

[Mr. Chairman.]

passionate atmosphere and try to get matters improved. Would you like to say anything?

SHRI JAWAHARLAL NEHRU: As I have said, I am very anxious to face a discussion in this House and the other House. I also appreciate the point of view that Dr. Kunzru has put forward, that it might have been better to have a discussion as early as possible. But in the balance we should consider this matter.

Of course, Sir, as you might know, in relation to some motions in the other House we felt that in the balance it would be better to hold the discussion a little later. We fixed no date either there or here. It will mean a delay of one month, I know. But we did think that a short interval would be better from every point of view, from Government's point of view. The Speaker there was pleased to accept. There no date has been accepted so far. Some Members of Parliament are going there. That by itself, I quite agree, is no valid reason, but it is a fact that we have to take into consideration.

MOTION FOR ELECTION TO THE COIR BOARD AND PROGRAMME THEREOF

THE MINISTER OF INDUSTRY (SHRI MANUBHAI SHAH): Sir, I move:

"That in pursuance of clause (e) of sub-section (3) of section 4 of the Coir Industry Act, 1953 (45 of 1953), read with rule 4(1)(e) of the Coir Industry Rules, 1954, this House do proceed to elect, in such manner as the Chairman may direct, one member from among the members of the House to be a member of the Coir Board."

The question was put and the motion was adopted.

MR. CHAIRMAN: I have to inform Members that the following dates have been fixed for receiving nominations and for holding election, if necessary, to the Coir Board:—

1. Number of members to be elected One
2. Last date and time for receiving nominations 10th August, 1960
(Up to 3 P.M.)
3. Last date and time for withdrawal of candidature 11th August, 1960
(Up to 3 P.M.)
4. Date and time of election 12th August, 1960
(Between 3 P.M. and 5 P.M.)
5. Place of election Room No. 63, First Floor, Parliament House, New Delhi.
6. Method of election Proportional representation by means of the single transferable vote.

THE PRESS AND REGISTRATION OF BOOKS (AMENDMENT) BILL, 1960

THE MINISTER OF INFORMATION AND BROADCASTING (DR. B. V. KESKAR): Sir, I beg to move:

"That the Bill further to amend the Press and Registration of Books Act, 1867, be taken into consideration."

Sir, this a short Bill amending the Act which was passed in 1955 and its main object is to smoothen the difficulties encountered in the registration of newspapers by the Registrar, who is really concerned with the proper registration of all newspapers and all the ancillary details connected therewith. I might, at the very outset, emphasise that the Bill has nothing to do either with the editorial side of the papers or the news gathering side of the newspapers. In order to enable Members to understand the necessity for these amendments, I would like to mention something

about the Press Registrar and his duties. You might remember that the Press Commission, in its valuable report, had made certain comments on the condition of the statistics concerning the Indian press and with your permission, I might read a small extract from the Commission's report. The Commission says:

"We consider that the whole administration of the Press and Registration of Books Act requires to be overhauled. In the course of our work we found that, apart from the differences in practice in different States, there is a general laxity in the checking of the filing and the registration of books and periodicals. It has been a matter of great difficulty to us to get the files of copies for scrutiny of the contents and even to verify whether a paper is currently being published or not. In many cases, the information supplied by the State Governments was grossly inaccurate and never up-to-date. The Commission proceeded to collect information from newspapers and periodicals on the basis of lists furnished to us by the State Governments. In as many as 20 per cent. of cases the information about the existence of newspapers and periodicals proved to be inaccurate. The information was asked for with regard to the position as it existed on the 1st January, 1953. In many cases it was found that the newspapers or periodicals which had once been published had ceased to exist long before the relevant date. In a large number of cases no newspapers or periodicals had come out, although a declaration was made under the Press and Registration of Books Act. Apparently, the State Governments assumed that the newspapers, about which a declaration had been made, had come into existence without caring to inquire whether any issues thereof had been published. There is little or no check to see whether a paper comes out regularly and if it does

not, to find out the cause or to correct the record accordingly. Some of the suggestions which we have made in the earlier paragraphs will, we trust, provide the necessary corrective."

This is an important suggestion of the Commission:

"We think that there should be a radical change in the administration of the Act by the various States. We think that it is necessary that there should be one Central authority to be named the Press Registrar for India who will exercise supervision over Press Registrars appointed for each State. The declaration to be made under the Press and Registration of Books Act may be made either before the Press Registrar or such officer as may be appointed by Government on his behalf, so as to avoid inconvenience to the newspapers and periodicals published in mofussil. It should be the business of the Press Registrar to have a complete register of all the newspapers and periodicals, news agencies and advertising agencies in the State. It should be made obligatory on them to register themselves under the Act and if they fail to do so, they should be ineligible to carry on the business. The declarations to be made by them should include a statement on the lines indicated in Appendix XXIII of the capital structure and the staff proposed to be employed in the venture and the Registrar should have authority to call for any additional factual information."

The Government agreed with the suggestion of the Press Commission and in the light of their recommendations and certain suggestions made by the State Governments, the Registration of Books Act was amended in 1955. The amendments then made in the Act provided *inter alia* for the

[Dr. B. V. Keskar.]
appointment of a Registrar of newspapers:

- (1) to maintain a register of newspapers containing particulars of every newspaper published in India;
- (2) to call for annual returns, statistics and other information from publishers; and
- (3) to prepare an annual report containing information and statistics of the press in India and in particular about circulation trends, etc.

Provision was also made for the registration of newspapers and the Central Government was empowered to make rules in respect of such matters as were relevant for the discharge of his duties by the Press Registrar. The amended Act came into force on 1st July, 1956 and simultaneously the Registrar was also appointed. The Press Registrar's organisation has been functioning thus for 3 years and a little more and in the experience of the day-to-day administration of the Press and Registration of Books Act, in so far as it relates to newspapers, it has been found necessary to make a few further amendments in order to enable the Registrar to administer the Act smoothly, having regard to the main objects of the Act.

The following are some of the few points regarding which it is felt that there should be a change in the Act. The Registrar has been finding certain difficulties and these have to be removed if we want him to carry out his work effectively.

