

MR. CHAIRMAN : I would request the hon. Home Minister to make a statement if he gets information at 5 o'clock.

SHRI Y. B. CHAVAN : Yes.

MR. CHAIRMAN : If he gets information at 2.30, will it be convenient for the Home Minister to make a statement?

SHRI Y. B. CHAVAN : 5 o'clock would be more convenient.

SHRI B. K. P. SINHA (Bihar) : I want to say one thing. There are 100 Members of Parliament who go there. Some of them are here and they make a statement here. The Home Minister will make enquiries from the police officers concerned. Naturally, his statement will be based on the statement of the police officers who have been put in the dock by 100 Members of Parliament. In such a situation, is it not proper to get this matter enquired into by an independent body...

SHRI Y. B. CHAVAN : Not at all.

SHRI B. K. P. SINHA : .. on which Members of Parliament are associated?

MR. CHAIRMAN : You can leave it to the Home Minister to make enquiries.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

PERMISSION GIVEN BY THE GOVERNMENT OF INDIA TO THE GOVERNMENT OF ANDHRA PRADESH FOR THE INTRODUCTION OF THE ANDHRA PRADESH SPECIAL POWERS (PRESS) BILL

SHRI N. VENKATESWARA RAO (Andhra Pradesh) : Mr. Chairman, I wish to call the attention of the Minister of Home Affairs to the permission given by the Government of India to the Government of Andhra Pradesh for the introduction of the Andhra Pradesh Special Powers (Press) Bill.

SHRIMATI YASODA REDDY (Andhra Pradesh): Mr. Chairman, on a point of order; this Bill has not been passed by the Andhra Pradesh Government and it is going before a Select Committee, and I would like to know whether it will be right on our part to raise it here before knowing what is the outcome of the Bill.

Secondly, I would like the Home Minister to say whether the State Government is not within its right to bring it. Without knowing what the outcome of it is ...

MR. CHAIRMAN : I am sorry there is no point of order.

SHRI B. K. P. SINHA (Bihar) : I have to say something about the point of order.

MR. CHAIRMAN : I said there is no point of order.

SHRI B. K. P. SINHA : I am not challenging the ruling. But this is unusual. The State Legislatures are not subordinates of Parliament. I do not know how this was admitted.

MR. CHAIRMAN : I can assure you that sanction for introduction of the Bill has been given by the Centre.

SHRI BHUPESH GUPTA (West Bengal) : Not only that, Mr. Chairman. It is being sponsored in the name of the National Integration Council.

SHRI Y. B. CHAVAN : Shall I make the statement ?

MR. CHAIRMAN : Yes.

SHRI Y. B. CHAVAN : Mr. Chairman, Sir, On 11th June, 1968, the Andhra Pradesh Government sought the sanction of the President for the introduction of the Andhra Pradesh Special Powers (Press) Bill, 1968 in the State Legislature as required under proviso to article 304(b) of the Constitution. Clause 3 of the Bill sought to impose reasonable restrictions on the freedom of trade, commerce and intercourse among the States inasmuch as it prohibited the entry into Andhra Pradesh of certain prejudicial publications coming within the purview of the Bill. No other provision of the Bill required any prior sanction of the President under the Constitution. The Central Government had, therefore, to examine the Bill only in relation to article 304 of the Constitution. As there was no legal or constitutional objection on this account, the sanction of the President under the proviso to article 304(b) was conveyed to the Andhra Pradesh Government on July 12, 1968.

SHRI N. VENKATESWARA RAO : Sir, for me, it is not only a matter of deep regret but of utter shame that my State

[Shri N. Venkateswara Rao]

Government and the Government of the party to which I belong, is seeking to arm itself with special powers to deal a death blow to the freedom of the Press. I know that these are strong words but I submit that as a working journalist I could say nothing less when an attempt is being made to throttle me. In my long experience as a journalist—it extends over thirty-five years—I know of no occasion when my freedom was in greater peril than now. I had known the Press laws when the Britishers were holding sway over us. I had known the Press laws when the Nizam was ruling only a part of which is now Andhra Pradesh. And I can say that even during the worst days of these autocratic regimes the Press laws were not half as drastic or repugnant as they would surely be if the Andhra Pradesh "Special Powers (Press) Bill" which is now before a Joint Select Committee of the State Legislature is passed into law.

(Interruptions)

MR. CHAIRMAN : I know; there is some difficulty with the Member to make an *extempore* speech and therefore I had permitted him.

SHRI BHUPESH GUPTA : It is only notional ...

MR. CHAIRMAN : It is an unhealthy convention but ...

SHRI BHUPESH GUPTA : It is a convention from the British Parliament. I can tell you that Winston Churchill used to read his speeches. But you are not. .

MR. CHAIRMAN : As an exception I am permitting him.

SHRI M. H. SAMUEL (Andhra Pradesh) : Is he permitted to make personal observations concerning himself and not about the subject itself?

SHRI BHUPESH GUPTA : It is most unfair. The hon. Member is not making any personal observations.

SHRI M. H. SAMUEL : And use strong language in what he says?

SHRI A. D. MANI (Madhya Pradesh): On a point of order Mr. Venkateswara Rao is a member of the Press Council. He is one of the oldest editors in this country. He should be allowed to make

a statement without interruptions. *(Interruptions)* There is no question of the freedom of the Press.

