): The Attorney-General can take private briefs.

**MR. DEPUTY CHAIRMAN:** That is what I think.

**SHRI K. CHANDRASEKHARAN:** He is always referred to as the Attorney-General even when he gives an opinion in his private capacity.

**SHRI S. N. MISHRA:** On a point of order. The point is that the Chief Minister of Haryana has used his designation as the Attorney-General in order to overawe the legislature and the Parliament of India and also the Press Council. So it is most objectionable. Now that the hon. Minister for Information and Broadcasting says that he was giving the opinion in his private capacity, would he not pull him up for using his designation?

**SHRI CHANDRA SHEKHAR** (Uttar Pradesh): On a point of order. Sir, when the hon. Members of the House were defending the freedom of the press, I was listening to them very patiently. But in his enthusiasm, as usual, Mr. S. N. Mishra tries to pull up the Attorney-General. It only indicates his political illiteracy about which I have nothing to say. The Attorney-General is always. . .

**SHRI S. N. MISHRA:** I have not been brought up in the atmosphere in which he has been brought up. So I cannot pay him in kind. He has always been using such words. I wish him well for using such words; I know what his cultural level is.

**SHRI CHANDRA SHEKHAR:** I know the culture of such people who are always susceptible to pressures from outside and everywhere, from any corner. At least I am not brought up in that culture.

**MR. DEPUTY CHAIRMAN:** Please come to your point.

**SHRI CHANDRA SHEKHAR:** I was only saying that the Attorney-General has got every right to give his opinion to anybody where it does not contradict his functions as Attorney-General. And the Attorney-General is always referred to as the Attorney-General.

**SHRI S. N. MISHRA:** No.

**SHRI CHANDRA SHEKHAR:** Mr. Bansilal, the Chief Minister of Haryana, has not committed a crime by referring to Mr. Niren De as the Attorney-General of India. Mr. S. N. Mishra, by your order or your ruling, happens to be the Leader of the Opposition in the House; now even when he speaks something outside, he is described in the press as "Shri S. N. Mishra, the Leader of the Opposition in the Rajya Sabha."

We never took offence to it though it had nothing to do with his parliamentary functions or anything with parliamentary decorum. So I request you not to bring in the name of the Attorney-General or of any person without understanding his functions, his duties, his responsibilities, and his powers. Any such reference should be discouraged in this House, especially such a reference coming from a person like Mr. S. N. Mishra.

**SHRI S. N. MISHRA :** He does not know the A.B.C.D of the Constitution.

**SHRI GODEY MURAHARI :** Mr. Deputy Chairman, my point of order was precisely that. My point was very specific. As Mr. Chandra Shekhar has put it, once he is appointed the Attorney-General, he is Attorney-General, he is no more Mr. Niren De. That is why I wish to draw your attention to what the Minister said that the Attorney-General did it in his private capacity.

**MR. DEPUTY CHAIRMAN :** He can accept private briefs. There is no objection to it.

**SHRI GODEY MURAHARI :** He can accept a private case; but he cannot give his opinion on a political issue like this where Attorney-General's opinion will be taken by the State.

**MR. DEPUTY CHAIRMAN :** He has given his opinion on the legal issues, not on political issues.

**SHRI GODEY MURAHARI :** It is not a legal issue. It concerns the functions of the Government.

**SHRI MULKA GOVINDA REDDY :** He has committed an act of impropriety in giving his opinion.

**SHRI GODEY MURAHARI :** That opinion cannot be taken as an opinion of Mr. Niren De given in his private capacity. If you say it is the opinion of Mr. Niren De in his private capacity, this House has nothing to do with that. If it is an opinion of X,Y,Z, we have nothing to do with that opinion. Why should that opinion be brought in to this House? If Mr. Niren De's opinion has been brought into the House as an opinion of a private lawyer we have nothing to do with his opinion.

**MR. DEPUTY CHAIRMAN :** As Attorney-General he may have one opinion and as Mr. Niren De can he may have different opinion?