[MR. DEPUTY CHAIRMAN in the Chair]

Firstly, I will take up the question of the declaration in respect of newspapers. There is some doubt as to whether a publisher cannot start a paper or can start a paper until his declaration has been authenticated or approved by the magistrate concerned. The rules for the publication of newspapers which provided that the

publisher and the printer should make and subscribe to a declaration are not linked with any provision under which a magistrate can disagree and held up the authentication. For example, if the declaration does not fulfil all the information asked for or it violates certain rules laid down, even then the magistrate cannot withhold a declaration and it is nowhere laid down expressly that until such an authentication has been given, the publishing of the newspaper should be withheld. It has been no doubt laid down in the Act that the magistrate shall not authenticate a declaration until he has satisfied himself that the title of the proposed paper is not the same as or similar to that of any other newspaper published in the same State and in the same language. Now the whole object of this provision of the Act would be nullified if a publisher could start publication of his paper without waiting for the magistrate to make an enquiry regarding the availability of the title and, thereafter, to authenticate the declaration. Provision has been made in order to protect the trade rights of the name of any paper and the goodwill that it carries so that nobody else can start the paper with the same name and take away the goodwill that has been created and earned by that particular newspaper. We found in one case which came to our notice, that of the *Northern India Amrita Bazar Patrika*, the proposed publisher filed the declaration and immediately started the paper without taking any authentication from the magistrate on the plea that he had made the declaration, his duty was over, that is, the requirements of the Act had been complied with, and that it was not necessary for him to wait for the authentication by the magistrate before beginning the actual publication. The Act, as it is today, does not expressly lay down that it is necessary to take the authentication of the magistrate before starting publication of the paper. No doubt it is implied there but the contention of the party was

that as it was not expressly provided in the Act, he need not wait for it. It is accordingly necessary to make a specific provision in the Act that no declaration shall have effect until it has been duly authenticated by the magistrate concerned. Further, in order to remove any scope for misunderstanding it is proposed to provide that an attested copy of the declaration shall be made available to the publisher immediately after the authentication by the magistrate concerned. This case and one other which came up made it necessary to lay down a positive rule in regard to this matter. Otherwise, it might happen that proposed publishers might file declarations regarding papers whose names are the same as those of other newspapers in the same area and begin publication presuming that they have every right to do so because they have already filed their declaration.

The other point, which is also one of the most important points, is the amendment that we have proposed regarding cancellation of a declaration. This automatically flows from the first. Under the existing law, there is no specific provision for cancellation of any declaration and it is proposed to make a provision enabling a magistrate to cancel a declaration under certain circumstances where the rules laid down have been clearly violated. Under the proviso to section 6 of the Act, it has been laid down that a declaration in respect of a newspaper shall have to be authenticated if the title of the proposed paper is the same or similar to that of another newspaper in the same language and in the same State. In fact, this is one of the main reasons for taking the authentication of the magistrate so that a paper might not steal the name of another paper. If there is any proposal for authentication in such circumstances, or if the paper is already functioning, then it shall not be able to do so but at present, for want of power of cancellation, the magistrate is not able to

do anything. If any declaration has been authenticated in contravention of the proviso to section 6 of the Act, it is proposed to empower the magistrate to cancel the declaration.

Then again it has been noticed that when a printer or a publisher is removed from service by the owner, he may refuse to file, under section 8, a declaration that he has ceased to be a publisher or printer and he may claim to continue to print or publish a newspaper in his own rights. In such cases also, the magistrate should be empowered to cancel the declaration on an application made to him in this behalf.

These are the cases which came up in the past and it was felt necessary to put in these clarifications in the Act. This power of cancellation will, however, be exercised by the magistrates only after opportunity has been given to the publisher or printer to show cause why the proposed action should not be taken.

The third point which we propose to bring in by way of an amendment is about the necessity for a fresh declaration where the publisher and printer are unable to function. When a publisher or printer, for example, leaves India and is away for a considerable period, it has been laid down that a new declaration by the printer or publisher resident within India should be necessary. The obvious purpose is that a person who is away from the country for a long period cannot be held responsible for the printing and publishing of the paper and, therefore, some one should take his place in such a contingency. The same situation can also arise if a person is otherwise incapable of acting, as, for example, in the case of a person who is imprisoned or detained or is incapacitated due to illness. It is, therefore, proposed to amend the Act to provide that some other person should take the responsibility for the period and function as printer and publisher. Similar

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restrictions need not be and are not proposed in the case of editors and others as they have no particular responsibility for the day to day printing and publishing of the paper. Moreover, it is probably known to hon. Members that an editor has no need to file a declaration on being appointed as an editor.

The fourth point about which we propose to bring in an amendment is about ownership. Under the existing provisions it is possible for a newspaper to continue publication without informing or giving a fresh declaration that the ownership of the paper has changed. If this position were allowed to continue, it might mean that two papers with the same title published from different centres under the same ownership might later on go under different ownerships. This would contravene the provisions of the Act relating to similarity of the titles and also be prejudicial to the employees, the working journalists regarding their wages and other things. If a paper were to continue publication without a new declaration after a change of ownership, it could be used as a device to by-pass certain laws relating to the working journalists. It is, therefore, proposed to make a provision that whenever a change of ownership takes place, a fresh declaration should be filed intimating that a change in the ownership has taken place.

DR. R. B. GOUR (Andhra Pradesh): If the change is in the place of publication, as in the case of the 'Indian Express' from Madras to Vijayawada?

DR. B. V. KESKAR: If it is a change of headquarters, then obviously it has got to be done because it is practically a change of the paper. They have to file a fresh declaration. If a paper functions in Madras, then it would be under a declaration made before a magistrate in Madras. If it goes to Vijayawada, unless a fresh

declaration is made before a magistrate in Vijayawada, the paper will not be able to function there. It is not necessary to be mentioned here but as far as ownership is concerned, certainly a change in ownership may adversely affect many provisions including those of the Working Journalists Act. It is also necessary, for the sake of maintenance of correct information, that the change of ownership is notified.

SHRI M. H. SAMUEL (Andhra Pradesh): As a matter of fact, if you have to change the office of the newspaper from Parliament Street to Sikandra Road, you will have to make a fresh declaration.

DR. B. V. KESKAR: Yes, that is there so far as the headquarters of the paper is concerned.

