

membership of his organisation is higher, definitely he will get recognition.

Last but not the least to which the attaches very great importance is the question of Industrial Tribunal Dhanbad holding sittings at his residence at Patna. He did raise this point in the last session and we did take it up. The Judge has explained the whole situation and I think he also said that he would not hold any court in Patna unless it is found necessary and agreed to by the parties concerned.

SHRI LOKANATH MISRA: Thank you.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE PRESS COUNCIL BILL, 1963.

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI C. R. PATTABHI RAMAN): Sir, I seek permission of the House to move:

"That the Bill to establish a Press Council for the purpose of preserving the liberty of the Press and of maintaining and improving the standards of newspapers in India, as reported by the Joint Committee of the Houses, be taken into consideration."

The House is familiar with this important measure concerning the newspapers in the country. I had pointed out on the last occasion that this measure is the result of the recommendation of the Press Commission made more than a decade ago in 1954. The Bill that was passed thereafter in this House in 1956 lapsed and was not proceeded with further. The Press Council Bill was

introduced in November, 1963 and was taken up for consideration in September 1964. With the concurrence of the Lok Sabha it was referred to a Joint Committee of both the Houses. The Committee obtained memorandam from various parties and took oral evidence and after considering the Bill in detail submitted its report in February this year. I wish to place on record our indebtedness to the hon'ble Members of the Committee for the great interest they evinced in this Bill.

The Joint Committee, Sir, proposed some important amendments to some of the clauses in the Bill. In clause 4 they thought that persons having special knowledge or experience in the field of science should also find representation on the Press Council that will come into existence as a result of this measure. They were also anxious that care should be taken to prevent chains or groups of newspapers getting undue weightage in the proposed Council. With regard to the Chairman of the Council, the Committee thought that he should be a whole-time officer and, therefore, the reference to 'honorary' in clause 6 of the Bill has been omitted by the Committee. I welcome these amendments and commend them to the House for acceptance.

With regard to clauses 12(2) (e) and 13(2), as they emerged from the Joint Committee, the position is as follows: In clause 12(2) (e) the Committee added the following:

"to keep under review any assistance received by any newspaper of news agency in India from foreign sources".

The Committee wanted to check assistance offered by foreign Governments and other agencies to newspapers or news agencies in India. I quite understand the object behind this amendment. So far as its implementation is concerned, I have serious doubts. It is not contemplated that a professional body like the Press Council should have any intelligence machinery under it. What

is sought to be prevented is the utilisation of Indian newspapers by foreign agencies for *mala fide* purposes by giving some sort of assistance. If, for example, any foreign Government or agency inserts through authorised channels advertisements inviting applications for jobs in their own country, there could be no objection to this. Even today many of the nations around, particularly in the Afro-Asian theatre, are advertising quite often inviting technical and other personnel from India for helping in their development. So far as influencing of the Indian newspapers in other ways, it may not be possible for a body like the Press Council to ascertain how such assistance is being channelled through. It will be difficult even to know the source from which such patronage is conferred. This really should be left to Government to make an enquiry into such cases with the machinery available. It may primarily concern a sister Ministry, namely, the Home Ministry, and perhaps also other Ministries. If, out of the information that it gets Government is satisfied that a *prima facie* case exists involving the deterioration of the standards and performance of the newspaper as a result of such assistance or influence, the Government can and, I have no doubt, will refer such cases to the Press Council for their advice and opinion. For the sake of this one purpose the Press Council need not be clothed with magisterial and investigatory powers. For this, among other reasons, I am unable to accept this amendment. The amendment moved by Government restricts the scope of the Press Council only to such cases as referred to it by Government without prejudice to Government itself dealing with the matter. I hope to deal with the matter, if necessary, at a later stage when the clause itself is taken up for consideration. But I think the House would like to know the amendment to be moved by me. This is how it would read:

"to keep under review such cases of assistance received by

any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government.

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources, in any other manner it thinks fit."

With regard to the second matter to which I have referred at the beginning, namely, clause 13(2), which is an addition by the Joint Select Committee. I wish to point out that the implications of the amendment and the repercussions thereon may not be apparent at first sight but tend to have serious consequences. The amendment proposed is:

"Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that there has been any interference with the freedom of the Press by any person or authority, including any Government, the Council may, after giving the person or authority concerned an opportunity of being heard, hold an inquiry so far as may be in the manner referred to in sub-section (1) and"

This is rather important—

(a) in the case of any interference by the Government or any officer or authority under the control of the Government, the Council may forward the report of the inquiry to the Government; and

(b) in any other case, if it is satisfied that it is necessary so to do, the Council may, for reasons to be recorded in writing censure the person or authority."

I may pause here with your leave and point out that some distinguished Members of this House, both on this side and on the other side, have already discussed this matter with me,

[Shri C. R. Pattabhi Raman.]

and, if I may so, spontaneously agreed and actually in one case Mr Mani has more or less moved an amendment to the effect which is precisely what I am moving. Of course, he also said something more and I am sure in his able hands he may like to adumbrate his own point of view, which personally I am unable to accept the whole part of it. Anyhow, that is the position, so far as this amendment is concerned. Here, too, the scope of the Press Commission is sought to be enlarged. You can go uphill and down dale the provisions of analogous provisions. No other professional body, like the Bar Council, the Accountant's Council or the Medical Council will have power like this given to enquire into the conduct of "any person". The scope of the Press Council is sought to be enlarged far beyond the recommendation of the Press Commission. The amended clause seeks to empower the Press Council to go into—here I am quoting—"interference with the freedom of the Press by any person or authority, including any Government". In the original Bill, before the Joint Select Committee's Report, sub-clause (2) read as follows:

"Where any newspaper, editor or journalist has been censured more than once under sub-section (1) the Council may report the matter to the Central Government together with a recommendation in regard to the action which may be taken by that Government against the newspaper, editor or journalist."

The Joint Select Committee felt this sub-clause should be omitted and I accepted the recommendation. That is not their in the Bill. In its place, however, they have proposed the amendment to which I have already made a reference. The Press Commission contemplated—this is rather important—the formation of the Press Council primarily for the regulation of the Press. The Commission consisted of eminent publicists and various leaders in the newspaper field and working journalists

and they desired very much that the Press Council should look after the editorial independence, and fairness of comment so far as newspapers are concerned and also desired the regulation of the conduct of the press in the matter of objectionable writing which may not strictly be punishable legally. I am glad that there are many distinguished Members in this House and the other House who were at one time connected with the Press Commission. They were concerned with the conduct of the Press which would enhance the prestige of the profession and to ensure persons guilty of the infraction of the code. In other words, the Press Council was primarily for self-regulation of the Press by the Press itself. The Council, as I have stated, should not be involved in magisterial and investigational processes. To take concrete instances, I would, at the outset, refer to legislative interference with the freedom and functioning of the Press. This is primarily a matter for Parliament. If the infringement of a guaranteed right takes place even by legislative processes—there may be an Act of Parliament or an Act of the State—then the Courts of the country are there to strike them down. In so far as administrative matters are concerned, like the allocation of newsprint, allotment of advertisement, etc. to which a reference was made during discussions in the Joint Committee—in fact there are frequent references to this—they are matters dependent on the funds and facilities available. These questions can be raised in the discussions in the Parliament. Nothing prevents any discussions in Parliament with regard to the allocation of newsprint if there is any discrimination and also about advertisement. This question can be raised in Parliament and nothing precludes it. Nothing precludes the Press Council from expressing their views even on these matters. In fact, I am going to read presently before I sit down clause 12 which will make it clear. The functions and powers of the Council are de-

fined in Chapter III and they are very wide indeed. I wish in this connection to read it in *extenso* because it bears repetition. Clause 12 says:

"(1) The object of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers in India."