**SHRI GODEY MURAHARI :** That is why I have been raising this point of order.

**SHRI LOKANATH MISRA :** Mr. Deputy Chairman the point is this. If the Attorney-General gives an opinion against the freedom of the press, that means, he is a person who should not continue as Attorney-General. He does not deserve to be the Attorney-General of India.

**MR. DEPUTY CHAIRMAN :** He has given his opinion on legal issues, not on political issues.

**SHRI S. N. MISHRA :** The point is whether the Constitution has been flouted. The Constitution says that the Attorney-General can give opinion on a reference by the President of India. That is the point.

**MR. DEPUTY CHAIRMAN :** Mr. Niren De has given the opinion.

**SHRI LOKANATH MISRA :** He should not continue as the Attorney-General of India. . .

(Interruptions)

श्री शीलभद्र याजी (बिहार) बैठें । क्या बोलता है

**SHRI LOKANATH MISRA :** Sir, there seems to be an illiterate Member in this House who says, "क्या बोलता है" on the other side. You must take notice of these things. There is an illiterate Member on the other side who says when I am speaking, "क्या बोलता है" Would you put up with this? For a Member from the ruling Congress to say, "क्या बोलता है" when I was speaking. . .

**SHRI S. N. MISHRA :** What else are they doing?

श्री उपसभापति : उनका मतलब होगा आप क्या कह रहे हैं ।

श्री लोकनाथ मिश्र : क्या कह रहे हैं, यह बोला नहीं यह मेम्बर हाउस में इसी तरह बोल रहे हैं ।

[श्री लोकनाथ मिश्र]

He has said, "क्या बोलना है" Would you put up with it?

MR. DEPUTY CHAIRMAN : He said, "क्या बोलते हैं" I do not know what else he has said.

SHRI LOKANATH MISRA : If he is completely illiterate, I would excuse him as I would excuse anybody.

MR. DEPUTY CHAIRMAN : Mr. Misra, in this House honourable Members should address other Members with due respect all the time. Now Mr. Puri.

SHRI DEV DATT PURI (Haryana) : I shall briefly deal with sub-article (2) of article 76 of the Constitution of India. Sub-article (2) deals with the functions of the Attorney General of India. I hope that the Leader of the Opposition will pay attention to what I say. While sub-article (2) casts certain duties upon the Attorney General, it certainly does not say that the Attorney General as Attorney General is precluded from doing anything else. I have seen Attorneys General one after the other appearing in private cases where the Government of India was not a party.

AN HON. MEMBER : He takes fees for that.

SHRI DEV DATT PURI : He is allowed to do so.

There are two aspects to this matter that we are discussing today. One is the legal aspect and the other, which is even more important, is the moral aspect. Is it being suggested that under the law as it stands at present—I will not quote the Attorney General or anybody else—the Government of India is authorised to issue a directive to the State Governments to issue advertisements in A, B or C paper? Does any such authority exist under the law as it stands now? As the hon. Minister rightly pointed out, section 12 of the Act deals with the objectives. Section 13 is the only section which lays down now the Press Council of India shall carry out those objectives. The only way the Press Council of India can carry out its objectives is by holding an inquiry where the complaint is against an editor

and not against any State Government. If you want to change the law, it is another matter.

Regarding the moral aspect, are the Government aware that the Press Council has even today not thought it fit to give any finding on the complaint of the Haryana Government against the Tribune? They have appointed a sub-committee and said that the sub-committee shall go into the complaint of the Haryana Government against the Tribune even though the complaint of the Haryana Government has a direct bearing on the matter under reference.

Again regarding the moral aspect, are the Government aware that two members of the Press Council who actually were a party to their finding have written editorials against the Government of Haryana upon the conduct of the Haryana Government in relation to the Tribune itself? They have expressed these views against Haryana even before the hearing. Do not the Government think that morally these two members should have forfeited their right to sit on the Press Council having published their views in the editorials more than once?