SHRI K. SANTHANAM (Madras): May I ask a question at this stage? If a paper is owned by a joint Hindu family, who will be the owner according to the law? Will all the sons and daughters be termed as the owners and will all of them be asked to declare?

DR. B. V. KESKAR: If the paper is owned by a joint Hindu family, then naturally all of them will have to declare.

SHRI K. SANTHANAM: If a person who owns a paper dies leaving behind five daughters and seven sons, is it the intention that all the seven sons and the five daughters have to be notified?

DR. B. V. KESKAR: This is a question which the law courts alone can settle as to who are the legal owners of the paper.

SHRI K. SANTHANAM: But the Minister is bringing forward a Bill and he must make the position clear.

DR. B. V. KESKAR: The Minister can only say that the owners of the

paper must be known and that they must file a declaration. If the owners are ten in number, then the ten persons will have to declare. If it is a private limited company or a public limited company, naturally the names of the members will be given.

DR. R. B. GOUR: His worry is, if a eleventh is born after the declaration, what are you going to do?

DR. B. V. KESKAR: That is for the law courts to decide, not for me.

SHRI K. SANTHANAM: Then you will be creating work for the law courts. We must be clear. We must not put difficulties in the way of newspapers. That is all.

DR. B. V. KESKAR: There is no difficulty whatsoever. Take, for example, a company. It has got a large number of shareholders, but there is a rule that the names of those shareholders who hold less than 1 per cent. of the shares need not be given. So also here, the ordinary legal rules in regard to ownership will apply as elsewhere. All these things are considered necessary in order to enable the Registrar to maintain his records up to date. I will take up another point which has always been a main difficulty and which is one zealously guarded by newspapers and that is about the title of a newspaper. At present it is provided that the magistrate should, in the case of newspapers not owned by the same owner, satisfy himself from such enquiries he thinks fit to make from the Registrar or otherwise that the newspaper proposed to be published does not bear the same title or is not similar to that of any other newspaper. Where the owner of the proposed newspaper is not the same as that of an existing newspaper, the magistrate has to satisfy himself on two points; firstly, that the title is not the same and secondly, that there is no other paper with the same title in any part of the country.

DR. R. B. GOUR: In any part of the country or in any part of the State?

DR. B. V. KESKAR: If an inter-provincial language is concerned, then all over the country. For example, if you want to start a paper in English in Delhi call 'The Hindu', naturally it will not be allowed. So far as the official language of the Union of India is concerned, you will have to take into consideration the whole of the country. In order to get information regarding similarity of titles, formerly before the Registrar came in, there was no authority available. At present the Registrar has got a record of all the newspapers in the country. Again the difficulty has been that it has been left to the magistrate entirely to get any information if he thinks fit from the Registrar. In a number of cases it has been found that papers practically with the same name have been allowed by the magistrates because they were ignorant that a paper with a similar name or a very similar name was already in existence at some other place. So in the amendment proposed here consultation with the Registrar is being made part of the law so that the request for giving a particular title to a paper shall be referred to the Registrar to get information from him and only after getting that information the magistrate will take whatever action he considers to be fair and just.

Another important amendment which, though very small, we propose to make here is regarding the printer, publisher and editor. It is proposed to put in the amendment that they should ordinarily be residents of India. Really speaking this is not necessary, but one or two cases have arisen when people from outside have proposed to be editors or even printers and publishers. After a careful consideration of the legal aspects of the question, it was felt that if a person who is not generally a resident in this country becomes a printer, publisher or editor, it may not be possible for us to make him responsible for what is being published.

SRI M. H. SAMUEL: Would the same rule not apply to the owner of the newspaper?

DR. B. V. KESKAR: No; this is only for the printer, publisher or the editor. It does not apply to the owner.

SRI M. H. SAMUEL: It has a greater force in the case of the owner, I should think.

SRI AKBAR ALI KHAN (Andhra Pradesh): I think, Sir, it should apply equally to the owner.

DR. B. V. KESKAR: Ordinarily it is implied that the person is a resident of the country but when such cases arose we thought that it would be better to make it clear so that any person who makes a declaration must be a resident in the country. Of course, he might go out of the country for a short period or so.

There is another small point and that is regarding penalty for a breach of the rules. The State Governments have brought it to our notice that they are helpless to take any action against anyone committing a breach of the rules. It is, therefore, proposed that there should be a penalty in the form of a fine to be imposed whenever there is a breach of the rules which are already existing or which may be made by the State Governments.

I might also inform the House that some of the amendments that have been proposed here are the result of suggestions made by Members of Parliament during the course of the exhaustive discussion on the Press Registrar's work that took place in the Lok Sabha. We also had the benefit of advice from Members who have been journalists of long standing who themselves pointed out to us the lacuna that exists in the working of the Press and Registration of Books Act. The work of the Registrar and the Press and Registration of Books Act mainly concern the proprietors and publishers

of newspapers and when we were thinking of amending the Act, we thought it might be advantageous to have a discussion with the publishers and proprietors of newspapers and find out from them whether they found anything wrong or any difficulty in the proposed amendments. We have had a number of discussions not only with the proprietors but with associations of proprietors and publishers regarding this matter and I am glad to say that all of them not only felt that these amendments or most of them were not objectionable but were even welcome. The Indian and Eastern Newspapers Society, the biggest society of publishers and proprietors in the country, informed us, after a careful consideration by their committee, that the amendments were by and large acceptable and indeed in some cases very welcome. They also said, 'exception is taken by us to clause 2(4) of the Bill seeking to amend section 5 of the Act.' This is regarding the period of absence from India. That is the only thing which they found might work adversely and they suggested something else in its place. The Indian Language Newspapers Association which has probably got the largest number of language newspapers and also working journalists in the Association, has passed a formal resolution welcoming the introduction of this Bill and the amendments that are being proposed. They also have suggested that the period of absence from India should be lengthened and that instead of the proposed one month, three months should be put in. Otherwise they welcome all the amendments. In view of the support and approval expressed by the overwhelming section of publishers and newspapers in the country, hon. Members will agree that the Bill has been formulated with a very practical and utilitarian purpose for the sake of helping the newspapers to function more effectively and to make available facts and figures regarding newspapers more clearly which we felt we were not able to get easily now.