These are fairly material—

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

(a) to help newspapers to maintain their independence;

(b) to build up a code of conduct for newspapers and journalists in accordance with high professional standards;

(c) to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;

(d) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance

(e) to keep under review any assistance received by any newspaper or news agency in India from foreign sources;

(f) to promote the establishment of such common service for the supply and dissemination of news to newspapers as may, from time to time, appear to it to be desirable."

[MR. DEPUTY-SPEAKER in the Chair]

(g) to provide facilities for the proper education and training of persons in the profession of journalism;

(h) to promote a proper functional relationship among all classes of persons engaged in the

production or publication of newspapers;

(i) to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study . . .

SHRI BHUPESH GUPTA (West Bengal): Only study?

SHRI C. R. PATTABHI RAMAN: No. To study developments and naturally, it says in the next para:

"study of the ownership or financial structure of newspapers and if necessary, to suggest remedies therefor".

SHRI BHUPESH GUPTA: Why do you say study? The Press Commission had something else to say. The study has been done by the Press Commission. Why should you not do something more than that in order to curb monopoly concentration?

SHRI C. R. PATTABHI RAMAN: I may say that more or less all the recommendations of the Press Commission—except two or three, one referring to the research institute and things like that—were accepted. It is true there is also the Monopolies Commission to which I referred in the Joint Committee. I may be falling short of your expectations. I have great respect for Mr. Gupta. It is just possible that I may not go the whole way with you but I am only trying or endeavouring to point out and if necessary to suggest remedies therefor. Even the financial structure, they can take into account—

"(j) to promote technical or other research;

(k) to do such other acts as may be incidental or conducive to the discharge of the above functions."

I have stressed all this actually. The position is, if the proposed amendment of the Joint Select Committee remains part of the Bill, you can imagine how innumerable the complaints are likely to be and may be

[Shri C. R. Pattabhi Raman.]

from many individuals as well as parties. The Council will have to convert itself into various tribunals and will have very little time to devote to its main task. Here again I hope, if necessary, to speak in greater detail when the clauses are taken up. This House is already acquainted with this measure and I do not wish to take more time of the House. I move that the Bill may be taken into consideration.

The question was proposed.

SHRI M. N. GOVINDAN NAIR (Kerala): Madam, while we are discussing this Bill to ensure the freedom of the Press, one of the leading and distinguished journalists of our country, I mean Mr. T. J. S. George, is languishing in jail, arrested under the D. I. R. in Patna. Why I am raising this question now is this. When we are speaking about the freedom of the Press, when you want to ensure it by another Act, at least the Government should take steps by which the existing freedom is not curtailed. So this utilisation . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh): Even if they create trouble, and all sorts of disorders continue to the detriment of the country?

SHRI M. N. GOVINDAN NAIR: A wonderful advocate for the case of D.I.R. We are speaking about the arrest of an editor under the D.I.R. Apart from the chaos, or whatever the disorder that is created, the question here is: What this gentleman has done?

SHRI AKBAR ALI KHAN: Quite right.

SHRI M. N. GOVINDAN NAIR: He must have written something in the Press; is it not? Is it anything more than that?

SHRI AKBAR ALI KHAN: Creating more trouble.

SHRI MULKA GOVINDA REDDY (Mysore): There are other laws.

SHRI M. N. GOVINDAN NAIR: Now if you mean to say that in the name of preventing the creation of trouble you are going to use the D.I.R., then let us not speak about the freedom of the Press; let us be honest and frank about it. Now with regard to this question, when we discussed this D.I.R. itself, doubts were expressed by people, to what extent the freedom of the Press will be affected, and I remember that the Home Ministry and the Central Government had then given some assurance to the newspapermen that, before they took any action against a journalist, they would at least consult—I think there is an emergency press advisory committee—Government had promised that, before they took any action against a journalist, they would consult them. Here in this case of Mr. George, was anybody consulted? Nobody was consulted. In Bihar there is no Press Advisory Committee. It is reported, it is strongly rumoured that the Chief Minister himself said that “during the last few months he has been attacking me like anything. So I was looking for an opportunity to arrest him”. And this is the disorder he comes to defend.

SHRI AKBAR ALI KHAN: On merits I do not want to say anything. If it is a personal affair, it is a different thing.

SHRI P. K. KUMARAN (Andhra Pradesh): You should read the editorial which he has written.

SHRI M. N. GOVINDAN NAIR: Not only that; you should go through that particular paper for the last few days before his arrest, and then see whether the D.I.R. could be applied to such a distinguished journalist as Mr. George. So, my point is that before ensuring further freedom to the Press at least do not use this lawless law against the Press.

Now, in Bihar, in some of the districts there are famine conditions. You might have been reading in the papers

how people were living on leaves and roots, and that after selling everything they had, how the peasants had to riot, etc

SHRI A. D. MANI (Madhya Pradesh): What has the Press Council Bill to do with all that?

SHRI BHUPESH GUPTA: Mr. Mani will not understand it; he is a well-fed man and he will not understand.

SHRI M. N. GOVINDAN NAIR: Now all this happens at a time when we have an abundant crop . . .

SHRI M. P. SHUKLA (Uttar Pradesh): Has the hon. Member nothing to say on the Bill?

SHRI M. N. GOVINDAN NAIR: I have something to say on the Bill.

SHRI M. P. SHUKLA: But the hon. Member is speaking about Bihar, food, etc

SHRI M. N. GOVINDAN NAIR: I am speaking about Bihar because there was an occasion when the D.I.R. came in handy to apply it to a journalist. When the millowners there refused to pay their levy, instead of using the D.I.R. against them, you completely surrendered to them. The Government failed to take even one grain from these millowners; you completely surrendered to them. And then people agitated and papers wrote that the D.I.R. was not against them. A peculiar state of affairs. So when you speak of the freedom of the Press, etc. at least let us be honest about it. If you do not want to give it, don't give it.

In another nearby State, he is far clever, he is not so crude as the Bihar Chief Minister; he calls the Press and tells them, "I do not want to behave like the Bihar Chief Minister even though that rod is in my hands. But see that no news of a particular character appears in the Press." I say this is an indirect use of the D.I.R. when you call the pressmen and tell them that "I am not using the D.I.R.", which means that it is an indication that "If I want, I also can use this against

you, but please oblige." This is the freedom of the Press.

SHRI ARJUN ARORA (Uttar Pradesh): This is the art of persuasion.

SHRI M. N. GOVINDAN NAIR: Yes, art of persuasion with this rod of D.I.R. So my point is: Before you take into consideration even one clause of this Bill . . .

SHRI A. D. MANI: Remove the D.I.R.

SHRI M. N. GOVINDAN NAIR: . . . at least give this guarantee that this D.I.R. will not be used against the Press.

SHRI A. D. MANI: Against persons you can use, it means.

SHRI GURUDEV GUPTA (Madhya Pradesh): Has it been used against your Press?

SHRI A. D. MANI: If you say, "D.I.R. should go", I can understand that, but I do not understand when you limit it to . . .

SHRI M. N. GOVINDAN NAIR: That is a wider question; here, when we are dealing with the freedom of the Press, I confine my arguments to restricting the use of the D.I.R. at least to the extent that the Press is not affected thereby.

SHRI GURUDEV GUPTA: That is why I ask: Has it been used against your Press?

