

—Ministerialists and dissidents—agreed on a common candidate without getting involved in a contest. There are some respectable leaders in the ranks of the dissidents also. They were speaking about the election of the leader in the Orissa State Assembly. Sir, you have been a Governor and there are three ex-Governors here. Here is a Governor who makes a public statement in which he advises the members of a Legislature Party in another State as to how the leader of the Congress Party should be elected. It is unprecedented I say since the Constitution.

SHRI AKBAR ALI KHAN (Andhra Pradesh) On a point of order. He has not said anything except that there should be unanimity.

HON. MEMBERS No no

MR CHAIRMAN Will you please sit down? The matter is not under discussion. He is calling the attention of the Government to it. He would give me notice and I will pass it on to the Government. I do not think the Government will be in a position to make a statement just now.

SHRI BHUPESH GUPTA I think tomorrow. I think this matter is serious. If you think it is serious then the Government should make a statement tomorrow, so that Members may thank you better. I have the Press cutting here. Here I saw it is an absolutely unprecedented interference by a Governor in the affairs of another State.

MR CHAIRMAN You have said it already.

SHRI BHUPESH GUPTA: Very good. You can give us direction.

MR. CHAIRMAN: Please sit down.

SHRI BHUPESH GUPTA: (Turning to Shri R. R. Dwakar) Why don't you get up?

MR CHAIRMAN Nobody need get up. We proceed to the Press Council Bill.

THE PRESS COUNCIL BILL, 1963— continued

MR CHAIRMAN Shri Nafisul Hasan

SHRI NAFISUL HASAN (Uttar Pradesh) Mr Chairman, I rise to give my general support to the Bill that is before the House. The object of the Bill, namely, 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 is unexceptionable. As far as the functions of the Council are concerned, they are contained in clause 12(2). I do not propose to read all of them, but the most important of them are contained in sub-clauses (a), (b) and (c). It says —

“(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 the highest professional standards and, in particular to prevent the use of any information obtained by journalists for purposes of blackmail;

(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.”

During the course of the debate I remember that no objection has been taken by any side of the House as far as the functions of the Press Council are concerned.

The composition of the Council is also well thought out. Besides the Chairman, there are to be 25 members, out of whom 19 are to represent the Press, i.e., 13 working journalists and six to represent the management and the owners of newspapers. There are three members of Parliament, two from Lok Sabha and one from the Rajya Sabha. Then, there are three members representing literature, law,

[Shri Nafisul Hasan.]
etc. They will be learned people. All of them will be there, mostly to help the representatives of the Press. As a matter of fact, the composition does indicate that it is more or less the members of the Press themselves who are to administer their own functions. There has been practically no objection to the composition as proposed in this Bill. There is only one point to which I draw the attention of the Government and also of the Joint Select Committee which is going to look into the details of this Bill and that is about the propriety of entrusting the Chief Justice of India with the duty of nominating the Chairman and also of the association of the Chief Justice of India in the Committee which has to appoint 22 members out of 25. When I read through this Bill, this provision appeared to be incongruous. The more I have thought about it the more I feel convinced that it will be a wrong step to associate the Chief Justice of India in discharging the duties which this Bill proposes to cast on him. Sir, the edifice of our democracy rests on the independence and the impartiality of our judicial system and the more so on the confidence of the public in the impartiality, integrity and independence of our Judges. Once that confidence is impaired, it will do incalculable harm to our democratic system. Our Constitution-makers have taken very great care to maintain the independence of our Judges of the Supreme Court and also of the High Courts. I will draw the attention of the House to article 211 of the Constitution which says—and this is with regard to the Legislatures of the States:

“No discussion shall take place in the Legislature of a State with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.”

SHRI P. N. SAPRU (Uttar Pradesh).
The U. P. Legislature discussed it.

SHRI NAFISUL HASAN: Something happened in the U. P. Legislature. I will not go into it, but here is a constitutional provision prohibiting even the discussion of the conduct of a Judge of the High Court or of the Supreme Court by a State Legislature. We do not find a similar provision against such discussion in Parliament, but for that there is a reason. A total prohibition has not been made because there is article 124(4) which says:

“A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.”