There is one last point. I find from the amendments proposed by hon Members and from discussions with them that some apprehension is felt that the filing of declaration will adversely affect those who are working in newspapers. I think that the apprehension is not justified and anyone who is acquainted with the working of newspapers will know that the filing of declaration is generally of an informative character except in three cases when it is necessary for the declaration to be accepted or approved. In other cases there is no need for the declaration to be accepted even. It is just filed; that is all, and the information is conveyed to the magistrate or the authority concerned. Acceptance or approval of a declaration is necessary when the title of a paper is changed. A paper like a business house has got a personality and that personality ceases when the paper changes its title and takes up some other title. It becomes a different paper. The second case is when the language of a paper changes. Supposing someone says: 'I shall convert my paper from English to Hindi or some other language' then the paper changes completely and it must be considered

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1 P.M.

Now, excepting these two or three cases, where definitely a paper is changing, the whole pattern of the other cases, of filing of declaration, is simply procedural and is meant to give information. Even today everyday declarations are being filed and changing of printers, publishers, editors, proprietors and everything is going on and there is no need for any apprehension to be felt regarding the continuity of service of those who are working. I would like to remind hon. Members that the question of service conditions is something which cannot and is not covered by the Press and Registration of Books Act and cannot be covered or touched in any way by this Bill. It is something

entirely different and it is governed by the appropriate Act, which has been discussed here in this House before and about which there have always been many discussions. As I said in the very beginning, the question of editorship, the question of expression of opinion in papers, the question of news gathering of a paper and the question of service conditions have nothing to do with this Bill. It has entirely to do with the registration of a paper, its title and other facts, which can be considered to be mainly the concern of the publishers of the paper. This, Sir, I submit, is a Bill clarificatory in character. It has been brought before the House after exhaustive discussions with the publishing industry and should not take much time, as I do not think there is any major principle involved in it.

Sir, I move that the Bill be taken into consideration.

The question was proposed.

MR. DEPUTY CHAIRMAN: We shall continue the discussion after lunch. The House stands adjourned till 2.30.

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

The House reassembled after lunch at half-past two of the clock. MR. DEPUTY CHAIRMAN in the Chair.

SHRI P. RAMAMURTI (Madras): Mr. Deputy Chairman, I was listening to the speech of the hon. Dr. Keskar in introducing this Bill, and I wondered whether all the provisions that he had sought to introduce in this Amending Bill were absolutely necessary for the purposes which he had in view. He told us that there was the case of the Amrita Bazar Patrika. The publishers of that paper, when they filed a new declaration, did not wait for the authentication by the Magistrate as provided

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for under section 6 of the Act and they started publication because they said that the Act did not specifically say that unless there was authentication, they would not be allowed to publish the paper. Well, Sir, if that is all the difficulty, then a simple amendment to that particular provision, making it clear that a newspaper publisher will start publication only after he has actually received the authentication from the Magistrate, would have been quite sufficient to serve the purpose which Dr. Keskar has in view. But unfortunately, Sir, he has brought in a number of other amendments also. For example, the most important amendment that he has sought to bring here is to include also the owner of a newspaper when the question of declaration comes. This is the wording in section 2(i):

"Every copy of every such news paper shall contain the names of the owner and editor thereof printed clearly on such copy in such form and manner as may be prescribed, and also the date of its publication."

Similarly also in another section the proposed amendment wants that the name of the owner also shall be communicated along with the declaration. This is what has been sought to be introduced. I do not know the purpose for which the whole thing is intended. If, for example, it is a device to prevent a number of these newspaper magnates from denying the benefits of the existing legislation to their employees, I do not think that this is going to serve any purpose as far as that question is concerned. For example, if the "Indian Express" of Madras ceased publication in Madras and filed a declaration in, say, Vijayawada or Chittur, then this Bill is not going to have any effect as far as those employees are concerned. The employees who were previously serving the "Indian Express" have ceased to be the employees of that firm, and an entirely new business has been started both at Vijayawada and at the other place, Chittur. Therefore,

it is not going to save these employees their continuity of service by bringing this kind of amendment. What exactly is going to be the effect of this thing is, what I am concerned with. For example, here it says that when the ownership changes, then immediately a fresh declaration is necessary. We know what happens in proprietary concerns or in concerns which are owned by political parties. After all a newspaper is an organ of political opinion, and it is also known that in our country a number of political parties do own newspapers. For the purpose of their own convenience they might name a particular individual, a particular member of the party, to be the owner of that paper. Now, for certain reasons it may be that that particular person who has been named the owner of the newspaper has ceased his connection with the party altogether. The party decides that somebody else must be the owner. What happens? Until a fresh declaration is actually filed and until that declaration is authenticated by the Magistrate, this paper will have to cease publication, because it is stated that the moment the ownership changes the paper will have to get a fresh authentication, and until that authentication comes the newspaper will cease publication.

DR. B. V. KESKAR: The hon. Member has completely misunderstood. If a paper is going on, the question of authentication does not arise. Authentication arises only for new papers. And it is trying to make a mountain out of a molehill.

SHRI P. RAMAMURTI: It is not there in the Bill.

DR. B. V. KESKAR: There is no need in the Bill for this thing.

SHRI P. RAMAMURTI: I will just read out rule (2D):

"Where the title of any newspaper or its language or the periodicity of its publication or its

ownership is changed, the declaration shall cease to have effect. . .”

That means to say the moment the ownership is changed from A to B, the old declaration has ceased to have any effect whatsoever. Therefore, B must make a fresh declaration. And you have also made it clear in subsequent paragraphs that mere declaration is not sufficient but it must also be authenticated. There is nothing in this Bill, no word, which says that in respect of old newspapers mere information is quite sufficient.

DR. B. V. KESKAR: The declaration ceases but the paper does not cease. The hon. Member has not understood it.

SHRI P. RAMAMURTI: When the declaration ceases . . .

DR. B. V. KESKAR: The paper does not cease by that.

DR. R. B. GOUR: Can the paper publish without a declaration?

DR. B. V. KESKAR: The paper always continues. Supposing a change of ownership takes place, even today it is a well known fact—there is no need to reiterate it except to people who are not in the newspaper trade—that there is no such thing. The continuity of the paper is always there.