SHRI BHUPESH GUPTA: That press is the 'Searchlight'—what you are talking about—which belongs to Mr. G. D. Birla.

SHRI M. N. GOVINDAN NAIR: Now coming to the Bill, I am in general agreement with the Bill except with one clause there, and that is clause 14, where you speak about procedure. It may look all right on the first reading because it gives ample authority to

[Shri M N Govindan Nair]
the Council, but in practical application this, instead of helping the freedom of the Press, will go very much against it because, according to this clause you can summon and enforce the attendance of a person, you can require the discovery and production of documents, you can receive evidence on affidavits and so on. Now, I was reminded of certain happenings in my State a few months ago and from that experience I was trying to understand the implications of this clause. A paper published a photostat copy of a letter written by a Chief Minister

SHRI A D MANI Where was it?

SHRI M N GOVINDAN NAIR That does not matter much, and my hon friend knows where and he understands. When I say it relates to my State it means it is Kerala and since it is now under President's Rule, it must be a previous Chief Minister. The hon Member knows it.

SHRI A D MANI But you may say it, for it should go on record.

SHRI M N GOVINDAN NAIR Then some of the editors and correspondents and others were arrested and they were harassed very much by the authorities in order to find out the source from which they had got this letter. These people were arrested under the, what they call, Secrets

AN HON. MEMBER Official Secrets Act

SHRI M N GOVINDAN NAIR They were arrested under the Official Secrets Act and the authorities tried their best to get the information from them, but they did not succeed though many of them had to undergo great harassment. Now, armed with this power, if the Press Council also tries to get at the root of the thing, how some documents were got wherefrom they were obtained and so on, then instead of

helping the freedom of the press, such an amendment would hinder it. So my point is that this clause should be changed and I think there is much weight in what Mr Mani in his Dissenting Note had made out. Instead of having this judicial tribunal, have it as a domestic tribunal. That is what he has suggested.

SHRI C R PATTABHI RAMAN As the hon Member may know, all these domestic tribunals have got this clause. The same thing was argued by hon Members in the Select Committee also. All the domestic tribunals are clothed with this power and this is not a voluntary body. All voluntary bodies have this difficulty as was found in the case of the 'Daily Sketch' in England where they could not summon an editor and the Press Council there said this was the difficulty of voluntary body and it was necessary to put the person on oath as in the case of a judicial body. I only wanted to point this out to the hon Member. Of course, he is entitled to say what he wants, but I thought I should bring this to his notice here.

SHRI M N GOVINDAN NAIR But the fact that a Member of my Party supported you need not debar me from putting my view point here. In some cases you should not try to make the thing so perfect or so powerful. It may lack some power but that would not matter. But answer my question. Why is this necessary for the Indian Press? In a court of law when a case comes up the man can say that it is his trade secret and he would not reveal it, whatever it is. And the court cannot take any action.

SHRI A D MANI They can take action. If I may explain it in a minute, the moment a person is put in the witness box and asked a question relevant to the case which is being heard, even though the question may impinge on his trade secret the witness is under the obligation to answer it.

SHRI C. R. PATTABHI RAMAN: If I may explain, the witness can refuse to answer it, he need not answer the question, but then it would go on record that so and so was asked a question and it was not answered and they will draw their inference. It is only for the purpose of record. So if you ask a man, he can say he will not answer it. Here they are clothed with the power only to see that it is done.

THE DEPUTY CHAIRMAN: Mr. Govindan Nair, you continue.

SHRI M. N. GOVINDAN NAIR: Anyway, I am not convinced by your argument and I still feel that this clause should be amended.

With regard to another point, that relating to censure of people who are not connected with the newspaper, I think we are accepting the amendment suggested by Mr. Mani.

SHRI C. R. PATTABHI RAMAN: We may accept it.

SHRI M. N. GOVINDAN NAIR: I think the essence or the spirit of that argument is accepted and I also feel that this is necessary. I think that is all I have to say. Thank you, Madam.

SHRI M. S. GURUPADA SWAMY (Mysore): Madam Deputy Chairman, this Bill has not come an hour too early. After all it has come now and I am happy to support this Bill and the Minister in charge of it deserves our appreciation. It was in the year 1954 that the Press Commission made a recommendation that a Press Council was necessary. They did it for obvious reasons. The main reason was that in the past when the members of the Press, when the journalists themselves had a number of opportunities to bring about a code of conduct as well as to establish certain norms to be observed by the Government and the Press as such, they all proved a failure. During the war time, Madam, we had the Consultative Committees at the State level and at the Central level. Even

subsequently the Advisory Committees were set up and tried and many matters were referred to these committees. Even the Federation of Working Journalists and the All-India Editors' Conference, tried to evolve a code of conduct for the Press. There was enough material and even the world body, the United Nations, had evolved a code of conduct for journalists. Though all these things were there the situation did not improve. Therefore, there was no alternative but to suggest that there should be some statutory device by which there could be a code of conduct, there could be some norms evolved to maintain standards of journalism and other steps could also be taken to bring about the healthy growth of the Press. I feel that this measure will be a sort of landmark in the history of Indian journalism. What is attempted here is to set up a statutory body instead of trying to have a voluntary device to bring about healthy standards in Indian journalism and to promote the ideal *milieu* in which the Indian Press can work. Therefore, I regard this to be a very significant step forward in the direction of promoting a healthy kind of journalism in future.

This measure is also timely because in the past such a measure as this was not so necessary as it is today. In the past, as we all know, during the time of the freedom struggle there was idealism and a missionary zeal prevalent among the journalists and this spirit was there throughout Indian journalism which passed through a baptism of fire and a crucible of sacrifice. There were so many eminent Indian journalists who faced a lot of difficulties and underwent a lot of bitter experiences. All this was there but unfortunately today that climate, that situation, is not there. Instead of an idealistic or missionary spirit prevailing in the journalistic world we find, on the contrary, a mercenary spirit, the profit motive pervading all over. Therefore, in this context we must have a body which is clothed with adequate powers and which can

[Shri M. S. Gurupada Swamy.]

be used as an instrument, a healthy instrument, to promote healthy standards in journalism. My friend, Mr. Mani, who belongs to a very old liberal school of thought perhaps does not care to appreciate the modern trends in journalism. I sincerely believe in the freedom of the Press; I am equally touchy, as he is as a journalist, that any infringement of the freedom of the Press should be prevented and we should take all measures to protect the freedom of the Press, freedom of opinion and of expression of which freedom of the Press is part and parcel. At the same time, whatever devices, contrivances, we adopt or we set up should be adequately clothed with powers. They should provide an adequate instrumentation through which we can bring about and maintain proper standards of journalism.

Now, the choice before us is whether we should have a voluntary effort which is already being accepted by all, including my friend, Mr. Mani, as being of no use, or not. Even the working journalists have said that voluntary effort has got to be given up. Then, what is the choice? The choice is you must have a statutory body. What should be its powers and functions? We can have a very weak body, an anaemic body, a powerless body though created by Parliament or a body clothed with sufficient powers, with a number of objectives to promote so that whatever you want to achieve could be achieved within this focus. The choice before us is to have either a weak body or a strong body and if it is going to be a strong body, what should be the powers that this body should have, powers defeat the very purpose for which this measure is being enacted?