So it is open under this article to Parliament to discuss the conduct of a Judge of the Supreme Court or of a High Court. Although there is no constitutional bar to our discussing the conduct of a Judge, yet we have imposed that prohibition ourselves in the rules. That is a self-imposed prohibition and I believe that similar is also the rule of the Lok Sabha. I am referring to our own Rules of Procedure. Our rule 238 (v) says:

“A member while speaking shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms”

There is an Explanation attached to it:

“The words ‘persons in high authority’ mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Chairman, should be discussed on a substantive motion drawn in terms to be approved by him”

So, although there is no constitutional bar to our discussing the conduct of a High Court Judge or a Supreme Court Judge, we have ourselves imposed that bar upon ourselves, and this clearly shows that we have taken great care to see that the conduct of a Judge of a High Court or of the Supreme Court is not discussed even in Parliament except on a substantive motion as provided in the Constitution.

[THE VICE-CHAIRMAN (SHRI ARBAR ALI KHAN) in the Chair.]

There is one thing more. The law of contempt of court is a protection to our judicial officers from unnecessary and unhealthy criticism of their action while acting judicially. The same protection of course is to be enjoyed by our Chief Justice of India. But that protection he will enjoy only as far as the exercise of his judicial functions is concerned. In the exercise of the functions which are proposed under this Bill he will have no such protection. If anybody assails his impartiality or attributes even motives to him as far as the performance of his duties in the appointment of a Chairman or appointment of members is concerned, the only remedy will be to go to court with a suit of defamation. Even that will be most improper for the Chief Justice of India to do. Therefore, I am firmly of opinion that the association of the Chief Justice of India in the nomination of the Chairman or in the selection of members will be a step which will have very serious consequences, and this step should be avoided.

SHRI A. B. VAJPAYEE (Uttar Pradesh): What is your alternative suggestion?

SHRI NAFISUL HASAN: I am coming to that immediately after this. Let us also see first of all whether we are investing the Chairman with any extraordinary powers. As far as I have read the Bill, the Chairman will have absolutely no powers. All the powers whatever under the Bill will vest in the Council itself. The position

of the Chairman will only be to act as a friend and adviser to help the Council with his experience and with his knowledge. As far as the question of taking decisions is concerned, power will vest in the Council itself. Therefore, we should not give unnecessary and undue importance to the question of appointment of the Chairman. What are the functions of the Government in a democracy, I would like to know. It is public money which is going to be spent over this Council. Why should Government feel shy of taking responsibility for appointing the Chairman itself? Why should it go abegging? There was a suggestion made by my friend, Mr Sapru. Although in the beginning it appeared that he had strong objection to the association of the Chief Justice, finally he came forward with the suggestion that there should be association of the Speaker and also the Chairman. As I just now said, I am not in the least in favour of the Chief Justice of India coming into this picture at all. As far as the Chairman and the Speaker are concerned, they too are independent functionaries in Parliament. They should also not be brought into any controversy. The appointment should be made by the Government who should not be afraid of criticism. That is the normal way a democratic government functions. No democratic government can work properly if all its actions are not subject to criticism. It should not be afraid of criticism, it should not be afraid of taking the responsibility for making the appointment. That is my view about this. Let the Government itself appoint the Chairman. Moreover . . .

SHRI BHUPESH GUPTA (West Bengal): The hon. Member seems to be very angry.

SHRI NAFISUL HASAN: I am opposing that particular provision with all the emphasis at my command. That is all.

My friend, Shri Vajpayee, asked me what alternative I was going to suggest, and I have suggested as far as the Chairman was concerned.

[Shri Nafisul Hasan.]

As far as the representatives of the Press are concerned it appears that we are giving representation to the different interests. I mean, thirteen are to be chosen from among the working journalists and six from among the owners of newspapers. I do not know what objection there can be to adopt the democratic principle of election. They should have power to elect their own representatives. If there are any particular objections, they should be considered. But I will suggest that this question may also be considered by the Select Committee and if it is possible to have a proper representation of these people, there is no reason why the system of election should not be introduced and the persons to whom it is proposed to give representation should be allowed to choose representatives of their own choice.

SHRI P. N. SAPRU: They are not well organised just now.

SHRI NAFISUL HASAN: That question may be considered. If they are not well organised, that may mean difficulty for the time being. I do not think it is proper to go by the principle of nomination for all time in the democratic set-up of this country. At present, some other device may be thought of.

Fortunately, there is a motion for reference of this Bill to a Joint Select Committee, and I hope that his particular suggestion which I have put before the House will be given proper consideration and also the suggestion that the Chief Justice should be kept out and his conduct should not be the subject of any discussion. I am very particular about this important point.

As I said at the very outset, I give my full support to the objects and the other provisions of the Bill.

Thank you.