SHRI P. RAMAMURTI: I am sorry that all these things are not taken for granted. I may also inform the hon. Minister that I am also in the newspaper trade. I am an editor of a newspaper and I know what it is. I know the difficulties from which we are suffering. For example, new Section 8B says:

“If, on an application made to him by the Press Registrar or any other person or otherwise, the Magistrate empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a newspaper should be cancelled”, etc., etc.

Therefore, the whole question is, once that authentication is not there, once my declaration ceases, I cease to be the old editor, printer or publisher. The newspaper ceases publication. That is the normal interpretation. It has got to be made absolutely clear in the Bill itself. After all we have been told that this amendment itself has become necessary because, for example, the Amrita Bazar Patrika filed a declaration, and even before getting the authentication it started publication on the ground that there was nothing in the law which said that they must get an authentication before actually starting publication. In order to obviate that difficulty this amendment itself is brought. Therefore, it is certainly open to the interpretation by any Magistrate that the moment the ownership is changed, my declaration has altogether ceased, and I cannot bring out the paper once my declaration is not there. Therefore, when a fresh declaration is to be made, it is entirely a new entity. That is how it is treated. It should be made absolutely clear. The amendment as it stands is certainly open to this interpretation. It will mean that a number of newspapers, during the period of the interregnum when they are able to get the authentication from the Magistrate after all sorts of enquiries, will not be able to publish. That is why the Act is very ill-worded, is not properly worded, is not happily worded. It is open to all sorts of interpretation.

Similarly, for example, take a proprietary concern. If this position is there, then in the case of a proprietary concern the same difficulty will arise on the death of a particular proprietor. Somebody else will have to step into his shoes, and before he is able to publish he must get this authentication. That is one aspect of it. Then, suppose a proprietor dies suddenly leaving about half a dozen children behind, some of them major and some of them minor. In law all these people are supposed to be owners. Now what is it that we are going to

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do? Are all these six or seven people including the minor children, all of them, going to be called upon to file a fresh declaration now saying that they are the joint owners of that particular paper? This is a very anomalous position arising out of this. That is why we say that the implications of this have not been properly thought out at all. I would urge another thing. After all, today when the names of the printer and the publisher appear on the newspaper, they are liable for any illegal thing or any defamatory thing that might have taken place in that newspaper against the law; damages are claimed against them. Now the owner is also added to it. I am all for holding the owner responsible absolutely. We know in our country there are many publishers, many editors and even those printers who unfortunately have got to carry out the orders of the owners and these people have got to suffer for the simple reason that they have got to carry out the orders of the owners. Now, the owner often escapes. Sometimes he puts up some dummies as publishers and printers and he often escapes the responsibility for all these things. We know that. I am all for making him responsible for it. But why do you want the owner, the publisher, the printer as well as the editor, all of them, responsible? Why should those people be responsible? You fix the responsibility for anything that appears in the paper on one person and that person ought to be the owner and all the other persons must be left out.

SHRI AKBAR ALI KHAN: They are all equally involved, the owner, the editor and the publisher.

SHRI P. RAMAMURTI: The same person is equally involved; otherwise, it is not so. Otherwise, he is bound to lose his job. We find it in a number of cases. Therefore, I say there is no reason whatsoever in adding one more person in respect of all these illegal things that might unfortunately

happen in the newspaper industry. That is why I say that this also must be made clear.

There is another thing. I would like to impress upon the hon. Minister one thing. Under clause 3—amendment of section 6—it is now made incumbent upon the Magistrate to get from the Press Registrar information whether the name of the newspaper for which a new declaration has been filled is more or less the name of a similar newspaper that is being published in the same State or elsewhere, and only after getting that information, can he authenticate it. That is what is stated. I know, I am talking from personal experience. This kind of too much centralisation, for everything running up to Delhi, is something which is very obnoxious. I have got my own personal experience. For getting a declaration for a monthly newspaper, I had to wait for one long year, right here. One long year.

SHRI M. GOVINDA REDDY (Mysore): Why should you go to Delhi at all?

SHRI P. RAMAMURTI: Because the Press Registrar is here. We have given the information there. But the information has got to come from the Press Registrar in Delhi. Until this information comes, the Magistrate at Madras does not move at all. This is my personal experience.

SHRI M. GOVINDA REDDY: The powers of the Press Registrar are delegated to officers who are officiating as Press Registrars in each headquarters.

SHRI P. RAMAMURTI: I am telling you a fact. That is my own personal knowledge. In respect of "Tamarai"—a Tamil monthly I had to wait month after month to get the information whether there was a similar paper or not. That is why I say that something else can be done. As far as these names of the newspapers are concerned, I suggest

that annually or half-yearly, a list of the newspapers published in the entire country be kept with every District Magistrate before whom the declaration has got to be filled, and along with that, the names of any new newspapers that have been declared also can be given to him, so that on the basis of that, even without referring to the Press Registrar the District Magistrate can immediately give the declaration. Otherwise, it puts all of us into a terrific difficulty. We have got to go on waiting for months and months, waiting at the sweet will and pleasure of many officials in order to be able to get that information itself. That is why I say there is this kind of too much centralisation. It takes a lot of time to be able to get the information from the Press Registrar in Delhi and the procedure at least has got to be simplified as far as that aspect is concerned. I am all for getting that information for statistical purposes; the names of the newspapers published in the country, the ownership, circulation, all these things are absolutely essential. I am not speaking against them, but in order to be able to get the declaration, I want the procedure to be slightly simplified so that we need not have to wait for a number of years. At least make it incumbent on the Press Registrar to give the information within a week of the application of the individual. If he does not give it within that time, we will have to go ahead. Tell the District Magistrate that if he does not get the information requested for within a week from the Press Registrar, then he can take it that he can immediately grant declaration. Some such responsibility has also got to be put on the Press Registrar if this thing has got to be done.

Thank you.