Now, the objection is raised by some friends opposite—perhaps some friends this side also feel the same doubt—as to why this body should adopt a procedure envisaged in the Civil Proce-

cedure Code. Why is it so? Will this not change the character of this body from a sort of domestic tribunal, from a sort of household affair, to that of a judicial type of instrument wherein all the legalities, all the complexities and a lot of the technicalities of the law will be brought in thus complicating the situation? My answer is very simple. The Civil Procedure Code, as you know, deals with the procedural aspects of law. The body that is going to be set up can have two choices before it: Either it could have its own rules of procedure or adopt the procedure prescribed under law by Parliament. The Press Commission, in its wisdom, thought that this body should frame its own procedure. Now, what is being sought under this Bill is to adopt the procedure contemplated in the Civil Procedure Code. Let us see the advantages and disadvantages of this procedure. The advantage is that if you have a known procedure which will not in any way lead to an infringement of the freedom of the Press then there is definiteness, there is precision and the experience of working for so many years. My friend, Mr. Mani, is always fond of innovations. He has suggested the adoption of different procedures under different laws. If a matter is referred to the Press Council then the procedure envisaged in that particular law, under which the matter comes, could be adopted as the procedure. But may I point out that this Press Council is primarily and exclusively to deal with matters of the Press, freedom of the Press, and if there is any doubt about the procedure and if the procedure is changing off and on, from time to time, where is the certainty about it? The most important thing that has got to be remembered so far as this thing is concerned is that there has got to be some fixity, certainty and surety of procedure and if this procedure does not work well in future, Parliament is there and it could be changed or amended. The civil procedure referred to here deals only with some specific matters. The procedure is only in regard to certain things like

summoning a witness, production of documents and examination of witnesses on oath and the like. The entire procedure is not brought here. Therefore, there is no threat or danger or damage caused to the enquiry by the Press Council.

SHRI C. R. PATTABHI RAMAN:
They have got the powers under 28.

SHRI M. S. GURUPADA SWAMY:
Regarding the other rules of procedure, the Press Council will come into the picture. The Press Council has got to be consulted before formulation of rules. Therefore, the fear entertained by my friends is not real. I think it is based on a superficial understanding. But now may I say a word more about clause 13? I am glad that the Deputy Minister has agreed to amend this clause. If it had gone as it has come from the Joint Committee, it would have proved a greater danger to the fundamental rights of the citizens and the Bill would have gone beyond its scope. Therefore it is right that this particular

4. P.M. addition introduced by the Committee has been deleted.

I am happy that the Committee has improvised this measure to a great extent. It has not touched one thing to which my hon. friend, Mr. Mani, has referred to in his Minute of Dissent. And that is about the appointment of the Chairman of the Press Council. According to him and according to some other friends there is a departure made in the Bill in this regard from the Report of the Press Commission. The Report of the Press Commission says that the Chairman of the Press Council should be a Judge or a person who has judicial experience. The main reason for such a recommendation by the Press Commission was that this body dealing with some complicated technical issues coming up before it should have a person who knows law and the implications of law. Therefore the Press Commission in its wisdom suggested that the Chairman should be a Judge

but their recommendation does not mean that further thought should not be given to the question. If that recommendation can be improved, if an alternative could be found which is more desirable, if it could be changed for the better then that change should be brought about. Here let us see what is being contemplated. According to the Bill a Chairman has got to be appointed and I am sure the Government has got to take steps to see while appointing the Chairman that a competent man who knows law, who has knowledge of law, is there as Chairman. It does not necessarily mean that he should be a Judge, retired or working. There are competent advocates; or for instance the Advocate General may be appointed. What is the objection to it? I think the Press Commission in its anxiety to have a judicial person has circumscribed the scope of this appointment. That is not healthy, that is not good. Therefore I suggest, while making the appointment, Government should see that a competent man, who knows law and the implications of law, is appointed. He need not be a Judge; may be a Judge or may not be a Judge. Sometimes Judges may not be available and sometimes Judges may prove to be bad Chairmen. We have seen that in the past. Therefore we need not be very, very touchy about this matter. The point is, we should have a competent man who understands the Press, the problems of the Press, the problems of the journalists. Therefore I say there is nothing objectionable in this. I would rather say that this is an improvisation over the recommendation of the Press Commission.

There is another matter which has been referred to by my friends in their Minutes of Dissent and that is whether the decision of the Press Council should be final or not. Is it open to the party concerned to question the decision of the Press Council? I say as a journalist who has got experience in the field that there has got to be some finality somewhere. We say that it is going to be a domestic tribunal.

[Shri M. S. Gurupada Swamy.]

If my friends do not want to call it that way, it is going to be a sort of a household body where disputes are settled, evidence is heard and decisions are given. I think there has got to be a finality. And there is the general law of the land. Under the Constitution, anybody can go to High Courts and Supreme Court by means of writs. That cannot be prevented by anybody, whatever the law we make. The Constitution of India cannot be violated by Parliament by means of an ordinary legislation. Therefore there need be no fear about that. So what is required, what is sought to be achieved, is to have a body which gives decisions which should be regarded as final so far as they go. Therefore, the fears raised by some of my friends are not based on good grounds.

Now, Madam, I come to the last point, that is, the nature of the Indian Press today. This is a very important aspect. That in a way is outside the scope of the Bill but the body that is going to be set up has got to deal with this aspect also. Now, what are the problems of the Indian Press today? As I see it, a good part of the Indian Press is controlled, managed and owned by a small section of feudal interests. There are five business houses and eleven others, making a total of sixteen, which control a major part of the Press. A large number of the dailies, weeklies, monthlies etc. is controlled by these 16 units and the majority of the circulation is also controlled by these people. These people who own and control this large number of papers in India belong to the vested interests. So the major part of the Press subserves the class interests of a few, the capitalist class in particular. It is not that all the capitalist people are owning the Press but the Press serves the capital interests. In the first instance it is controlled by a coterie of capitalists. There is another section of the Press which under the garb of pseudo-leftism is controlled by

a notorious class whose loyalty does not rest in India but whose loyalty is extra-territorial. There is another category of Press that caters to sensationalism, promoting vulgarity, obscenity and indecency in the country. These are the three categories of Press that we have in the country today. Formerly . . .

SHRI AKBAR ALI KHAN: One more also which always encourages communalism and sectarianism.

SHRI A. D. MANI: That is a matter of policy.

SHRI M. S. GURUPADA SWAMY: I did not like to touch upon that. Anyway, it is true that there is one section of the Press which promotes anti-social climate in the country, causing a lot of unrest and disturbance and creating situations by which they can work their policies through. These are the three or four categories of Press that we have in India. Formerly there was only one kind of Press. There was very little yellow journalism; there was very little sensationalism. There was one national Press always having the interests of the country at heart. Today very few journals and newspapers speak for the masses; they have no contact with the masses. In India to a large extent the Press is not an instrument of the masses. It has been controlled and managed by class interests, by factional interests. There is another aspect but I need not refer to it. Mr. Bhupesh Gupta may be speaking after me and he will naturally touch upon this aspect, that is, the millionaire Press.

Now, the political parties have a Press of their own. Each political party has got some paper or the other. I have no objection to that. But if a political party has got a number of papers throughout the length and breadth of the country whose main objective is not to subserve the purely political interests of the party as such but to promote some other ulterior objectives, how do you deal with the situation? I think the responsibility of

the Press Council will be tremendous. It is not only to deal with simple problems like the infraction of the code of conduct or the standards of journalism or to create facilities for the healthy growth of the Press or create some institutes where training, education and research are carried on but far more important it is to see whether the Press in India is going in the right direction. The press is too important in the context of today and it is the only institution to reach the masses and it is the only way by which masses can be involved in the various efforts of development and growth. Unfortunately, this prime medium has been abused, prostituted and condemned to serve a small coterie of people in the country masquerading in the garb of altruism. Therefore, the prime responsibility, the major responsibility, if I may say so, of the Press Council is to see whether there could be not only orderliness and responsibility but also the right kind of growth and development and the preservation and efflorescence of the freedom of the Press in India. This is going to be a tremendous task.