SHRI SATYA NARAYAN SINHA : I have made it perfectly clear that *prima facie* under section 13 the Press Council cannot hold any inquiry against any Government. But this is a matter which we shall examine. As it is, that is the position. Amendment is a different matter. We shall examine this. With regard to the last point, I have heard about it. I do not know who these two editors are. The fact remains that these two editors who expressed their opinion against the Haryana Government are also members of the Press Council when this matter was decided. We shall look into that matter also.

AN HON. MEMBER : What about the Haryana Government's complaint?

SHRI SATYA NARAYAN SINHA : I have nothing official about it. We shall look into that also because that also has an indirect bearing on the matter.

SHRI T. N. SINGH (Uttar Pradesh) : Sir, the basic idea of the Press Council from its very inception—I have been a Member of the Press Commission and I have also been a Member of the Press Council Committee following whose recommendation the press Coun-



cil was re-constituted later—the whole concept of the Press Council is that it shall be largely a professional body. This means that members of the profession will also be members of the Council. At the same time, there will be representatives of the reading public as also of proprietors chaired by a Judge: This is the scheme of the Press Council. It has always been the idea that people who are working journalists will also be on this Council. Such members cannot be stopped from expressing opinions on topics under discussion in the papers in which they work. Therefore, it is entirely against the scheme of the Press Council to say that as some members had been expressing their views on the issue in question in their capacity as journalists in their papers that vitiate the decision of the Council. That will be a very, very wrong attitude to take and I urge the Government not to accept such a plea which will bar the Press Council—a professional body—from functioning simply because some of its members happen to be professional journalists.

Secondly, Sir, this Press Council is not only expected to correct the erring newspapermen or enforce editorial ethics or journalistic etiquette, it is also intended to preserve the freedom of the press to protect the freedom of the Press. That was one of the principal objectives of the Press Council Act. Therefore, it was in the scheme of things that we thought of, that the Press Council should take steps to preserve the freedom of the press.

Sir, when the Press Commission was sitting in 1952-53 the advertisements of the "Times of India" had been stopped by the Bombay Government. This matter came before us in the Press Commission. Shri Rajyadyaksha was the Chairman of the Commission and he as well as other members thought that it was necessary that every government must be guided by certain regulations and principals with regard to the giving of advertisements, to news papers such as the circulation of the paper, its objectivity, its observance of journalistic codes etc. All these things are there. Now, the question is whether there are any rules or regulations in the Haryana Government or not? If there are rules, do they enable the Government to retaliate against a journal which may not be carrying out its behests? If that is so, then it is a serious thing and the

Central Government and this House also will have to take notice of this, because this Parliament is the custodian of the liberties and freedom of the Press and I dare say, anyone taking the plea—how can one take the plea, that we are not concerned with—freedom of the Press—that the Press Council is not concerned with the preservation of the freedom of the Press. The Press Council is concerned with such matters and by no stretch of imagination can we rule out the Press Council from expressing its views wherever freedom of the Press has been violated. Therefore, you cannot say that you cannot take any action.

MR. DEPUTY CHAIRMAN : Please put the question.

SHRI T. N. SINGH : Sir, the first thing that was envisaged was that the views of the Press Council themselves will produce a healthy result. The first question is : does the Government consider it as one of the duties of the Government to propagate, as much as possible, the views and discussions of the Press Council so that public conscience is awakened?

The second question is : whether the State Governments, including the Haryana Government have got rules and regulations for giving advertisements and whether they observe them? If not, we should see to it that there are positive rules in this regard and they are observed. That is the duty of the Central Government.

MR. DEPUTY CHAIRMAN : What is the point?

SHRI T. N. SINGH : The point is whether the Minister is going to take such action or not.

SHRI SATYA NARAYAN SINHA : Sir, I would like to thank the hon. Member for his suggestions. But I am not in a position to tell him anything specifically on these points. His suggestions are valuable and we shall consider them.