PROF. A. R. WADIA (Nominated): Mr. Vice-Chairman, Sir, this Bill has been long overdue. It has had a very

chequered career. But I do hope that thereafter it will have a very smooth career and will go through Parliament as soon as possible.

There can be no two opinions about the desirability of the Bill. After all, democracy can function only through a strong and independent Press. We are all interested in a strong Press and if this Bill goes to ensure the independence of the Press, we shall all welcome it.

I find that a great deal of discussion has been raised in connection with the selection of the Chairman by the Chief Justice of India. Personally, I felt that it was very creditable to the Government to have made this suggestion. It implies impartiality. But it has been very strongly opposed by the previous speaker as well as by some others. I appreciate that there are certain points in that opposition. But the Press Commission itself recommended that the Chief Justice should be entrusted with the power of selecting the Chairman. And therefore I am inclined to agree with Mr. Sapru as a compromise that instead of laying the whole responsibility on the Chief Justice, it may be desirable to have a small Committee of three impartial people, so that the Chief Justice by himself may not come in for any undue criticism.

So far as the selection of the members of the Council is concerned, I think the composition of the Council is very satisfactory. It gives the main authority to the Press people themselves. And here again, the selection of the members is to be done by the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India. I think this also will go far to ensure the impartiality of the selection.

So far as the objects and functions of the Council are concerned, they are laid down in clause 12. I wholeheartedly support the second provision which reads:

"(b) to build up a code of conduct for newspapers and journalists in accordance with the highest professional standards and, in particular, to prevent the use of any information obtained by journalists for purposes of blackmail;"

I do not feel so happy about the function under sub-clause (g) which says.

"to provide facilities for the proper education and training of persons in the profession of journalism and to assist persons so trained to get themselves absorbed in the profession;"

I do not know what exactly is in the mind of the Government. Are they suggesting that the Press Council should be responsible for setting up an institute for providing proper education in journalism? It may be done but it has to be remembered that there are several universities in India today that have taken upon themselves the responsibility of providing training in journalism, either by giving a degree or more often, by giving a diploma. What is going to be the relation of the Press Council to the universities in the matter of this education? I personally feel that the Press Council need not be directly responsible for undertaking any training in journalism. And I feel most unhappy about assisting persons so trained to get themselves absorbed in the profession. I should not like such a responsible body as the Press Council to be reduced to the level of an employment bureau. It should not be the function of the Press Council to undertake this business.

I felt also unhappy that Mr. Mani was so defiantly opposed to some provisions about the Press Council. The intention of the Government is clear, to make the Press Council as strong as possible to endow it with certain judicial functions and to endow it with power, so that it could effectively discharge those functions. I must admit that Mr. Mani did not

appear to me to be very convincing in his opposition to this provision. But I am prepared to admit that as Mr. Mani is a journalist by profession, he knows the inside difficulties of this profession, and as he is a member of the Joint Select Committee, I am sure that he will put his case there as effectively as possible, and it is for the members of the Joint Select Committee to consider whether there should be any modification of this provision. The main object of the Bill is to safeguard the freedom and independence of the Press. Now, it all depends on how the Act is going to be administered. It is a very right observation in jurisprudence that a bad law well-administered is better than a good law ill-administered. And the success of this Act is going to depend on how it is going to be worked.

Now, there are three ways in which the Government can interfere with the independence of the Press, and it will be the duty of the Press Council to be endowed with powers to checkmate the Government in all these three directions. The first is in the matter of advertisement. We all know that no paper in any part of the world can possibly be maintained only by the number of subscribers. Its main income has to be through advertisement. And the Government is perhaps the most important advertiser in this respect. I am aware that it has been a complaint on the part of many papers that if they have taken up any very independent attitude against the Government, immediately the advertisements are withheld. Now, how is the Press Council going to resist this evil? It seems to me that the Press Council will have to prepare a list of papers deserving of patronage by Government in the form of advertisements. That list may be prepared on the basis of circulation, on the basis of the standing of the editor and on the basis of its general reputation in the country as an independent paper. I think as a matter of convention the Government should be bound to give advertisements to these papers and if for one reason

[Prof. A. R. Wadia.]
or the other the Government is not prepared to do it, it should state its case before the Press Council and it should be for the Press Council to decide whether any particular journal should be removed from this list of papers.