SHRI N. VENKATESWARA RAO : Sir, even a cursory study of the provisions of the Special Powers (Press) Bill reveals that it is draconian. Indeed, it was described as such by a special correspondent of the 'Hindu'. You know, Sir, that the 'Hindu' is famous for its moderation, for its sobriety and, if I may say so, for its stolidity. And yet it published a despatch on this Special Powers (Press) Bill from one of its special correspondents under the heading . . .

MR. CHAIRMAN : You need not go on making a speech. You can make your position clear. Put the point to the Home Minister so that he can answer.

SHRI BHUPESH GUPTA : Sir, he is doing that.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : The hon. Member is within his right because he is bringing out certain facts. When the State Government asked for permission from the President, they must have sent a copy of the Bill to him because the sanction was to be given. The hon. Member wants to ask the hon. Home Minister whether all these provisions were referred to him before taking the consent and whether they knowingly gave consent to the Andhra Pradesh Government to have this Bill before its legislature.

AN HON. MEMBER : Let him say so exactly and not make a speech.

SHRI BHUPESH GUPTA : Most unfortunate. Mr. Narela Venkateswara Rao is a senior and is very very sober unlike me, and he is getting up. From his own experience he is narrating before the House and I do not know why Mr. Samuel or Shrimat i Yashoda Reddy should make so many interruptions.

MR. CHAIRMAN : Let us not waste time.

(Interruptions)

SHRI Y. B. CHAVAN : Sir, he said, "Mr. Rao is sober unlike him". It should be underlined.

SHRI BHUPESH GUPTA : Certainly he is more sober than I am because I am always provoked by you, he is not.

SHRI N. VENKATESWARA RAO : Commenting editorially, the Hindu said that the Bill as it stands now threatens to strike at the roots of Press freedom. How real this threat is, is borne out by sub-clause (i) of clause 2 of the Bill which empowers the State Government to prohibit publication of any matter relating to a particular subject or a class of subjects for a specified period. Sub-clause (ii) of this section goes further and makes it imperative on the part of an editor to publish any matter, covering not more than two columns, sent by the Government. And the Government takes that the right to specify not only the period during which it should be published, but also the manner in which such a publication should be made. The word 'manner' in this clause is so comprehensive that it is open to the Government to direct me that the matter which it sends should appear as my editorial. This by no means is an impossible contingency, for once the Government is out to curb the press, there is no knowing where it would stop. To add insult to injury, this sub-clause suggests that I would be paid advertisement rates for the matter which I am forced to publish at the instance of the Government.

Well, Sir, sub-clause (Hi) of clause 2 is even more drastic. Under it, the Government can insist that 'any matter relating to a particular subject or a class of subjects, shall, before publication, be submitted for scrutiny by an officer or authority appointed by the State Government.'

SHRI M. H. SAMUEL : Is it a long statement or just a question?

MR. CHAIRMAN : I am making this as an exception. I quite appreciate what you say.

SHRI M. H. SAMUEL : But it is an infliction, Sir.

MR. CHAIRMAN : Mr. Rao, you finish soon.

SHRI N. VENKATESWARA RAO : This so-called 'scrutiny' is nothing but pre-censorship. In my career as a journalist the only time I was subjected to pre-censorship was during -----

SHRIMATI YASHODA REDDY : On a point of order. When the President gave his special sanction to the Andhra Pradesh Government to introduce this

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Bill, that particular aspect the hon-Member has every right to question in this House and demand a reply from the Home Minister.

AN HON. MEMBER : Not otherwise.

SHRIMATI YASHODA REDDY :*

He cannot go into the provisions of the Bill, he cannot go into the clauses of the Bill, he cannot give comments for two reasons firstly because the only limited place where he can question is the special sanction given by the President, on which he can ask clarifications. Secondly, the Bill is yet to come in the sense that it has got to go to the Select Committee, it has got to be passed by the House. Only then can we know what the outcome is. Now I think it is very highly objectionable for him to bring in all the details. My sympathies are with him. That apart, parliamentary propriety demands that he cannot go beyond this.

SHRI BHUPESH GUPTA : I caught your attention, Sir, Mr. Chairman Sir, while I think it is a way of obstructing a Member _____

SHRIMATI YASHODA REDDY :
No, no.

SHRI M. H. SAMUEL : You should 'withdraw that.

SHRI BHUPESH GUPTA : This is my point of order ; otherwise that point of order does not come properly. I am surprised to find Mr. Samuel and, of course, our friend, Shrimati Yashoda Reddy getting up again and again.

SHRIMATI YASHODA REDDY : You sometimes understand too much.

SHRI BHUPESH GUPTA : I do not know, Mr. Chairman, which one is more beneficial to understand or misunderstand. But the position is that she has made a point. Only one clause should be referred to in the Bill...

SHRIMATI YASHODA REDDY : No, no. I said he should refer to the sanction given but not to the provisions of the Bill....

SHRI M. N. KAUL (Nominated) : That is a good point.

SHRI BHUPESH GUPTA :...Just a minute
You can question the entire thing.

SHRIMATI YASHODA REDDY :
...for the simple reason that you do not know
what the Bill is.

SHRI BHUPESH GUPTA : Mr.
Chairman, when the consent comes of the
Central Government, the consent is not to a
clause, it is given to the whole Bill. That only
empowers this Government to introduce the
Bill. Therefore, where the Constitution
provides for consent, the consent relates to this
particular clause or clauses. Therefore, Mr.
Chairman, you are quite right in what you said
that it has been admitted and all that. Then a
document, which is a Bill, has to be taken as a
whole; no document can be read separately.