श्री बनारसी दास चतुर्वेदी: (मध्य प्रदेश)
उपसभापति महोदय, मेरा विचार इस विषय

पर बोलने का नहीं था लेकिन बकिंग जर्नलिस्ट्स फेडरेशन या श्रमजीवी पत्रकार संघ के एक भूतपूर्व प्रधान की हैसियत से मैंने यहां कुछ बोलना उचित समझा। मेरी भी कुछ आशंकाएं इस संशोधन के बारे में थी, लेकिन गुणोग्य मंत्री महोदय के भाषण के बाद वे आशंकाएं दूर हो गई हैं और मैं समझता हूँ कि जो संशोधन लाये गये हैं वे रूटिंग टाइप के हैं और प्रेस रजिस्ट्रार की रिपोर्ट के बाद लाये गये हैं जो कि पहले संशोधन में जो त्रुटियाँ रह गई थी उनको दूर करने के लिये ही लाये गये हैं। पहले मालिक का नाम नहीं जाता था, अब मालिक का नाम भी जाने लगेगा। मैं समझता हूँ किनी भी समझदार आदमी को इसमें एतराज न होना चाहिये। और भी कई चीजे जो रखी गई थी जिनमें पहलें त्रुटियाँ थी, वे अब दूर कर दी गई हैं।

केवल एक चीज थी—मजिस्ट्रेट द्वारा डिक्लेरेशन को रद्द करने को, और उस चीज के बारे में हमारे मंत्री महोदय ने पूरी तरह समझा दिया है और मैं समझता हूँ जो थोड़ी तकलीफें होंगी उनके बारे में मंत्री महोदय अपना मतलब स्पष्ट कर देंगे।

इसलिये इस बिल का मैं भी हार्दिक समर्थन करता हूँ।

SHRI M. GOVINDA REDDY: Sir, I wish to give my support to this Bill. It is, as the hon. Minister was saying, quite simple and almost explanatory in nature. It provides among other things for the inclusion and mentioning, of owners' names in addition to those of the editors on every issue of the paper, for the cancellation of a declaration after authentication, and for appeals in the matter of cancellations. It also provides for a Board to be set up to hear and decide the appeals and also for appealing against the refusal of authentication by a Magistrate, for a fresh declaration where the ownership changes or the language or the periodicity of the paper changes or where the publisher or the printer is absent from the

[Shri M. Govinda Reddy.] country for over thirty days, and also for punishment in case of contravention of the rules. There are the most important provisions of this amending Bill. I fail to understand why these amendments could not have been brought forward when the Press and Registration of Books Act was amended in 1955. Most of these amendments are based on the recommendations of the Press Laws Enquiry Committee and the Press Commission, and the Government had before them the opinions and recommendations of these two bodies, and they could have very well brought in these amendments in 1955. But perhaps because the Minister created, in pursuance of the recommendation of the Press Commission, the office of the Press Registrar, he wanted to wait and see what the experience of implementing that Act would be, and what the Press Registrar had to say in the matter before trying to get these amendments made. Well, in any case, most of these amendments, particularly the one which has raised some controversy regarding the ownership, are not new at all. Those amendments have been there before the country for a long time.

Before dealing with the merits of these amendments, I would like to dispose of one point which I anticipated would come up here but so far it has not. Whenever any legislation is brought forward regarding the press, the first question that would arise would be the question of the legislation making in-roads into the freedom of the press. Well, that is a tradition which has come to us for nearly a century, if not for over a century. Unfortunately for this country, Sir, ever since the British tried to suppress the freedom movement here, we had been put on our defence, and so, those who were concerned with newspapers had been carrying on a battle against authority for over a century, and the first paper, I think, that was published in India was the paper which was called the

Bengal Gazette. That was in 1780, and very soon after its publication it came into conflict with authority and Warren Hastings had to expel that editor, and then in 1799 what were known as Press Regulations were first promulgated by Lord Wellesley. It was then that it was ordained that any paper that was published should bear the name of the printer and publisher. And what is to be noted here is that the names and addresses of the editor and owner of a newspaper were to be communicated to the Government according to those regulations. It is not as though Dr. Keskar is thinking of making this amendment for the first time to include publication of the owner's name in the issue of a newspaper. It was ordained through those regulations; although no publication of the owner's name or address was ordered to be printed on the newspaper, every newspaper-owner was compelled to communicate, every editor was compelled to communicate to the Government the names and addresses of himself and the owner of a newspaper. So ever since the British authority tried to come down heavily upon the press, which was the only platform for expression of sentiments of freedom for the country, this fight has been going on, and the requisition for printing the names and addresses of the editor, the printer, the publisher and also the owner, therefore, is a thing which is at least a century old.

Now the most important question to be considered is as has been pointed out by other Members, the question of the interest and the wisdom of getting the owner's name published and printed in the newspaper. Now there is some technical difficulty to which I shall come later, and I might just make reference to Mr. Ramamurti's objection. He is quite right in saying that where the ownership changes the declaration also ceases and the paper cannot be published until a fresh declaration is made. Here sub-clause 2(2D) provides:

"Where the title of any newspaper or its language or the periodicity of its publication or its ownership is changed, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued";

So though the position taken by Shri Ramamurti is correct, I do not understand why this declaration cannot be got before the actual transfer or the cessation of ownership.

. SHRI P. RAMAMURTI: A man dies suddenly and his ownership has changed. How is he to know that he is going to die on a particular day?

SHRI M. GOVINDA REDDY: Suppose a man dies on the 30th, nothing prevents his heir or whoever wants to get into ownership or possession from approaching the department and filing a fresh declaration.

SHRI P. RAMAMURTI: It will take at least four days.

SHRI M. GOVINDA REDDY: I quite see the point and the Government may make an expeditious provision for sanctioning that, and the Minister was saying that the publication of the newspaper will continue. In spite of that, if the declaration is filed then there will be no objection, I suppose. But as I said, there is some force in Shri Ramamurti's amendment and there is real difficulty. Now whether it is desirable or necessary to publish the name of the owner is a question which has to be considered. The Press Commission has given detailed thought to this subject although they did not make a specific recommendation that the ownership should be mentioned in the newspaper. They have observed that it is good if the newspaper ownership is mentioned and that necessary steps may be taken in order to provide that. But that observation is made *inter alia*. They have come to the

conclusion that in the changed conditions in India it is quite desirable that the public should know who is the owner of a newspaper. They say it is desirable to know who is responsible for running a paper, where it is printed and published and who is responsible for lapses, if any.