The second way in which the Government has been known to interfere with the independence of the Press is by putting pressure on the management and on the editor that they should not publish articles by a particular person. I am happy to say, Sir, that on the whole our Press has not been interfered with much by the Government. We have a free Press of which we should be proud. We have a Press which cannot possibly subsist in a communistic country like Russia and China. But I am aware of a particular case where a certain journalist, may be a free-lance, was taking up a very strong attitude against the Government and he was putting a regular series of articles in a very important English daily. The Government did not like it and they put pressure on the management that these articles should be discontinued. The management in its turn put pressure on the editor and the editor, much against his will, had to request that journalist not to send any further articles. I think, Sir, this is an abuse of authority. Not merely that. When that journalist tried to publish his articles in another paper, that paper was also prevented from accepting his articles, and the result was that this journalist had to take recourse to publishing a small paper by himself which naturally had no advertisements, had no financial support and had a very limited circulation. I think this sort of pressure is unworthy of the Government and it will be the duty of the Press Council to resist this sort of pressure.

The third way in which the Government can affect the independence of the Press is in the matter of distribution of newsprint. It is possi-

ble for the Government to say that there is a scarcity of newsprint and, therefore, there will have to be a cut in the supply of newsprint for different papers and it may, consciously or unconsciously, reduce the supply in the case of a paper which is not very welcome to them. Here again it is the duty of the Press Council to safeguard the interest of papers and to see that the distribution of the newsprint is done as equitably as possible, without any reference to political pressures of this party or that party.

Sir, these are the few observations that I have ventured to make. I am perfectly certain that the Joint Select Committee will have a very difficult task before it to balance all the different conflicting interests. But I am sure that they will rise to the occasion and do their work as efficiently as possible, and when the Bill comes to us it will be in a form which will be acceptable to all of us.

SHRI N. M. ANWAR (Madras):
Mr. Vice-Chairman, I rise to record my warm welcome to the Press Council Bill, 1963. Arising from the recommendations of the Press Commission, this Bill proposes to set up a Press Council for India, the first of its kind in Asia and Africa. And indeed with the statutory powers which this Press Council will have to regulate the conduct of any Press and also to maintain the professional standards of journalism, I believe, this will be the only one of its kind in the world.

Sir, reference has been made very frequently to its counterpart now functioning in Great Britain, the British Press Council. But because of the informal character of that Council we have seen that except for the moral authority that it can exert in the field of British journalism, we have quite often seen—even from the observations made by Mr. A. D. Mani who had undertaken an on-the-spot

study of the inner workings of the British Press Council—that it could not compel the erring members of the profession to regulate their conduct according to the best standards of journalism. Therefore, Mr. Vice-Chairman, profiting from that experience of the British Press Council it is but meet and proper that the Government should have come forward investing this Press Council with statutory powers to safeguard the liberty of the Press.

Sir, when I speak of the liberty of the Press my mind goes back to those years when the Press in India contributed its glorious part towards the attainment of our national independence. It redounds to the eternal glory of the Press in India that it should have contributed such a lion's share towards the attainment of our national independence. Our gratitude goes to those leading lights of our journalism who as missionaries spearheaded this freedom movement.

Mr. Vice-Chairman, we have got a very celebrated classic maxim upon the liberty of the Press that it is the palladium for all civil, political and religious rights of a citizen and naturally whoever is zealous to maintain that liberty in any country and more so in a democratic country, will safeguard the liberty of the Press and shall allow no inroads into this liberty of the Press but what has been our experience with regard to the workings of the liberty of the Press in our country? We know that some of the leading lights of the Press in this country of course the names are too numerous to mention but nevertheless pardon me for mentioning a few among them—*The Statesman*, *The Times of India*, *The Hindustan Times*, *The Indian Express*, *The Hindu*, *The Tribune*, *The National Herald* and *The Free Press Journal*—have been carrying on the lofty traditions of journalism in our country and in point of qualitative reputation . . .

SHRI ABDUL GHANI (Punjab): What about *The Statesman*?

SHRI N. M. ANWAR: That is the paper with which I started first about the leading lights of journalism in this country but let me say this that these leading lights can be compared with the best in the world from the point of view of qualitative reputation though they may be far far too behind in matters of quantitative circulation. But let us try to descend from the ivory tower of this ideology of this liberty of the Press and come to *terra firma* and plant ourselves deep and see the realities of the situation as to how this liberty of the Press has worked itself out in our own country. I rather very much feel pained to say this that the Press quite often has turned the liberty into a licence in our country, particularly the language Press. Speaking of them by and large I know that they have done their duty pretty well by the country but there have been very many examples that have been brought before public opinion of how most of these newspapers have not discharged their responsibilities and imposed upon themselves reasonable restraints of responsibilities worthy of the highest traditions of journalism in this country.