SHRI G. H. VALIMOHMED MOMIN
(Gujarat) : You are expressing things and not
putting a point of order.

SHRI BHUPESH GUPTA : I am
contesting that point of order. My third point of
contest is this. According to the newspapers we
were given to understand that this Bill was
being sponsored and introduced in pursuance of
the decisions of the National Integration
Council held in Srinagar. Mr. Brahmananda
Reddy made a statement where the Central
Government, the Home Minister, the Prime
Minister, the Deputy Prime Minister and all
others come in. The National Integration
subject is being dealt with by the Centre.
Therefore, it has to be considered whether that
Bill is in conformity with that kind of claim
made by Shri Brahmananda Reddy. Therefore,
Mr. Chairman, you allow Mr. Venkateswara
Rao to speak and allow them also to speak.

SHRI A. D. MANI : On a point of order,
Sir. I am answering her point of order....

SHRI CHANDRA SHEKHAR : I
rise on a point of order. The hon'ble
Member was to draw the attention of
the hon'ble Home Minister. The hon'ble
Member was on his legs. Mrs. Yashoda
Reddy raised her point of order.....

SHRIMATI YASHODA REDDY :
With the permission of the Chair I raised it.

SHRI CHANDRA SHEKHAR :.....
Mrs. Yashoda Reddy raised the point of
order that he cannot ask a question _____

SHRI A. P. JAIN (Uttar Pradesh) : Mr.
Chairman, Sir, can there be two points of order
? Let one point of order be disposed of before
another is raised.

MR. CHAIRMAN : They are all points of
disorder. Mr. Venkateswara Rao, go ahead.

*(Some hon. Members stood up in their
seats.)*

MR. CHAIRMAN : No more. Mr.
Venkateswara Rao to go on.

SHRI N. VENKATESWARA RAO : This
so called "scrutiny" is nothing but pre-
censorship. In my career as a journalist the only
time I was subjected to pre-censorship was
during the early phases of the second World
War, and it was done by an alien Government.
Myself and the owners of the daily which I
was then editing felt that we should close down
rather than submit ourselves to the humiliation
of pre-censorship. It is an irony that myself and
the owners of my present daily may be forced
to take a like decision in free India by a
Government that calls itself democratic.

MR. CHAIRMAN : You need not go on
with the criticism of the Government. State the
facts. It is a calling attention notice during
which you cannot go on with a lengthy speech.

SHRI AKBAR ALI KHAN (Andhra
Pradesh) : There is no point of order from me.
I was to make a submission. He can call the
attention. But will it be proper to discuss the
clauses of the Bill which is in the province of
the Legislature ?

SHRI N. VENKATESWARA RAO : Sir,
the penalties that could be imposed, if any of
these or other drastic restrictions are infringed,
are crippling. If it pleases the Government, it
can not only forfeit the copies of my
publication but also seize my printing press
and put it up for sale. That is to say, the
Government can, if it so wishes, crush me
completely.

Now, Sir, all these arbitrary powers are
sought by the State Government in the name
of national integration. It is, no doubt, true that
of late there has

been a recrudescence of communal animosity in our country. It is a very unfortunate development and it should be severely checked. But in the process, need the freedom of the press be crushed? By and large, the Indian press is a responsible press and it is doing everything it could to fight the virus of communalism. I admit that there are some journals here and there which are communal in their outlook but their number is small, and the present laws are enough to scotch their mischief.

It is, Sir, a matter of regret that the National Integration Council, which met in Srinagar last month, recommended special legislation against the communal press on the Hues of the Punjab Special Powers (Press) Act for 1951. There was perhaps some justification for that Act in 1951. The Punjab was the worst sufferer in the holocaust of partition. Surely, the conditions in the Punjab of 1951 are not the conditions in Andhra Pradesh today or, for the matter of that, in any part of India. Further, Sir, I understand that under the Punjab Act action was taken only against two journals and that since then it has been more or less a dead letter. Why then should we take the Punjab Act as a model ?

Anyway, Sir, the Special Powers (Press) Bill of the Andhra Pradesh Government ' goes much further...

MR. CHAIRMAN : Mr. Venkateswara Rao, you have stated your point. A lengthy speech is unnecessary. You can now sit down.

SHRI M. V. BHADRAM (Andhra Pradesh) : Mr. Chairman, Sir, the Home Minister has admitted that the Government has given permission to the State Government to introduce this piece of legislation in the Andhra Pradesh Legislature.

SHRI M. H. SAMUEL : In relation to one particular provision. You do not understand it.

MR. CHAIRMAN : You can have your say. Now allow others to have their say. Mr. Bhadram, forget about Mr. Samuel.

SHRI M. V. BHADRAM : Let him not interrupt me. The Home Minister has admitted that the Central Government has given permission to this piece of legislation to be introduced in the

Andhra Pradesh Legislature. I should like know whether the Government have scrutinised the clauses contained in that Bill which are draconian in character, which take away the right of publication and imposes on the editors, to publish whatever the Government likes, and if they disobey, the press will be confiscated and will be sold away in the market. Has the Government gone through all those things? Secondly, has the Government scrutinised the incidents that had taken place prior to the asking for this introduction of this thing, particularly in Andhra Pradesh where a Harijan boy was burnt to death? The Home Minister has admitted that that was given prominence in the Andhra press and that came up for discussion here also. Another incident has also come out, and the Andhra Pradesh Government in the name of controlling the press against communalism has come out with a confidential letter. I would read out this letter which is "Most Immediate", "Strictly Confidential", "By special messenger". It goes on thus :—

"D.O. No. 3573/GG-1/68-1 dated the June 21, 1968.