Though this measure has come after a considerable length of time, after ten years of the Report of the Press Commission, I am glad that it has come after all. I think the Minister deserves the support and appreciation of all sections of the House. I only wish that the Press Council that is going to come in the future should function in the right spirit. It should not be an anaemic, weak-kneed, paralysed device or instrument. It should be a robust body by which there may be a sort of vigorous growth of the popular press and popular journalism. I am not concerned with the ideological orientation of a few journals. I do not like to touch on it. I only mention that it should be our desire to see that there is neither monopoly nor concentration of the ownership of the press in the hands of a few. Also, twisted coloured and pseudo-ideological orientation of Indian journalism is equally dangerous, if not more. Let us have a Press which is independent, vigorous, robust and forward-looking, which

can function on its own, within which all the journalists, including the editors, have a say in the formulation of its policy, influencing them, so that the masses, the people may derive the fruits of such kind of journalism. Journalism has got two aspects. The press has got two functions, not only to reflect public opinion but also to educate public opinion. In the country today it is not the reflection of public opinion which is so important, but education. So, we are in a transitional phase in our development. It is the educational aspect which is more important than the reflection of public opinion, which is not very articulate, which is not very much developed, which is not very mature. Therefore, when our democracy is still not mature, when we are passing through a preliminary, transitional stage, when ideas can get themselves cluttered up in the minds of the illiterate, gullible, simple people, we have got to be careful even in regard to this matter. Let there be the right kind of idealism, not the wrong kind of idealism. Let there be the right kind of orientation. I do not want that in the name of pseudo-internationalism or extra-territorial nationalism, wrong ideas should be permitted or promoted in our body-politic.

Thank you very much.

SHRI A. D. MANI: Madam Deputy Chairman, before I speak on the provisions of this Bill as it has emerged from the Joint Select Committee, may I refer to the observations made by my hon. friend, Mr. Gurupada Swamy? Mr. Gurupada Swamy was a newspaper editor many years ago.

SHRI M. S. GURUPADA SWAMY: Even now I am.

SHRI A. D. MANI: You are still an active newspaper editor.

SHRI AKBAR ALI KHAN: He is a very experienced journalist.

SHRI A. D. MANI: As an old and experienced journalist whatever he says on the subject of the future of the Press would naturally be received with

[Shri A. D. Mani.]

a good deal of interest in this House. He referred to various shades of opinion which are now passing muster in the country, for example, pseudo-internationalism. If he expects that the Press Council would discourage such opinions, I should like to say, as one who sat on the Press Commission and the Press Council, that it is not the duty of the Press Council to discourage what is called the wrong set of opinions. That is not the purpose of the Press Council. The Press Council is not going to be set up to plug what may be called a certain point of view on national affairs, whether it is pseudo-nationalism or genuine nationalism. These are not matters of concern for the Press Council.

SHRI AKBAR ALI KHAN: Certainly not, if it is most detrimental to the interests of the country.

• SHRI A. D. MANI: I would like to mention it here. Somebody raised this question of communal propaganda. I think the hon Member raised it in the form of an interjection. If there is communal propaganda of an offensive type, the Press Council will naturally take note of it. But if it is going to be of a type which infringes a provision of the law, we expect the Government to take action and not expect the Press Council to moderate the communalism of a paper.

SHRI N M ANWAR (Madras): Where do you draw the line of distinction?

SHRI A. D. MANI: If you want me to give specific cases, I would like to mention this. When a newspaper writes that for something that has happened in Kashmir the members of a particular community must be beheaded, the Press Council would come in. (Interruption). But if a newspaper contravenes the law in respect of communalism or in respect of extra-territorial loyalty, we expect the Government to take action against the newspaper under the law of the land, including the Defence of India Rules,

and the Press at large will support such action.

SHRI AKBAR ALI KHAN: You do not want that the Press Council should take any responsibility.

SHRI A. D. MANI: I would like to say that I am very glad that these questions have been raised here because the expectation is that if a person has any complaint against the policy of a paper, he will write to the Press Council asking for its intervention. If the Press Council seeks to interfere with the policy of the paper and prevents it from putting forward its opinions, we would regard it as a grave interference with the freedom of the Press. We would like the Press Council to intervene in what are called the marginal cases. I may mention here the "Indian Observer", which has established a substantial circulation in Delhi and the "Confidential Adviser", copies of which are also appearing in the news-stands. It is these journals which do not fulfil any public purpose and which regale the readers with scandal which will be put up before the Press Council. The Press Council is, therefore, expected to deal with what are called inoffensive publications which are not in the public interest.

I would also like to mention here that the Press Council should not be regarded as a forum for the trial of cases of defamation which normally should go to a court of law. My hon. friend, Mr. Anwar, always asks for specific cases. I would like to mention some. Now, if Mr. Biju Patnaik or anybody in Orissa feels aggrieved by something published in the "Indian Express", he cannot expect the Press Council to adjudicate on the truth or falsity of the allegations contained in the article. He has got to file a case in a court of law and get himself vindicated and I do hope that Members would not have the impression that the moment the Press Council is established, Ministers, who feel that they have been defamed by newspapers, can go to the Press Council and seek its assistance for bringing the

offending paper to book. We are not interested in trying cases of defamation. What we are interested in trying is cases of what are called offensive publications which may not come within the clutches of the law but which should be discouraged. I mentioned the "Indian Observer". A paper of this kind naturally would figure before the Press Council, and I may also add here, Madam, that the "Indian Observer", for example, does not want to appear before any Committee to be examined about what it publishes in the paper. My hon. friend, Mr. Diwakar, who is the Chairman of the Committee to assist small newspapers, invited the editor of the "Indian Observer" to appear before him. I also happened to be a member of the Committee. The editor of the "Indian Observer" refused to appear before the Committee and we could not have an opportunity of examining him on what he publishes in his paper.

SHRI BHUPESH GUPTA: But were you prepared to ask him questions?

SHRI A. D. MANI: I had the privilege of putting questions to Shri Babu Rao Patel, Editor of "Film India", in respect of what he publishes in his journal when I was a member of the Press Commission. So, I would have put questions to him if he had appeared before this Committee and so also the distinguished Chairman of the Committee, Mr. Diwakar.

SHRI BHUPESH GUPTA: That means you read the "Indian Observer".

SHRI A. D. MANI: I read portions of the "Indian Observer" which have some semblance of public interest. For example, if somebody who holds ministerial office figures on the front page in connection with something nasty, I certainly would look into it because we do not want those who hold ministerial office to be the subject of public controversy. But that does not mean that I approve of what is written there, and sometimes I do not finish what I start reading because it becomes

so disgusting and there is no point in reading further.