SHRI M. P. SHUKLA (Uttar Pradesh): Question.

SHRI N. M. ANWAR: My friend to my right questions that statement.

SHRI M. P. SHUKLA: I question "the most".

SHRI N. M. ANWAR: Now, let me for his edification bring out some of the newspapers which should rightly belong to the Yellow Press, to the Gutter Press. We have got such newspapers in our country and right in the Capital and possibly my hon. friend to my right must have gone through such newspapers which bring out such things which can only do disgrace to the spiritual heritage which our saints and seers, sages and savants have bequeathed into us and into our posterity. Some of the newspapers have earned a notoriety for

[Shri N. M. Anwar.]
 character assassination. Some of the newspapers have been bringing out all kinds of filth and abuse

SHRI S. M. SAIT (Kerala): Which are those papers?

SHRI N. M. ANWAR: I am not prepared to identify any of these newspapers because you will readily appreciate that ignorance is bliss where it is folly to be wise. Let me say this. There are certain newspapers in this country that have brought disgrace to the nation, to the profession to which they belong and I ask in all earnestness of Mr. A. D. Mani who pleaded for the liberty of the Press as to what he has done to curb the rising tide of the Gutter Press in our country. Even this morning I saw Mr. Frank Moraes has come out with an article as to the conduct of the Press and the Government in this country but I would, in fairness, ask of these leading lights of journalism and of these ever so many associations like the All India Newspaper Editors' Conference, the Working Journalists' Federation, the Small Newspapers Association and also the Language Newspaper Association of India, as to what they have done to take up cudgels against such black sheep and blacklegs of their profession. It is a crying shame that they should belong to the profession and still not be influenced by the highest code of ethics which the journalists set for themselves. That is why I feel the dire necessity that when the Press Council regulates the conduct of the Press in this country, it should be invested with statutory powers to see that in a society where we have got variegated features of a plural society, in a society where we have got far too many communities, far too many languages, far too many regions and therefore in the national spectrum of our public life we have got so many facets which are being held in precarious equilibrium, it is very necessary that the Press should come to perform its duty to this country with reasonable restraints of responsibility.

We have got no doubt a very high place in our esteem for the Press. It has been rightly called the Fourth Estate of the Realm in every country. Why? It is because we know that the pen is mightier than the sword and particularly the journalists who wield the pen wield them for public notice. It was Napoleon Bonaparte who said that a hostile newspaper to any Government was much more dangerous than a thousand armed soldiers because before the authority of the Press, sceptre and crown had tumbled down throughout the world and therefore it is that I want to see that the Press discharges its paramount responsibility in maintaining the tranquility of the State. Very often we have seen in our country whenever there has been recrudescence of any kind of commotion, communal or otherwise unfortunately some of the newspapers in our country particularly belonging to the language group have not discharged their duty with restraint but have fanned the flames and have brought catastrophe to the fair name of our Secular State but I must say this that these are the gentlemen of the Press. Mr. Mani would like that we should have to address these friends as the gentlemen of the Press but I ask in fairness, is it the function of the gentlemen to wound the feelings of the different sections of our society? It was Cardinal Newman in his classic convocation address to the University of Wales that defined a 'gentleman'. Of course I confess that it was a limited and negative concept of 'gentleman' but nevertheless let me say this for the edification of Mr. Mani that a gentleman is one who does not hurt the feelings of others and judged by that criterion, how many of these leading lights of journalism conform to this standard that they should deserve to be called the gentlemen of the Press.

I really feel that in our country we have got to see that the Press Council . . .

[Shri N. M. Anwar]
this morning that I read a very valuable article by Mr. Frank Moraes where he claims as if this Opposition is not quite enough to be of trouble to our party. He believes that it becomes the natural function of the Press by virtue of the liberty of the Press to discharge the role of the Opposition, as if our country does not carry enough of the Opposition in Parliament and in the Assemblies.

SHRI B. K. P. SINHA (Bihar): The Opposition is not enough, perhaps.

SHRI N. M. ANWAR: Here I must say this that I am only reminded of that very aggrieved member of the animal kingdom when I speak of the role of the Press—the donkey, how it looks with its head and ears down, looking morose and melancholy, and how that donkey discharges its duties towards his benefactor.

SHRI EBRAHIM SULAIMAN SAIT: You seem to know it better.