...The Janasambhanda Sakha has reported that several newspapers have adopted very unhealthy trends which were likely to endanger communal harmony and public peace. In order to discourage such newspapers, to the extent possible, apart from the other action under the law, the Janasambhanda Sakha has been directed to withhold advertisement support to the publication of such newspapers
I enclose a list of such newspapers..."

The list of papers includes the paper which Mr. Venkateswara Rao represents, "Andhra Jyoti", a daily published from Vijayawada, a daily published from Delhi "Patriot" and "Link Weekly", etc. All these are dubbed as communal. This is the back ground under which the Andhra Pradesh State Government sought the permission. Was the Government of India blind to these facts in giving permission to the Andhra Pradesh Government ? Will the honourable Home Minister explain and enlighten this honourable House in what circumstances the permission has been given to the Andhra Pradesh State Government and will the Government advise the State Government to withdraw this piece of legislation introduced in the Andhra Pradesh Legislative Assembly ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : The honourable Members have taken on themselves to go into the merits of those clauses of the Bill which, really speaking, are not in our province. Sir, even as it is, the Bill is not yet finalised. The Bill is before the Andhra Pradesh Legislative Assembly or it is in its Select Committee. If some of the honourable Members, including the honourable Member who has made a very long statement, so desire—the honourable Members can offer themselves to go before the Select Committee and express their views about it. (*Interruption.*) It is no use merely shouting about it. You have not heard my statement when I read it. The question of sanction arose only because there was one clause, which was clause 3 of the Bill. We had to see whether that particular part was constitutional or unconstitutional. As there was nothing unconstitutional we sanctioned it. I can very well understand it, Sir, that it is certainly within the province of the Central Government also, even though the other provisions do not require the sanction of the President, to give advice. But, Sir, in this matter we have also to think about other matters. It is the question of the rights of the Central Parliament and the State Legislature—certainly, Sir, as Members representing the States in this particular House—I would say it is the duty of the Members of this honourable House to protect the autonomy of the State Legislatures also.

SHRI BHUPESH GUPTA : Mr. Chairman, I will be very grateful if it is written in capital letters of the _____

SHRI Y. B. CHAVAN : Yes, yes, it can be written in capital letters _____

SHRI BHUPESH GUPTA : United Front Governments are not there.

(*Interruptions.*)

SHRI Y. B. CHAVAN : Autonomy is, you take it down and you hear it very carefully, as it is outlined in the present Constitution. Now, Sir, I will come to the factual part of it. Even before the National Integration Council met in Kashmir, we had here in a conference of the Chief Ministers and there in the night that we circulated, particularly invited the attention of the State Governments to two particular sections of the Punjab Security Act—sections 2 and 3,

if I remember it well. Sir, we had said and generally we recommended to the State Governments that they should pass a legislation on the lines of the Punjab Security Act because it was very important, Sir, to stop this communal propaganda. It was, really speaking, hitting at the roots of our national integration. And naturally, if the Chief Minister of Andhra Pradesh had gone in quickly to do it, it was with a view to meet the demands of the time. Supposing there are some clauses over which you and I do not agree, it is quite possible.

SHRI BHUPESH GUPTA : Mr. Chavan, you know very well. You were here. You circulated a note. You appointed a small committee to go into the question of which Mr. Brahmananda Reddy, Mr. Patnaik and I were also members. (*Interruptions.*) We discussed it. But we never consulted you before we passed it without consulting even the Prime Minister.

SHRI Y. B. CHAVAN : You see, he could have consulted us. As a matter of fact he has consulted us. How can I say that he has not consulted us ? As it was required constitutionally that he should ask for the sanction of the President, he has done it. But if you want him to consider our point of view, the best way is to make a proper appeal in a proper manner and not to make personal allegations like this. We met in the National Integration Council and we made certain recommendations and I would like to tell the honourable Member that we even made certain changes in those recommendations to meet the expectations or criticism of the press. We wanted to see that we were also equally judicious with the press. So it is a matter, Sir, of discussing, advising them properly and having consultations and not standing on the Constitutional rights. If the Government of India had, by exercising their Constitutional rights, advised them against it, it would not have helped the position. So I would make an appeal to the honourable Member, particularly that honourable Member—I wish he had not used that strong language in his statement and gone into the debate. Of course, he is free to do that if he wants.

SHRI BHUPESH GUPTA : You apparently called it a communal paper.

SHRI Y. B. CHAVAN : It is all right. If it is a fact, what can you and I can do

about it? Naturally we want that communal propaganda should be stopped. Isn't it? We do want. And there is also no doubt we want certain legal restrictions to be placed in this matter. We agree on that point also. Whether a particular clause gives more power or less power is certainly a matter of opinion. Certainly there can be two views about it. I would request the honourable Member—he comes from the same State and he belongs to the same party to which the Chief Minister of Andhra Pradesh belongs he has every right to go and talk to him and discuss with him. But, Sir, I would certainly again make an appeal to this honourable House, let us not discuss about the Chief Minister and his action in the manner we are trying today. We are trying to attribute motives to him which is rather very unfair because there is no doubt he was prompted by considerations of meeting the requirement of stopping the communal propaganda...