With regard to the influence that the newspapers carry in the country, they have made many observations and they have quoted the evidence in this connection that was received in reply to a definite question which was framed by them, where the name of the editor was sought to be published. They said that there was divergence of opinion. But most of the press associations supported that, and the Marathi Journalists' Association and the South Indian Journalists' Federation also agreed to it. The Federation of Working Journalists said that newspaper was a co-operative effort and so the name of the editor need not be mentioned. The All-India Newspaper Editors' Conference said that they definitely were for mentioning the editor's name, because the person got status by mentioning his name there and because definite responsibility could also be fixed on him. The same reasons apply for publishing the ownership also. They say that news and views which newspapers sell serve not only informative aspect but also an educational and propagandist aspect. They influence opinion, conduct or action in political and social intercourse. Just as the public have a vital interest in the purity of their water-supply, so they have an equally vital interest in the accurate presentation of views.

Now with regard to ownership they say that a newspaper's capacity to carry on propaganda, to influence the public, to educate the public may be coloured, may be influenced by the kind of ownership.

Now we have several kinds of ownership in this country. There are

[Shri M. Govinda Reddy.]

individual proprietors who own newspapers; there are family concerns who own newspapers; there are co-operative concerns which own newspapers; there are joint stock concerns and there are also trusts. Now that does not raise a large controversy regarding the quality of the news that is given or the character of the influence that a newspaper can have on the public with regard to the newspapers published by co-operative concerns or Trusts or by a joint stock company. But wherever newspapers are proprietary, it is quite possible to conceive of newspapers playing to the tune of the proprietor. Now the Press Commission mentions a number of instances where the proprietors have influenced the editors and the policy of the newspapers. They say that instances have come to 'us' where newspaper owners dictated policies.

A paper had been directed to 3 P.M. report favourably some named candidates at elections. In the case of another paper, the proprietor had instructed photos and life-sketches of some candidates not to be published. In some other paper they tried to boost up the proprietor's concerns. In several papers, they say, the paper's editorials and other publications tried to influence the public in favour of the financial policies of the proprietors or their concerns and also stock markets. We find, they say, that the proprietors have managed to occupy much more space than they deserve. They further say that some Calcutta paper cuttings offend regularly and inexcusably in this matter—in the matter of influencing the stock market in favour of the proprietor a deplorable lapse in the canons of good taste and propriety. They also say that special write-ups, covering the business and individual activities of proprietors, have been published with a view to influencing the public in favour of those proprietors. There was special activity in the stock market in the shares of important concerns which received strong support from buyers. A

Bombay paper has manipulated its financial columns in order to assist the stock market operations of the proprietor.

Then, Sir, papers belonging to another chain of newspapers completely blacked out certain candidates, and one paper, I think, took action against its establishment for not reporting Pandit Jawaharlal Nehru's constituency activities in a particular way in which they wanted. In this or in other connections, three papers from that chain suspended publication from that centre.

So, it is quite conceivable that a proprietor wants his newspaper to work in a particular way to influence the public. Therefore, the public should know who the newspaper owner is so that they might attach due regard to the views of the newspaper. Sir, this question has arisen now although this question has been there, as I was saying, for nearly a century. That was because in the olden days newspapers did not have as many pecuniary advantages as they have today. They were not such potent forces of political influence although they were very factual in the political field. Newspapers were then working with a missionary zeal. And, therefore, as long as they were run with a missionary zeal, as long as proprietors of the newspapers did not have other activities which would influence the newspapers in an undesirable way, the omission of the mention of the name of the owner of a newspaper did not count for much. But now the position is entirely changed.

Sir, there was also one more factor which is really astonishing. A newspaper owner was not only not known in those days but sometimes it happened that Government officers used to be owners of newspapers. It is said that in 1826, under the East India Co., a member of the Governor's Council was owning a newspaper. So, whether a government officer owned a newspaper or whether a private

individual owned a newspaper did not matter much because the newspaper was working with a missionary zeal. That is one thing.

Secondly, the activities carried on by the newspaper owners did not affect the public in any other particular way. That is not so now. In India we find a chain of newspapers owned by industrialists who have not only a controlling hand in the industries in their line but they have a controlling hand in the financial market. And inasmuch as political power also would improve the prospects of an industrialist, it is conceivable that a newspaper is made to work in favour of the industrialist. Therefore, it is very necessary that the owner's name should be published.

With regard to the method of appeal and the provision for cancellation of declaration, I think the Government know fully well that it is to be done with great caution since the Press Registrar is the person whom the magistrate consults in order to effect a cancellation or in order to authenticate a declaration. If the Press Registrar, who is a government official, is influenced in a particular way, it is quite conceivable that he can act prejudicially to the newspaper. I believe the Government are aware of this position and they took due caution in this matter as well as in the matter of declaration to be sanctioned in the case of change of ownership or periodicity, whatever it is.

The hon. Minister might have observed by now that there is some difficulty, or some difficulty may arise in a case where, as Mr. Ramamurti pointed out, A dies and B becomes the owner and by the time the latter is declared the owner some time may elapse. What will happen to the publication? The declaration will have ceased to be effective. In such cases I think an expeditious remedy has to be provided.

On the whole, Sir, these amendments need not cause any stir here. They are explanatory in nature and they have been in the country for about a century. They do not give rise to any controversial issue. In fact, it is my opinion that these amendments should have been made in the year 1955 when we amended the Press and Registration of Books Act. Therefore, I give my wholehearted support to this amending Bill.

SHRI M. S. GURUPADA SWAMY (Mysore): Mr. Deputy Chairman, Sir, I am inclined to agree with the views of the hon. Minister that this measure is meant to achieve some definiteness and precision in regard to certain anomalies which have been found in the working of this Act. Sir, my problem now is to find out whether the desired result could be achieved by such a measure as has been brought before us.

My hon. friend, Mr. Ramamurti, drew the attention of the House to one point, viz. that there is nothing in the Bill which specifically says that when a fresh declaration is required, authentication need not be accompanied along with it. Perhaps the mover of the Bill has in his mind that the press or the newspaper should not be stopped in any manner. That seems to be his intention. But, unfortunately, that intention is not brought out in any part of the Bill. Sir, if you go through the various provisions of this measure, you will find that as soon as a new declaration is filed before the magistrate, an authentication also has to follow. Let us think for a moment whether this scheme, envisaged in the Bill will achieve the broad purposes for which it is brought before us. There Press Commission, no doubt, has made certain recommendations. On the basis of those recommendations, the Bill has been drafted but I am afraid the scheme envisaged here, if accepted, will lead to a lot of embarrassment and will involve a long time-consuming process which is not desirable.