श्री सुलतान सिंह (हरियाणा) : श्रीमान, जिस ट्रिब्यून के बारे में इस सदन में जिक्र है और जिसके एडीटोरियल नोट का रिफरेंस हमारे एक आनरेबल मेम्बर ने दिया था कि फला एडीटोरियल लिखने के बाद बंशीलाल की सरकार ने ट्रिब्यून

[श्री सूलतान सिंह]

के एडवर्टाइजमेंट्स बन्द किए, मैं पूछना चाहता कि क्या उस एडीटोरियल नोट के लिखने के बाद बंशीलाल सरकार ने ट्रिब्यून के एडिटर है को राष्ट्रपति एवार्ड रिकमेंड नहीं किया ? (व्यवधान) अगर बंशीलाल नाराज होते तो ट्रिब्यून के एडिटर के लिए राष्ट्रपति एवार्ड रिकमेंड नहीं करते। ट्रिब्यून की गाड़ियाँ जो अखबार ले जाती थीं और उसके साथ साथ टैक्सी का भी काम करती थीं सवारियाँ बैठा कर ले जाने का उन गाड़ियों के जो चालान पुलिस ने किए, क्या प्रेस कौंसिल इस बात पर भी राय दे सकती है ? कोई इल्लोगल तरीके से गाड़ी चलाए और उन गाड़ियों के पुलिस चालान कर दे तो उसके ऊम भी कौंसिल अपनी वॉइकट दे सकती है ?

MR. DEPUTY CHAIRMAN : I think you have already replied to this.

श्री सत्यनारायण सिंह : हम सब चिजों का जवाब दे चुके हैं।

MR. DEPUTY CHAIRMAN : Now papers to be laid on the Table.

#### PAPERS LAID ON THE TABLE

ANNUAL PLAN, 1970-71

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : Sir, on behalf of Shrimati Indira Gandhi, I beg to lay on the Table a copy (in English and Hindi) of the document entitled "Annual Plan—1970-71". [Placed in Library. See No. LT—4133/70]

COMMISSION OF ENQUIRY INTO THE AFFAIRS OF PIPELINES DIVISION OF INDIAN OIL CORPORATION

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS (SHRI D. R. CHAVAN) : Sir, I beg to lay on the Table a statement (in English and Hindi) regarding the setting up of a Commission of Inquiry to enquire into the affairs of the Pipelines Division of the Indian Oil Corporation [Placed in Library. See No. LT-4099/70]

REPORT OF THE ENQUIRY INTO THE CIRCUMSTANCES LEADING TO GOVERNMENT'S DECISION TO RE-ALIGN HALDIA—BARAUNI PIPELINES

SHRI D. R. CHAVAN : Sir, I beg to lay on the Table a copy of the Report of the Enquiry (N. S. Rau Committee's Report) into the circumstances leading to Government's decision to re-align the Haldia-Barauni Pipeline laid over the coalfield area. [Placed in Library. See No. LT-4100/70]

REASONS FOR NOT LAYING ON THE TABLE THE HINDI VERSION OF REPORT

SHRI D. R. CHAVAN : Sir, I beg to lay on the Table a statement (in English and Hindi) explaining the reasons for not laying on the Table the Hindi Version of the above Report simultaneously. [Placed in Library. See No. LT-4101/70]

NINTH REPORT AND ACCOUNTS (1968-69) OF THE NATIONAL BUILDINGS CONSTRUCTION CORPORATION LIMITED

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B. S. MURTHY) : Sir, I beg to lay on the Table, under sub-section (1) of section 619A of the Companies Act, 1956, a copy each of the following papers (in English and Hindi) :—

(i) Ninth Annual Report and Accounts of the National Buildings Construction Corporation Limited, New Delhi, for the year 1968-69, together with the Auditors' Report on the Accounts.

(ii) Review by Government on the working of the Corporation. [Placed in Library. See No. LT-4102/70 on (i) and (ii)]

NOTIFICATION OF THE MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS (SHRI D. R. CHAVAN) : Sir, I beg to lay on the Table, under sub-section (6) of section 3 of the Essential Commodities Act, 1955, a copy each of the following Notifica-