SHRI GODEY MURAHARI (Uttar Pradesh) : Sir, the entire thing has emanated out of that incident when the Harijan boy was burnt.

SHRI Y. B. CHAVAN : No, no. I do not think so. Sir, as far as the facts are concerned, I have placed all the facts before this honourable House.

SHRI GODEY MURAHARI: Sir,...

SHRI BHUPESH GUPTA: Mr. Chairman,...

(Interruption)

MR. CHAIRMAN : I have a procedure to follow. I have already stated it in this House. Now, Mr. Mani.

SHRI A. D. MANI : Sir, I wanted to draw the attention of the Home Minister to the practice which the Government of India has followed in regard to the restrictions they have placed or seek to place on the press. They have always consulted the Associations of Newspapermen. There is a Federation of Working Journalists. There is an All-India Newspaper Editors' Conference. There is a Press Council. And if I can recall to the Home Minister, in 1951 when Article 19 was amended by Shri C. Rajagopala-chari, the press bodies were consulted in this matter. Now why did not the National Integration Council, of which the honourable Minister is a very distinguished member, or the Andhra Pradesh

Government refer this Bill to the press bodies for their opinion? This is a matter of convention which has been broken by both the Government of India and the Government of Andhra Pradesh. The second point I would like to raise is...

SHRI Y. B. CHAVAN : How can a Government refer a draft Bill...

SHRI A. D. MANI : Yes, it was done. I was present at the Editors' Conference. Article 19(1) was referred to us for our opinion. The second point is, Sir, this Bill has been defended on the ground that it seeks to counteract communal propaganda. If we see the statement of objects and reasons...

SHRI Y. B. CHAVAN : I have not defended every clause of it.

SHRI A. D. MANI : If you read the statement of objects and reasons, it is stated : "...further there has been a spate of journals which indulge in writings which are scurrilous, '—scurrilous' means, attacking politicians also scurrily, or grossly indecent or obscene. This is a very weak comprehensive Bill which seeks to control all forms of expression. Now, the third point I would like to raise is, if the honourable Home Minister refers to the Emergency Powers Act, and the Act was passed by Sardar Patel, he will see that if any person was aggrieved with the notification, he was given an opportunity to appeal to a full bench of the High Court under clause 3 of the Bill. Any person who is aggrieved by an order can make a representation to the State Government. This is contrary to the Government of India's policy in these matters. I would like to ask the hon. Home Minister how he permitted such a vital departure to be made from past practices and traditions of the Government of India?

SHRI Y. B. CHAVAN : Sir, I have explained about this matter. We could have gone into it, but unfortunately we did not. We only looked to the constitutionality of that particular part of the Bill which attracted the provisions of article 304. I quite see the hon. Member's point. But at the same time, the Andhra Government has not finalised the whole thing. Sir, I propose to discuss the matter with him. These are matters which will have to be discussed with him in a proper manner and not in the way in which we are trying to make attacks on him and attribute motives to him. That, Sir, is I rather unfair.

SHRI CHITTA BASU (West Bengal) : Mr. Chairman, Sir, I am one of those who share the concern of the Home Minister to fight the communal virus in the country. In this particular Bill of the Andhra Pradesh Government, it has been said that the object of the Bill is to fight the communal virus now prevailing there. In this connection, may I draw the attention of the hon. Minister to the fact that in the last session of the National Integration Council, certain recommendations were made which read as follows: "To amend section 153(a) of the I. P. C. to provide for punishment for communal activities, rumour mongering and publication of provocative news and views; that these offences should be made cognisable to amend the People's Representation Act to disqualify a person under that Act; to stop newsprint quota and advertisements; to set up intelligence units to fight communal virus, etc. etc." In view of the fact that these recommendations were accepted by the National Integration Council, why is it that the Government of India found it advisable to allow the Andhra Pradesh Government to bring forward a legislation apparently for the purpose of fighting communalism, when the other recommendations are not being fully implemented? Therefore, Sir, my question is whether the hon. Minister considers it advisable to implement these other recommendations which were adopted in the National Integration Council session at Sringeri before allowing a particular State to come out with such a draconian legislative measure to curb the freedom of the press. As is evident, Sir, this particular legislation wants to scrutinise all the material and allow only such things to be published as would be permitted by the State Government and its authorities

MR. CHAIRMAN : Do not make a speech.

SHRI CHITTA BASU: Sir, my point is, if you go through the Bill, you will find that you cannot even publish, I would say, a cartoon because the term "document" has been so explained that even a cartoon cannot be published if it is about something they do not like. Therefore, this is a draconian law and under the guise and garb of fighting communalism, they want to crush, they want to annihilate the basic freedom of the press itself. So I want to know why the Government of India considered it advisable to allow this particular State Government to annihilate the freedom of the press, without putting into

effect the other recommendations for fighting the communal virus in the country.

SHRI Y. B. CHAVAN: Sir, he has not asked for any clarification. He has expressed his own views. So far as the facts are concerned, I have already explained them.