SHRI N. M. ANWAR: Naturally because of your company. Mr. Vice-Chairman, now therefore let me say this. How does that donkey behave towards its benefactor? Well, like a parasite which grows on what it feeds, it generally draws a lot of its food, its fodder, from its benefactor, but all along the road it collects whatever comes by. But you know, Mr. Vice-Chairman, and you will be very agreeably surprised that the favourite menu of the donkey is the newsprint; it gulps, it digests all that newsprint that comes on the way; and nobody knows where all that newsprint goes but what comes out is very little. Well, Mr. Vice-Chairman, let me say this. It is also a peculiar character of this animal that every time, even when its own benefactor imposes responsibility on this donkey, it kicks and again even when he relieves the donkey of that responsibility, it kicks, and it kicks and kicks and kicks all the time and always by the hind legs. So, it is that the Press has assumed this responsibility that it goes to the

Government for the newsprint, it goes to the Government for the advertisements and yet even when they give the advertisements, it kicks, and when they withdraw giving the advertisements it again kicks the Government, and it goes on kicking and kicking, and it kicks indirectly through support for the Opposition. And nowhere in the world have we got a Press which has developed kicking into a fine art much more than they have done it in this country.

SHRI A. B. VAJPAYEE: Government deserves it.

SHRI N. M. ANWAR: Well, Government may bear even much more: it is shock-proof—because the masses are behind it.

SHRI A. B. VAJPAYEE: What a democrat you are.

SHRI N. M. ANWAR: I have to speak feelingly against the Gutter Press and the Yellow Press and my charge is against these leading lights of journalism, whom Mr. A. D. Mani defends very often in this House, and quite rightly too. But in the interests of the profession, in the interests of setting good standards for the profession of journalism, they must have to see that these black sheep and these blacklegs should be ostracised, and for that the Press Council for India must be invested, with statutory powers, such as will set high standards of public conduct.

Mr. Vice-Chairman, you know how many individuals in public authority are now being defamed in the Press; particularly there are newspapers coming from one corner of this country, whose weekly pastime is to slander one or the other of the Treasury Benches, submitting him to the searchlight of such terrible sarcasm that it looks a standing disgrace that we should have to consider such blackmailers as worthy of our country or worthy of the profession. Now, Mr. Vice-Chairman, it was Mr. Harold J. Laski who gave a very classic denun-

SHRI V. M. CHORDIA (Madhya Pradesh): That gentleman is coming.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): But do not repeat what you have said. Proceed further.

SHRI EBRAHIM SULAIMAN SATT (Kerala): What he said about Mr Mani may be repeated.

श्री तारकेश्वर पांडे (उत्तर प्रदेश)
मैं य' पूछना चाहता हू कि "जैन्टलमैन"
की जो परिभाषा आपने बताई है क्या मणि
साहब उसमें ठीक ठीक उतरते हैं कि नहीं
और ठीक ठीक नहीं उतरते हैं तो कितना उतरते
हैं ?

SHRI N. M. ANWAR: Well, Mr. Vice-Chairman, I must say that Mr. A. D. Mani is a zealous defender of the rights of the Press, naturally, and he should be the first to disown the black sheep and the blacklegs in the profession when they brought disgrace to the leadership of the profession. Does he know that there are the gentlemen of the Press who try to write day in and day out abuse, filth and character assassination against individual people in authority? It was Mr. A. D. Mani who brought to the notice of this House, in the course of his brilliant speech, that there was one newspaper in this country which questioned, out of curiosity, as to why the wife of a particular leader of public consequence did not become a mother. I am amazed, Mr. Vice-Chairman, how dare do these gentlemen enter into the *sanctum sanctorum* of conjugal bliss as to ask, why does not the wife of a particular leader become a mother? Well, Mr. Vice-Chairman, it can happen in the Press of any other country in the world, but not in this country where we have the highest traditions of spiritual heritage, of which we are legitimately proud and which we want to bequeath to our posterity.

شہری عبدالغنی : انور صاحب -

جھسا راجا ویسی پرچا -

†[श्री अब्दुल गनी : अनवर साहब, जैसा
गजा वैनी प्रजा ।]

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr Ghani, you will have your chance, but if you interrupt, it will be difficult.

SHRI N. M. ANWAR. It is exactly there that I want to join issue with Moulvi Abdul Ghani for whose intellect and integrity I have got the highest regard.