Having made this preliminary observation regarding the speech of my friend, Mr. Gurupada Swamy, I would like to say here that the Press Council Bill as it has emerged from the Select Committee is not so objectionable as it was when it went to the Select Committee. There are still features of this Bill to which I take exception, and I have tabled certain amendments for the consideration of the House which will illustrate those objections and which are to be found in the minute of dissent that I have appended to the report. I would like to say here that there has been a good deal of controversy about the nomination of the Chairman of the Council referred to in clause 4 of the Bill. The Chairman of the Council will be a person nominated by the Chief Justice of India. Somehow the judiciary is not in high favour with all circles. I think that is a statement that I can make on a non-controversial basis, and there are quite a number of people who feel that the Chief Justice of India should not be dragged into this affair of the setting up of a Press Council and that the Chairman of the Press Council should be nominated by the President of India. I am not saying that this point of view was put before the Select Committee but this is a point of view which is generally argued that the Chairman of the Press Council should be a person who should be nominated by the President of India and the President of India as a person should nominate him. One of the reasons why the Press Commission suggested that the Chairman of the Press Council should be one nominated by the Chief Justice was that the Press Council was going to deal with the freedom of the Press and that there should be no suspicion in India or abroad that Government was seeking to guide the deliberations of the Council through a Chairman nominated by it. It was for that purpose that the Press Commission decided to recommend that the Chair-

[Shri A. D. Mani.]

man of the Press Council should be a person nominated by the Chief Justice of India. Now I am mentioning all this after the lapse of about eleven years. The Press Commission reported in 1954 and we are considering this Bill in 1965.

Recollecting all that happened in the Press Commission I may mention here that we had before us the Trust structure of the "London Times". As the hon. Deputy Minister is aware, the Trustees of the "London Times" are also nominated by the Chief Justice, and there is the Archbishop of Canterbury also who is on the Selection Committee for the setting up of the Trust of the "London Times". We felt that if the Press Council was to command the confidence of the public and the newspapers, it should be made clear that the person nominated as the Chairman must be one who had the confidence of the Chief Justice of India. It has been argued that the Chief Justice shall never be asked to deal with matters not strictly falling within his charge. In England and the United States and also in our country the Chief Justices have taken part in a number of activities which are not strictly judicial but which have enriched public life, and it would be a sad day if we ask the Chief Justice of India to stick only to his work in the Supreme Court and not take interest in those cultural or public activities which are so essential for the development of our national life.

Madam, I would also mention here that we were quite anxious that even the selection of members of the Press Council should not be by election but by selection by a Committee, and according to the Bill, as it has emerged from the Select Committee, under clause 4 the members of the Press Council will be nominated by a Committee consisting of the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India, and it is said: "in making such nomination the Committee shall have due regard to the consid-

eration that not more than one person interested in any newspaper or any group of newspapers under the same control or management", etc., etc., the other clauses are to be found in the Bill. The idea that we had before us in the Press Commission was that we should not allow the Press Council to become a Municipal Committee for election to Parliament. A person who sat on the Press Council as a member must be one who commanded public confidence and the confidence of his profession. It is for that reason that we suggested that the first panel should be asked for from the organisations concerned but the final choice should be made by the Committee, and I am glad that broadly the recommendations of the Press Commission had been accepted by the Joint Select Committee.

Madam, there is one question to which I referred in my minute of dissent and it is this. The suggestion has been made by the journalists themselves that a person who is nominated as Chairman of the Council should be a person who has held the office of a High Court Judge. The other point of view is that it is open to the Chief Justice of India to nominate a jurist who need not be a Judge of a High Court but who can be well versed in law. The witnesses who appeared on behalf of the Indian Federation of Working Journalists made it quite clear that they wanted only a person who had been a Judge of a High Court to be the Chairman of the Press Council. It may be asked why it is necessary that a former Judge or a person who has been a Judge should be the Chairman of the Press Council. Madam, I have had experience of sitting on Press Advisory Committees for over ten years and during the critical years of the Second World War when the Defence of India Rules were in force, we were all anxious at that time to protect the freedom of the Press and to give publicity to the freedom movement of Mahatma Gandhi. But I must confess here that while journalists may write flaming articles in

the newspapers, they are not as competent as legal men in judging legal cases. It very often happens that the . . .

SHRI AKBAR ALI KHAN: He could be a Judge or any other competent person.

SHRI A. D. MANI: It so happened in so many cases that when the Government put forward a point of view in connection with law, we used to get nonplussed. And some of the actions recommended by the Press Advisory Committees were set aside by the High Courts later on, thus weakening the position of the Press Advisory Committees. Further, we have had the experience of sitting on Commissions and Committees also with distinguished Judges of High Courts as Chairman. On the Press Commission, there were three active Members of Parliament—the distinguished Chairman of this House, Dr. Zakir Husain, Mr. T. N. Singh who now the Minister of Industry and Mr. Jaipal Singh. There used to be so many kinds of matters which figured in the discussion before the Press Commission and I make bold to say that the discussions would not have been orderly and would not have been successful if we had not had the advantage of the Chairmanship of a distinguished Judge of a High Court, Mr. Rajadhyaksha, who is no longer with us. We used to hear so many allegations about share manipulations in the starting of newspaper concerns and their operation. But every time Mr. Rajadhyaksha insisted that if an allegation was made, it must be put to the party concerned for his reply—I mean, the rules of natural justice should be applied. I may say with due respect to all the members of the Press Commission that all of them were eminent in their own sphere, particularly Members of Parliament. We all benefited by the judicial guidance that Mr. Rajadhyaksha gave, and that guidance would not have been available to us if he had not been a Judge of the High of the High Court.

Now, my hon. friend, Mr. Akbar Ali Khan, asked me whether it would not be possible for us to leave the Matter to the discretion of the Chief Justice of India. The moment you say that any person—a Vice-Chancellor—may be nominated as Chairman of the Press Council—and this matter I would ask the hon. Deputy Minister to remember . . .

PROF. M. B. LAL (UTTAR PRADESH): A Vice-Chancellor may be an eminent lawyer as Sir C. P. Ramaswamy Iyer.

SHRI A. D. MANI: But we do not want a mere educationist; he must be a person who understands the requirements of law. It is necessary that such an understanding should be there because case laws on obscene publications may come up before him. The law of obscenity itself is not very clearly defined and unless a person has got a background of a good deal of legal knowledge, he may not be able to understand the implications of the law of obscenity. The law of obscenity as it stands now is defective, a new law may be framed for that purpose. The Press has always felt that the chairman of the Press Council should be a person who is or has been a Judge of the High Court. And I am sorry that the Joint Select Committee has made a change which permits, in terms of the law, the Chief Justice of India to nominate a person who may not have the legal qualifications. It would not be proper for me to mention what were the considerations which exactly made the Joint Select Committee to insert this provision but I do not like the choice to be left to the Chief Justice of India, because the Chief Justice of India must have an indication from us about the kind of person we expect him to appoint.

Madam, I would like to refer to clause 13 of the Bill and also to the amendments moved by the hon. Deputy Minister. The question of a judicial enquiry being made into

[Shri A. D. Mani.]