SHRI BANKA BEHARY DAS (Orissa) : Mr. Chairman, Sir, I was just going through clause 3 of the Bill for which the Andhra Pradesh Government sought the permission of the President to introduce this measure in their legislature. The clause reads like this :

"The State Government or any officer or authority empowered by it in this behalf, if satisfied that it is necessary so to do, for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony, affecting or likely to affect public order, or offending or likely to offend against public decency or morality, may, by notification in the Andhra Pradesh Gazette, prohibit the bringing into the State of Andhra Pradesh of any newspaper, periodical, leaflet or other publications..."

There are other provisions, but I am not going into them. I want to know from the hon. Minister whether all these things are not already covered under the Cr. P. C.; and if by that, you can take care of these things, what was the necessity of permitting the Andhra Pradesh Government to bring in such a measure which may be misutilised by the officer to whom the power is delegated? We know that whenever Acts putting restrictions on the press come into being, there are always allegations that they have been misused...

AN HON. MEMBER : They will act as a deterrent.

SHRI BANKA BEHARY DAS: The policy of the Government of India as regards the press is there. They will always refer to the Press Council if any matter comes to their notice that a publication is indulging in an activity which will affect communal harmony. They always believe in this policy that the Press Council should always function as a deterrent institution in regard to these newspapers, so that they are not accused that they are misusing the power to curb

the press. So, did the Home Minister, when this measure came to his notice, advise the Andhra Pradesh Government to refer the Bill first to the Press Council, and get their advice and then introduce it? Did they advise like that, or did they just look to the constitutional part of it? The hon. Minister told us that on June 11, 1968, the Andhra Pradesh Government wanted this sanction of the President to introduce this Bill after all the debates that had taken place here and after the Home Minister himself had expressed his concern in this House. So there is every reason to suspect that there is a nefarious motive behind this Bill, particularly in view of the letter that was read out in which a number of newspapers have been mentioned including "Patriot" and "Link". Now, are "Patriot" and "Link" communal papers? Now if you are not going to accept their view, then it is a different thing. But are they going to ban "Patriot" and "Link" as communal papers, and keeping that in mind, introduce such a Bill? So the nefarious purpose is absolutely exposed. That is why I want to know from the Minister whether they advised the Andhra Pradesh Government to approach the Press Council for their views and whether they are thinking of having a model Bill or amending the Cr. P. C. if possible, so that all these Bills do not come in different stages and curb the freedom of the press, though we know under what circumstances, the press is functioning in this country to-day.

SHRI Y. B. CHAVAN: I would like to reply to the last point first—whether the Government of India also intends to bring a Bill to implement the recommendations of the National Integration Council in this matter. My answer is "Yes". We propose to bring forward a Bill exactly in terms of the recommendations of the National Integration Council and we are making some changes to meet the point of view of the press. This is for his information. As far as this Bill is concerned, he referred to clause 3. Sir, we do not think there is anything objectionable in clause 3. He asked whether there are not enough powers under the I. P. C. or Cr. P. C. My advice is that there are not enough powers to meet this problem and therefore, an amendment of this type was called for. The other point was whether we had advised them to consult the Press Council. My answer is "No" because it was not necessary.

SHRI KRISHAN KANT (Haryana) : Mr. Chairman, I would not use so many adjectives that have been used by my friends here. I do not know how many adjectives the hon. Minister would have used if he had been sitting here; we know his feelings and views about so many things. What I would only like to know is that after the National Integration Council had decided it and the Andhra Pradesh Government went forward with this Bill, they technically consulted the Government of India and they gave clearance...

SHRI BHUPESH GUPTA : The National Integration Council never decided; I put it here, Mr. Chairman. I was a member there. On my honour, I tell you, the National Integration Council never decided anything which justified a Bill of this kind. Let the proceedings of the National Integration Council be quoted here. Mr. Chairman, most of my suggestions were accepted in connection with this communal aspect, and I will tell you about this when I ask for clarifications.

SHRI KRISHAN KANT : Sir, the hon. Home Minister has said that under the Concurrent List this could have been brought in Parliament much earlier. Now may I know from the hon. Home Minister if the Government of India is thinking of introducing this Bill in this very Session or in the next Session so that the other State Governments may not come forward with such Bills and such troubles may not arise again and again?

SHRI Y. B. CHAVAN : My efforts are to introduce this Bill in this Session and get it through if all co-operate.

SHRI ARJUN ARORA (Uttar Pradesh) : Sir, may I know if the gentleman heading the Andhra Pradesh Government, Mr. Brahmananda Reddy, is the same person who presided over one of the Committees of the National Integration Council? If he is the same person, does not the introduction of this Bill by his Government in Andhra Pradesh with the sanction of the Government of India make the proceedings of the National Integration Council look ridiculous? Secondly, may I know whether, before the Government permitted the Andhra Pradesh Government to bring forward this Bill, its attention was drawn to the fact that this Bill gives

[Shri Arjun Arora]

the Andhra Pradesh Government the power to forfeit or seize printing presses without giving the affected parties a right to go to court? And the Bill does not define communal harmony, public decency, morality, etc. which are supposed to be covered by this Bill.