SHRI A. D. MANI (Madhya Pradesh). Why? Everybody

SHRI N. M. ANWAR: But then we have got in this country, I mean there are certain newspapers even among the leading lights of our journalism which have come under the press lords of the jute oligarchy. I know that these vested interests are working at cross purposes and also at loggerheads with the socialistic pattern which we have set for the future of our country and that is exactly the reason that quite often we find that the press lords of the jute oligarchy keep on writing things which sometimes do incalculable damage to the image of our country. Mr Vice-Chairman, sometimes it is unbearable for me to go through this experience, and when I open the newspaper it looks as though I am opening the Pandora's Box because I find on every page, in every column, things said against the Government in this State or that State, in this or that particular department. It looks as though, if anybody were to go through our Press and believe all that is being reported in the Press, one may come to the conclusion that here in our country things are more rotten than what it was in the State of Denmark. But the things are absolutely different from what the press has been saying. It was only

† [] Hindi transliteration.

ciation of how this liberty of the Press has become a licence even in England. When the newspapers are discharging the function of attacking our masses which are our masters, they try to aggravate the situation by appropriating to themselves all the wisdom not of the masses but of the Industrialists. And then what do we see? They become the vested interests themselves, and these newspapers try very soon to develop into a leviathan, and devour in its entrails the little worms that suffer existence, and such press lords of the jute oligarchy we have got, unfortunately, very much now in evidence in our country, and are developing such powers of concentration and monopoly in the hands of a few that it looks as though they are holding the State and our society to ransom. Very often we find that these leaders of the Jute Press have been responsible for even trying to give the impression abroad that all is not well in our country. But Mr. Vice-Chairman, I must really feel that the Press Council will have to take upon itself to see that it imposes curbs on concentration in this profession. It should not be in the hands of a few, because it is not good for our democracy, particularly when we have got an egalitarian society as our goal and as Mr. Laski rightly said, concentration of power in the matter of the Press in the hands of a few will be public enemy number one for an egalitarian society and therefore it is, Mr. Vice-Chairman, I feel that even Mr. A. D. Mani will concede that there is that wonderful human dichotomy of Dr. Jekyll and Mr. Hyde, and when the Press wields the pen, which is mightier than the sword, which moulds public opinion, which poses to be more authoritative than the Government, well, we have got to see that that pen is wielded but rightly in the larger interests of the country.

Now, Mr. Vice-Chairman, I ask: Why is it that such a noble profession, which comes in contact with the circumference of life at every point, is being rather thrown open to all and sundry? If you want to enter the

medical profession you must have to be at least an M.B.B.S. If you have to enter the legal profession, you have got to be an LL.B. Of course, Mr. Mani has entered this profession, but there are many others who have entered this profession without any degree or pedigree. Therefore, Mr. Vice-Chairman, I want that this journalistic profession should set norms and standards for the entry of people because they sit in judgment over our heads and sit in judgment over the conduct of the nation, and we want that the highest standards of educational qualifications should be prescribed for this profession, and I would therefore urge—I hope Dr. Sapru will agree with me—that this Jawaharlal University, which is to come into being, will provide for a course of first-class journalism, that the highest standards will be maintained to see that the cream of journalism is drawn from the universities of this country.

That I believe, will be a safe-1 P.M. guard for the future of the country. Mr. Vice-Chairman, I am sorry I do not have sufficient time; but I am very happy to say one thing.

AN HON. MEMBER: You may continue after lunch.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No, no. I have a number of speakers here.

SHRI N. M. ANWAR: I am very much beholden to you, Mr. Vice-Chairman and if you will . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have yet so many speakers here. I hope you will finish now.

AN HON. MEMBER: He may be given a few more minutes.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I will give you five more minutes. You carry on and finish your speech now.

SHRI N. M. ANWAR: Mr. Vice-Chairman, I feel that I must join issue

[Shri N. M. Anwar.]

with my friend, Mr. Nafisul Hasan, for the very vehement observations that he made that the Chief Justice of India should be precluded from discharging the responsibility that is provided for him in this Bill. Well, Shri P. N. Saprú made a worthy contribution when he suggested that we must have a panel and we should associate with the Chief Justice of India, the Chairman of this House and the Speaker of the Lok Sabha. Pardon me, Mr. Vice-Chairman, for saying that I differ from both because I feel that like Caesar's wife—Calpurnia, I think—the Chief Justice should be above all controversy, should be above suspicion. I do not see any reason why or how by proposing this responsibility for the Chief Justice of India, he will be drawn down into the vortex of controversy. I cannot imagine that.

AN HON MEMBER: You can't stop it.