complaints has been opposed by the entire journalistic profession. The Federation of Indian Working Journalists, which has the largest membership of journalists in the country, has described it as almost a torture chamber method. Journalists would not like to be hauled up before the Press Council and subjected to the rigorous procedures of the Code of Civil Procedure. I may add here that the Press Commission also was appointed under the Commissions of Inquiry Act, and the Commissions of Inquiry Act gives the power to any Commission to examine witness under the Code of Civil Procedure. The Commission had an amplitude of those powers but not one witness was examined in terms of clause 14 of the Bill which is more or less a reproduction of the provisions of the Commissions of Inquiry Act. We asked for the most detailed information, we asked for a large number of details about the financial operation of newspapers. Some of them were covered by the secrecy provisions of the Income-tax Act. But I am glad to say that everyone submitted those figures; when we asked for those figures, they were given but we never examined anyone in terms of the Civil Procedure Code, though it was open to Mr Justice Rajadhyaksha to administer an oath and ask a person to depose on oath. One of the reasons why the profession of the Press does not like journalists being examined as if they were before a judicial tribunal is that questions relating to their sources of information may arise, and no journalist would at any time disclose his source of information. Now, I may add here in this connection that one of the new rules of the Central Board of Revenue in respect of the use of staff cars makes it obligatory for a person who owns a staff car to maintain a log book. There are many staff cars at the disposal of newspapers. But suppose a newspaper reporter had gone to the house of a Minister to get a copy of the Patnaik Report. He cannot mention that he visited so and

so; it discloses his source of information. The profession of the Press is extremely sensitive about that matter. Further, the general theory in a newspaper is that for whatever is published in a newspaper, the editor of the paper is responsible. A large number of the public, overwhelming number of the public, think that the editor of a newspaper goes through every line that appears in a paper. I may mention here, as one who has been an editor, that an editor very often does not see for himself everything that has been passed on by his assistant; he cannot exercise complete control over what appears in a newspaper. If a case of what is called an offensive publication is before the Press Council and the editor is put on the witness stand in terms of the Civil Procedure Code, the question may be asked, "Did you publish this?" And if he is a truthful person, he may say that he did not publish it, that somebody had passed it on but that he accepts the responsibility. The Press Council immediately would ask the person who passed it on and he may say that he did not pass it but somebody else did it. The secret operation of a newspaper will no longer be there if witnesses are examined in terms of the Code of Civil Procedure.

Madam, I must say here that there has been a slight improvement in the drafting of clause 13(1) and that is:

"...the Council may, after giving the newspaper, the editor or journalist concerned an opportunity of being heard, hold an inquiry..."

It is not made obligatory as was made in the original Bill that as soon as a complaint was received by the Press Council, it was obligatory for the Press Council to issue summons in terms of the Civil Procedure Code. Now, by the introduction of this optional phrase 'may', the Council may try other methods of settlement of disputes. I had made this point when the Bill was introduced in this House before it went to the Joint Select Committee.

Madam, this is the first Press Council of its kind which is going to be set up in the whole of Asia, and a number of countries in Asia and Africa are waiting the outcome of this Bill. There are a number of people outside our country who want to see what kind of a Press Council we are going to set up. We have a tradition of democratic freedom in our country. I am not prepared to say that many countries in Africa or, for that matter, many countries in Asia are more interested in the reputation of the Government and of the Press than we in India but whatever might be the deficiencies of the Government of India, I frankly concede, as a member of the Opposition, that it has given the Press the largest measure of freedom which the law permits, and I do not want that reputation to be lost . . .

SHRI AKBAR ALI KHAN: It will not be lost.

SHRI A. D. MANI: Now, it is for that reason that I have suggested in my amendment that this obligation to conduct an enquiry in terms of the Civil Procedure Code should be dropped altogether. The hon. Minister may ask: What is the kind of enquiry that I would like to have? I said earlier that the Press Council will largely be judged by the character of men who are its members. The Press Council will be judged by the dispassionate way in which they come to the conclusion on complaints that are put before them. You need not quote them. These powers of the Code of Civil Procedure I have allowed under clause 14(1) which says:

"For the purpose of performing its functions under this Act, the Council may require the publisher of any newspaper to furnish to it information on such points or matters as it may deem necessary."

The idea that I have in mind is that the Government should leave it to the Press Council to approach the Government for being vested with

the powers under the Commissions of Inquiry Act. If a newspaper editor refuses to appear before the Press Council, it is open in terms of natural justice for the person to say, "I have given every reasonable opportunity to the newspaper to appear before me. I consider this publication as offensive and not in the public interest." The condemnation can be made in *absentia*.

SHRI C. R. PATTABHI RAMAN: The hon. Member is fully aware—it fell from Shri Pathak on the last occasion—that this is just complying with the needs of the Constitution as it stands today. You must fulfil the rules of natural justice to which he referred. You cannot condemn a man unless you give him notice, unless you ask him to show cause in writing or orally. Thereafter alone can you condemn him; otherwise it will be totally invalid and struck down by any court.

SHRI AKBAR ALI KHAN: As Mr. Mani pointed out, if there is no civil procedure—for example, the editor of the Observer refused to appear—anybody who is called before the Press Council will refuse to come.

SHRI P. N. SAPRU (Uttar Pradesh): After all, the rules laid down in the Code of Civil Procedure are based on the rules of natural justice; they are formulation in legal form of the rules of natural justice.

(Interruption by Shri Bhupesh Gupta)

SHRI A. D. MANI: Madam Deputy Chairman, I would like to mention that Mr. Bhupesh Gupta cannot go on interpreting my speech. I am making the speech. In a reference made by the hon. Deputy Minister that I do conceive of cases where an editor may refuse to appear before the Press Council, the question will be asked: What would the Press Council do with the editor? And my answer to that question is: If the Press Council feels that it should be vested with the powers of a commission of enquiry, it makes an application to the

[Shri A. D. Mani.]

Government. The Government issues a notification and says that it is a commission of enquiry. I would like to leave it to the Press Council to come to you for statutory powers.

SHRI AKBAR ALI KHAN: Every time?

SHRI A. D. MANI: Every time.

SHRI C. R. PATTABHI RAMAN: I do not usually interrupt. But, may I, Madam, with your leave point out that it fell from the hon. Member how the Indian Observer, when it was summoned by the Committee dealing with the small and regional newspapers under the distinguished chairmanship of an hon'ble Member of this House, Shri Diwakarji, refused to come? He thought he was powerless. He also referred to other instances given by the Press Commission of Baburao Patel's case. I am not aware of it. He referred to it. Apart from all that, clause 23 provides for this. I did not refer to it. It deals with the power to make regulations. It says:

"The Council may make regulations not inconsistent with this Act and the rules made thereunder,..."

You see it regulates the manner of holding an enquiry. Under this Act nothing prevents them from having rules after the Council comes into existence.

SHRI R. R. DIWAKAR (Nominated): Madam Deputy Chairman, I must clarify. The Editor of the "Indian Observer" did not refuse to come.

SHRI C. R. PATTABHI RAMAN: That is what he said.

SHRI R. R. DIWAKAR: That is why I am clarifying. The Chairman is clarifying what the Vice-Chairman has said. He said that he did not belong to the category of small newspapers. Therefore, he need not appear. It was not a refusal as such in this case.

SHRI A. D. MANI: Madam, I do not want to enter into this contro-

versy of small newspapers. I would like to mention here that the attitude of what I call journalistic profession is that the Press Council should ask for these powers from you. And today the entire journalistic profession and all newspapers which have to deal with this matter in editorial articles have opposed this judicial procedure. The question may be asked: What would happen tomorrow if an editor refused to appear? Leave it to the Press Council to come to you and say, "Give me the powers of a commission of enquiry". You only notify it. And immediately you give it all these judicial powers.

Madam, I would like to go on to the amendment that I have submitted regarding clause 13(2) concerning complaints received by the Council from newspapers that there has been interference with the freedom of the press by any person or authority including any government. The Council may, after giving the person or authority concerned an opportunity of being heard hold an enquiry... Madam, the cases that we have in mind are the pressure that is exercised in many States by State Ministers. It is a fact that many State newspapers are heavily dependent on advertisements on the Government and a large number of journalists would assert that many of the journalists are cajoled and intimidated to supporting the point of view of a person. This has happened in many States.

SHRI BHUPESH GUPTA: I have a recent experience.

SHRI A. D. MANI: You just mention it.