SHRI Y. B. CHAVAN : Again, Sir, the hon. Member is expressing his own views about the Bill. He may be right or he may be wrong or I may agree with him or I may not agree with him. That is a different matter. But one thing is true that this Bill certainly goes beyond what the National Integration Council recommended. But there is a likelihood of some misunderstanding. I might point out that even before the National Integration Council, we met in a Chief Ministers' Conference and there also we had suggested certain sections to be adopted from the Punjab Security Act and a general recommendation was made that the State Government should go ahead with the legislation on the lines of the Punjab Security Act. So this is the position. As far as the merits of the Bill are concerned, I do not think I can express any views, not that I have no views, but it is not proper to do so.

SHRI M. M. DHARIA (Maharashtra) : Mr. Chairman, while agreeing with the hon. Home Minister that this forum should not be used to express our anger or hatred or love or sympathy towards personalities, may I know from the Home Minister, "When this subject lies in the Concurrent List and when the Central Government is thinking to have its own enactment, why the Central Government should not advise the State Governments at this stage that they should not introduce their own Bills? The Central Government can consider the problems of the States and let us have some enactment at the Central level. May I know whether this advice is being given by the Central Government to the State Governments?"

Secondly, may I bring to the notice of the hon. Home Minister the remarks of Mr. Chalapathi Rau, an eminent journalist? He says :

"By any test of freedom of the press, the Punjab Act includes provisions which the State Government or any authority authorised by them can misuse, but the Andhra Bill is worse than the Punjab Act because it seeks to deal with offences against public

decency or morality. 'Decency' or 'morality' are such vague and sweeping terms that no one can define them.

I can understand it so far as the provisions regarding hatred, communal hatred, is concerned. But so far as these provisions are concerned, the powers can be misused. Under these circumstances will the hon. Home Minister...

SHRI M. H. SAMUEL : Is it because Mr. Chalapathi Rau speaks, therefore it is correct? Do you agree that Mr. Chalapathi Rau is correct?

SHRI M. M. DHARIA : Mr. Chalapathi Rau has said that it is likely to be misused under the name of 'decency' and 'public morality'. Mr. Chalapathi Rau is certainly right and it is not because Mr. Chalapathi Rau has said it but because I also feel the same way and any sane person who can exercise logic and reasoning will also feel the same way. May I know from the hon. Home Minister whether he will discuss these matters with Shri Brahmananda Reddy and see that there is a Central enactment instead of such State enactments?

SHRI Y. B. CHAVAN : As I said, it is our intention to have a Central legislation on this point. I propose to introduce a Bill in this connection and if I get co-operation from Members, I would like to have it placed on the Statute Book immediately. Well, Sir, I am in a rather difficult position to express my views because I have also to take care that I do not offend the susceptibilities and also the rights and privileges of the State Legislatures. At the same time, Sir, I do not want to be a party to some of the remarks attributing motives to Shri Brahmananda Reddy because he is a responsible Chief Minister of his own State. He himself presided over the Committee which made certain recommendations about this particular problem.

SHRI BHUPESH GUPTA : But it never made this recommendation.

SHRI Y. B. CHAVAN : I say that the Andhra Bill goes much beyond the recommendations of the National Integration Council. Therefore, Sir, I would request the hon. House not to go into this matter in such details. I propose to discuss this matter with Shri Brahmananda Reddy.

SHRI D. THENGARI (Uttar Pradesh): Sir, this Bill leads us to a very fundamental problem. Without entering into personalities or party politics I want just to ask if there is any competent authority in this country which can restrain the State Governments from encroaching upon our fundamental rights and freedoms including the freedom of the press in this country. Is the Central Government to play the role of a helpless spectator if any State Government encroaches upon our fundamental rights? That is the main problem. I do not agree that the hon. Home Minister is so ignorant or so innocent as not to understand the mischief inherent in this Bill. He certainly knows all the clauses. For example it says, "if satisfied that it is necessary so to do". It can lead to discrimination. There is no objective criterion laid down for the subjective satisfaction of the authorities I am confident that he is well aware of all the facts. He also knows that this is like a Frankenstein or Bhasmasur and is likely to be misused. So without being so innocent or pretending to be so, I want to categorically know from him whether there is any competent authority to save us, to protect us from encroachment upon our fundamental rights and, if it is the Central Government, why is the Central Government feeling so helpless in this respect?

SHRI Y. B. CHAVAN : Naturally, Sir, the Central Government has certain obligations under the Constitution. When certain matters are referred to them for sanction, they have got to be looked into. But at the same time the basic authority to protect the fundamental rights is the Legislature itself and the Supreme Court.

SHRI BHUPESH GUPTA : Sir, I do not wish to join issue with the Home Minister because I would in this matter seek his co-operation. I am very glad that Mr. Chavan has admitted that the Bill goes beyond the recommendation of the National Integration Council. He is quite correct in saying that. But I should like, Mr. Chairman, to point out that a Sub-Committee was appointed to go into this question with Mr. Brahmananda Reddy as the Chairman. Another Chief Minister, Mr. Naik, was a member and there were also Prof. Humayun Kabir, Prof. Shantilal, Dr. Maitreyee, Bose and Shri Chaplakan Bhattacharyya. This matter was discussed there. We discussed at length as to what should be the legislative measures and the approach and there