SHRI N. M. ANWAR: I am very sorry. It will be a very sad commentary. After all, a judge is also a human being. Judges are also born in our society and they also know the currents, under-currents and cross-currents of our society and our controversies, and I cannot imagine that the Chief Justice of India simply because you place him on the highest pedestal, he will be drawn into the vortex of controversy. That I cannot imagine. For one thing, it is right in the midst of controversies that our judicial tribunals have to discharge their duties. And it redounds to the glory of the judiciary of this country that it has come to be the saviour of our democracy and the preserver of our liberties. We have been looking upon our judiciary as the biggest bulwark of our democracy. Therefore, it is that I feel very strongly on this issue and I feel that the Chief Justice of India who is far above all these controversies must be empowered to discharge this responsibility.

One more thing I must say, Mr. Vice-Chairman. I want some very rigorous punishment to be imposed upon the erring members of the Press. I entirely agree with my hon. friend Shri G. S. Pathak and I am at variance with my good friend Shri B. K. P. Sinha, about the omnibus character of the charge referred to in sub-clause (2) of clause 13 of this Bill, which authorises the Council to recommend to the Government the action that the Government should take to bring the erring members of the profession, to the right path. (Time bell rings.) Mr. Vice-Chairman, I feel that the most severe penalties are called for for the erring members of the profession. I would even wish that all these people who always enjoy the limelight of publicity should be consigned to oblivion and sent over to the Andamans.

AN HON MEMBER: Siberia.

SHRI N. M. ANWAR: Unfortunately for me, after his visit, our Chairman has given such a glowing account of the Andamans that I feel that that is not the right place to send such people and so they should be consigned to the Nicobar Islands. And therefore, Madam, I am sorry, Mr. Vice-Chairman—I don't know why I keep on saying "Madam".

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Because you are exhausted now. You may finish now.

SHRI N. M. ANWAR: One more observation and I am done. My friend here was shocked to see how some of these gentlemen of the Press had not discharged their functions rightly. A few months back there was a sensational news . . .

AN HON. MEMBER: It was a private communication.

SHRI N. M. ANWAR: There was a sensational news item about sending shiploads of girls from this country to

the Arab world. That is utter nonsense and I tell you depravement of human nature cannot go further. It is a standing disgrace to this country that there should be gentlemen of the Press who can pour out such poison.

AN HON. MEMBER: Gentlemen?

SHRI N. M. ANWAR: I am sorry I could not think of a better word for them. But Mr. Vice-Chairman, I must say one thing and with that I am finishing. See what a terrible damage is done to the reputation of India at home and abroad. There are some 34 or 37 Muslim countries in the world. What will they think of the secular state of our country of which we are proud, if a few gentlemen of the Press should wield their pen which is mightier than the sword, and if it should have inflamed passions in the country by starting such acurikous stories which have no basis? No, that should not be.

Now, I am concluding after referring to a solution of our food problem that was suggested.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is irrelevant here.

SHRI N. M. ANWAR: No, Sir. It is very relevant here, because the President of the Hindu Mahasabha only recently said that to solve this 12 per cent deficit in food in our country, the easiest thing would be to export the 60 million Muslims of India to Pakistan. That, I must say, is fantastic nonsense which militates against the very secular character of our State. But the gentlemen of the Press have given the widest publicity to it.

SHRI A. D MANI: Because he said it.

SHRI N. M. ANWAR: Well, Mr. Vice Chairman, the whole trouble with my friend Mr. Mani is that he is looking for scoop, sense or no sense. And you know when a dog bites a

man it is no news; but if a man bites a dog it is news. That is the trouble with these gentlemen of the Press.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at seven minutes past one of the clock.

The House reassembled after lunch at half-past two of the clock. THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair.

ALLOCATION OF TIME FOR GOVERNMENT BUSINESS AND PRIVATE MEMBERS' BILLS

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have to inform Members that the Business Advisory Committee at its meeting held today has recommended allocation of time for Government Business as follows:—

Time Allotted
Hrs. Mts.

Government Business

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| 1. The Press Council Bill, 1963. | 4 30 (In addition to the time already taken) |
| 2. The Wakf (Amendment) Bill, 1964. | 1 30 |
| 3. Discussion on Food situation. | Three days (16th, 17th and 21st September, 1964) |
| 4. The Slum Areas Improvement and Clearance) Amendment Bill, 1964. | 3 30 |

Private Members' Bill

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| 5. The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1964, as passed by the Lok Sabha. | 2 30 (In addition to the time already taken) |
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