SHRI BHUPESH GUPTA: I made a statement with regard to Shri Satya Narayan Sinha's visit to Paris. The Press and the news agency wanted to release it. I was informed by certain news agency people that they took four paragraphs of my letter to Shri Shastri. Then I was told that Mr. Satya Narayan Sinha telephoned them to prevail upon them not to

circulate it. Hence it never saw the light of the day.

SHRI A. D. MANI: I must say it is open to any Minister of the Government to make a personal request. But what is being done in many States is that a newspaper is bullied into upporting a certain person or the Government of the day by the threat of the Government to withdraw advertisements. That is another kind of threat or bullying.

SHRI BHUPESH GUPTA: They are made bullies anyhow.

SHRI A. D. MANI: There are States in which demonstrations are organised to burn copies of a paper because it has advocated a certain point of view. Now the Press is entitled to its freedom so that it may express its opinions fearlessly. There are also advertisers who often pass on veiled suggestions to newspapers. Madam, may I ask the hon. Minister whether there is any newspaper in India which has spoken against Vanaspati or the manufacture of vegetable ghee?

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh): Yes, there are.

SHRI A. D. MANI: 'Organiser' is one such paper. "Organiser", of course, is in a very special category as Mr. Atal Bihari Vajpayee also is in a special category. The advertisers do exercise a good deal of pressure. Such pressure is exercised not only in India but all over the world. Recently the London School of Economics conduct a survey many years ago about the insidious pressures which work on newspapers; there was a special chapter on the pressure exercised by advertisers. I am sure many newspapers would not complain about pressures from advertisers because many of them want advertisements. But if somebody is bold enough to come and say that improper pressure is being exercised on him either by a politician or by a Minister or by a political party, then it is a matter which affects the freedom of the press and the Council

should consider that matter. It would otherwise mean that the Council is going to be set up only to safeguard the freedom of a section of the public. If it is true, as has been stated in the Preamble of this Bill, that the Council would be dealing with liberty of the Press, with the freedom of the Press, it is necessary that the Council must have the powers to see that complaints made by newspapers against individuals also are investigated. I feel therefore that there should be a reference in clause 13(2). However I have differed from the Joint Select Committee on a particular approach to this question. This Press Council is going to be set up to regulate questions of professional conduct . . .

SHRI AKBAR ALI KHAN: You mean that there should be no Civil Procedure Code applied. How do you think the third parties who have nothing to do with journalism could be called or summoned and their explanation obtained?

(Interruptions)

SHRI A. D. MANI: I am answering the point. If a complaint is received by the Press Council that a State Chief Minister or Minister had bullied newspaper, according to my amendment the Council will write to him: "This allegation has been made against you. Would you appear before the Council?" Generally the persons who bully are persons who are anxious for the retention of their reputations. It is not ordinary people who come and bully. It is the men in authority, the people in authority who bully others and when a person is in authority, he naturally wants to be considered respectable by the public at large. (Interruptions). I am asking the Minister whether she would not feel, if somebody made an allegation that she has exercised improper pressure on a newspaper, that this allegation should be refuted. No Minister likes to have allegations of that kind made

[Shri A. D. Mani.]
against him. He would discuss himself . . .

SHRI AKBAR ALI KHAN: You would examine the Ministers and Chief Ministers?

SHRI A. D. MANI: Exactly. Otherwise it would be lopsided justice. It is not fair for you to think of obscene publications and offensive ones and say they should be condemned by the Press Council.

SHRI C. D. PANDE (Uttar Pradesh): It would be a body with inordinate powers.

SHRI A. D. MANI: I am trying to convert the Minister and the Deputy Minister to my point of view. I would request you to allow me.

SHRI AKBAR ALI KHAN: I would say that it is a very unreasonable point of view. You should not press it.

SHRI A. D. MANI: I would request to be allowed to state my case. According to my amendment this is necessary. I would invite the attention of the Minister. The clause would read as follows:

"Where on receipt of a complaint made to it or otherwise, the Council has reason to believe that there has been any interference with the freedom of the Press by any person or authority, including any Government, the Council may, after giving the person or authority concerned an opportunity of being heard, record its opinion on the complaint."

I do not approve of clause 13(2) (a) and (b). I agree with the Government that it is not proper for the Council to censure anybody not connected with the Press. The Press Council is being set up to regulate professional standards and outsiders are not in any way concerned with the constitution of the Press Council but if a complaint has been made and

the Press Council is seized of it, it is open to the Press Council to say: 'Please state your side of the case' and just record its opinion on the complaint. If for example a Minister exercises improper pressure and the Press Council comes to the conclusion that the pressure was improper, all that it need say is: "It is unfortunate that the Minister exercised improper pressure."

SHRI AKBAR ALI KHAN: That is another way of blackmail.

SHRI A. D. MANI: We want to build up public opinion against the attempt to muzzle the press through pressure by various agencies including advertisers. I am not in favour and I agree with the Deputy Minister, of the provision of clause 13(2) (a) and (b) which seeks to censure an individual. I do not think the Press Council should have the right to censure any person not connected with the profession of the Press.

I would like to go on to another point made by the Deputy Minister in his amendment to clause 12, at page 6. The powers and functions of the Council are more or less on the lines of the formulation done by the Press Commission. One of the clauses in the Press Commission's formulation referred "to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance." The cases that we had in mind in 1952-54 were the imminence of the publication of the 'Readers Digest' in India. The 'Readers Digest' was contemplating publication at that time. It is now being published in India. The 'Time' Magazine also has always been trying to look out for a venue for publication in India. The 'Readers Digest' publication already affected the advertisement revenue of many papers. It was therefore felt that, as a matter of abundant caution, a clause should be inserted under clause 12(1) which will allow the Press Council to ex-

press an opinion on any development likely to restrict the supply and dissemination of news of public interest and importance. We also had the case of the arrangement that the PTI had with Reuters agency. There was another agency which had contacts with another agency, the A.P.A. and the German News agency. The Press Commission therefore had these points in mind when they made this recommendation in their formulation. I wish the Deputy Minister had taken the public into confidence about the first point he has made now under clause 12. May I request the Deputy Minister to listen to what I say? I wish, since you are the Chairman of the Committee, that the Deputy Minister had taken the Joint Select Committee into confidence about the fresh point he has made in the draft, because we would have had an opportunity then of considering the draft. According to his draft it says:

"To keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government."

I would request the Minister to drop the formulation as he has done under clause 12. I do not know whether any newspaper receives foreign assistance. This charge has been made against the Indian Press but as an old-time newspaperman in this country, as an editor of over 30 years' standing, I may say that the Press in India by and large has been free from foreign subsidy and influence. It stands to the credit of the Indian Press that this should be said publicly. I do not want anyone to run away with the impression when he sees the

draft of the Deputy Minister that there is some kind of an indirect subsidy going on among newspapers. I frankly do not know the position in respect of certain Party journals. I do not know to what extent machinery is being received by them and on what terms, but then to put it in this fashion would invite the suspicion that there is some element of foreign subsidy for the Indian Press and I would like that impression to be avoided. I would therefore say that the original clause as drafted by the Joint Committee should stand.

My second objection to this clause is that the Government must bear this in mind that the moment the Press Council comes into existence, they should have nothing to do with the Press Council. The initiative must be with the Press Council. If the Members scan the draft of the amendment, they will find that the Press Council can consider the matter only when the Central Government refers a matter to it. I should like to read:

"To keep under review . . .

THE DEPUTY CHAIRMAN: How much more time do you need, Mr. Mani?

SHRI A. D. MANI: Another ten minutes.

THE DEPUTY CHAIRMAN: You may continue tomorrow. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Wednesday, the 18th August 1965.