the Law Ministry was represented, and Mr. L. P. Singh, whose contribution also was useful at the meeting, was also present and I hope Mr. Singh will tell the Home Minister what exactly happened. First of all we felt that the law should be strictly confined to communalism and nothing else. The linguistic part should be given up in all its aspects. It should not bring in morality or other questions of law as this Bill brings in. Secondly it should be so strictly formulated that it is not liable to be abused. Thirdly it was also decided that it would be better for the Centre not to pass a separate law but to amend the Indian Penal Code, section 153 I think. That suggestion came from Mr. Singh. In fact when I made the suggestion, he said 'Can we not do it?' and we all agreed and Mr. Brahmananda Reddy also agreed that it would be better instead of the State passing a law let us amend the I. P. C. in such a manner that it becomes a uniform law, strictly in accordance with the decision of the Integration Council. Now we found Mr. Brahmananda Reddy has also played a very useful part. I must say this and I would not be unfair to him—in the Committee a very useful part. Mr. Naik, the Bombay Chief Minister played a very useful part in the Committee. All of us worked together. Then it was agreed, let the Centre do it. Before the Centre comes out, we have this legislation which has given rise to this controversy. There the Punjab Act was also discussed. I think Mr. Singh brought it to our notice by saying "What about the Punjab Act" and we said 'Nowhere the words linguistic or other things should be there in the Central legislation that we are thinking of.' In fact the recommendation will show that the word 'linguistic' has been cut out. Only communalism should be mentioned. Herein this Bill you find public decency and morality. Never we discussed such things and we felt that even the existing law should be changed as far as communalism is concerned and other things brought in. I think Mr. Brahmananda Reddy has not been well-advised in this matter in proposing this measure. I must set the record straight as far as this thing is concerned. I found individually also from some members of the National Integration Conference what they think of it and they all say that this was never the intention nor according to the decision of the National Integration Council. In view of this, I say that it is putting the National Integration Council to disrepute. In fact we should be now thinking whether we should at all go to such meetings. Yet

[Shri Bhupesh Gupta]

the spirit was unanimity. He knows it. The Home Ministry circulated the Statement of Objects and Reasons. We objected to it and then Mr. Gajendragadkar and others sat together and drafted it. That is how unanimity was arrived at on every matter. There was trouble between Mr. Naik and the Mysore Chief Minister over the water disputes. All of us—Mr. Chavan also participated in this brought them together. Mr. Chavan was very helpful. Always we aimed at unanimity. The very fact that some Members who had attended that and others are objecting to this Bill at least should convince anyone that it does not carry the spirit and the intention of the National Integration Council, to say the least. Therefore I would request the Prime Minister, to whom I have already written, Mr. Brahmananda Reddy, to whom I have sent a telegram and Mr. Chavan now, that they should take it up not technically and constitutionally, I am not going into it but—politically, from the point of view of the larger interest with Mr. Reddy and ask him not to proceed with this Bill. And let there be a Central legislation as we decided at the National Integration Council to cover all the things that we had in mind in the National Integration Council, and let the State Governments implement it.

There again Mr. Chavan will agree that when you give effect to the National Integration Council recommendations you should see that you unify the nation in this matter, unify all the parties or participants of the Integration Council. This measure divides them, antagonises them against the Andhra Pradesh Government. Certainly Mr. Brahmananda Reddy will be well advised not to proceed with this matter and he should withdraw this Bill and leave it to the Centre to pass the necessary legislation. I was the man who proposed that communal propaganda should be banned. In fact many of my suggestions were accepted. I may inform you, Mr. Chairman, that Mr. Naik, the Bombay Chief Minister, after I made the suggestion, said 'Give me a copy of the speech. I like many of the things that were passed because there was no party spirit that way and Mr. Naik said 'Now I go with a better idea of Mr. Bhupesh Gupta—different idea.' I said 'Did you think that I was a hooligan or what?'

SHRI AKBAR ALI KHAN : I hope you behave in the same way in the House also.

SHRI BHUPESH GUPTA : Because in that spirit we worked. I would not like this achievement, or whatever you call it, to be spoiled and I would ask Mr. Chavan to take the initiative. No other State has proceeded in this matter. Mr. Naik I talked about it the other day is very careful about it. I think the Central Government is the proper authority to give expression to the unanimous and very sincerely meant decisions of the Srinagar meetings of the National Integration Council because we wanted the National Integration Council to be successful. Mind you, Mr. Vajpayee was also present in that Committee, I forgot to tell. Mr. Vajpayee and myself—you can understand the situation and we all agreed. Mr. Brahmananda Reddy who was the Chairman, was very useful. Mr. Naik was extremely useful in that matter. I was saying this in order to tell the House, since I have a chance, the spirit in which we worked and I hope that the spirit will be carried forward. This bill should be withdrawn. Let us express our opinion with all respect to Mr. Brahmananda Reddy, that he would be well-advised not to proceed with this matter and let Mr. Chavan and the Chairman of the Council, who happens to be the Prime Minister, discuss with us and formulate a measure in consonance with the decisions of the Integration Council. That is the best way of tackling this situation.

SHRI Y. B. CHAVAN : Sir, he has made very useful suggestions. They are suggestions for action. I am very glad indeed that he has conveyed very faithfully the spirit with which we worked in Srinagar. I wish he continues the same spirit in the House also.

MR. CHAIRMAN : Bills for introduction.
Mr. Vaishampayan.

THE CONSTITUTION (AMENDMENT) BILL, 1968 (*to amend article 351*)

SHRI S. K. VAISHAMPAYEN : (Maharashtra): I beg to move

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The question was put and the motion was adopted.

SHRI S. K. VAISHAMPAYEN : I introduce the Bill.