[Shri M. S. Gurupada Swamy.]

While in an effort to achieve precision, we will be committing another folly of having an elaborate procedure which is also not desirable nor good from the point of view of the working of the press. Now, according to the provisions of the Bill, a declaration has to be filed and it has to be authenticated. The magistrate cannot give his approval unless he takes the opinion of the Registrar and perhaps, the Registrar, being very much burdened with so many duties and responsibilities, may not find time to give his expert advice to the magistrate. So there will be a time lag. As a result, the people who want to start a paper or periodical will have to wait for months and years. That is not our objective here. Our objective here is to bring about both precision and definiteness in a measure and also to simplify the measure. I feel that the scheme envisaged in the Bill will not help us in this regard.

Regarding the powers given to the magistrate, I want to make one or two points. The magistrate has been given vast powers of even cancelling the declaration under certain conditions, and one of the conditions states that he can cancel the declaration if the owner or the person who runs the paper is infirm or incapacitated and cannot move about. If he absents himself from his duties for more than 30 days, a new declaration has to be made. This involves a lot of hardship to the people who run the paper industry because sometimes it may happen that a person may fall ill for 20 or 25 days and he may not know whether he will recover within 30 or 31 days which is the dead-line provided. Supposing he does not recover, the consequence would be that he has to come before the magistrate and a new declaration has to be made and all the rest of the process has to be gone through. I now, therefore, wish to know whether it would be necessary at all to go through this process. If the object is to penalise the absentee owners or

publishers or printers, are there no other methods, I want to know, which you could think of and are there no other means of holding them up; and also is it not possible for us to think of some other scheme by which we can define the responsibilities and duties of the proprietors, publishers and the printers? On this occasion I wish to draw the attention of the House to the system prevailing in the United Kingdom. There it is not necessary for any man in the paper industry to come with declarations now and again. It would be enough if there is one declaration in the form of an annual return and in the month of July every year every newspaper office or publishing house would file a return stating therein the name of the proprietor or proprietors, the occupations and the interests they have, and of course they also file the names of the publishers and printers. In case a paper is started in the middle of the year, then they need not file the return. They can wait till July and then file it. Here whenever a change is made either in title or in ownership or in the language of the paper, there has to be a declaration. The declaration can be made and must be made so that the public and government might know the changes brought about. Mere information should be adequate for this purpose. As soon as there is a change in the title or name of the paper or the ownership of the papers or the interests involved, the press concerned may inform the Registrar and that should be enough. Then again, Sir, in England it was very difficult to find out ownership. But now they have found out by experience that the present scheme is adequate for the purpose. Otherwise what will happen? Supposing a proprietor today wants to mortgage his press to somebody, it would be difficult for us to know the owner after the mortgage deed is executed. Then again if there are a number of minor children in a family, we cannot fix the legal responsibility on them. Again, if a paper is leased out, there will also be difficulties. If there is a single

proprietor, it will be comparatively easy to give the name and address of the proprietor. If the interest in the business are divided and subdivided among so many people, it would be very difficult indeed to fix the responsibility on one and all. It would be inadvisable also to penalise people who are not directly responsible for running the press. On account of all these difficulties, it would be better if we simplify the whole scheme.

In the first instance, I would suggest that the period of time that has been fixed on page 2, namely, thirty days, may be deleted and by omitting this we will not be damaging in any way the main purpose of the Bill. The Minister tried to say that the owner or the printer or the publisher should not be made liable for the acts committed during his long absence. Take a case where the proprietor wants to go abroad and asks the printer and publisher to look after the paper. He will generally make sure that the printer and publisher do not publish things which are seditious, which are wrong and illegal. The Minister still says the proprietor should be protected. On the contrary Sir, when the proprietor knows that whatever is published in his press or newspaper he will be ultimately held responsible, then naturally he would take care to see that such things are not published. So, by removing this provision we would hold the proprietor, the printer and publisher all together responsible for all the things done in the press.

Further I doubt very much whether the Bill as drafted would in any way help in bringing about speedy disposal of cases. If there is any dispute there is any appeal, then the whole thing will take a much longer time, and this time-consuming process is not at all healthy and necessary for the growth of the press. Sir, the motive behind the Bill is no doubt good but I am afraid that it may not be possible for us to achieve that objective. Therefore, with a view to bringing about a little more of clarity

and precision, I would suggest that the hon. Minister may be pleased to bring some amendments on the lines that I have suggested, particularly in regard to the omission of the clause dealing with the period.

I would make only one more point in regard to the working of this measure during the last three years. There have been expressions of opinion all over the country that this measure had been a good one but unfortunately due to lack of staff for the Registrars in the various States as well as in the Centre it had not been possible for them to collect the relevant statistics and also to work efficiently. I would, therefore, request the hon. Minister to provide adequate staff so that we can have a ready compilation of all these things. Today, the information that is available is rather scanty; it is not comprehensive. I hope the hon. Minister would overcome this drawback and see that hereafter full information is made available every year. We expect the Registrar to submit to us every year a very comprehensive report.

DR. B. V. KESKAR: Without precise information, how can the Registrar supply comprehensive reports? He has to get facts and that is the purpose for which this Bill has been brought forward. Without facts how is it possible to make the statistics as perfect as you want them?

SHRI M. S. GURUPADA SWAMY: That is, of course, the purpose for which this Bill has been brought before us. I hope the hon. Minister would take more steps in this regard.

SHRI M. H. SAMUEL: Mr. Deputy Chairman, after the speeches of Mr. Govinda Reddy and Dr. Kesar, it needs very little for me to say except that the object of the Bill does not seem to be quite clearly understood. Dr. Kesar, in his speech, explained very fully the purpose of the Bill, what it is meant to do and what it will do, but it is easy for our minds to slip into thinking

[Shri M. H. Samuel.]

many things—industrial labour, employment and sometimes even politics—things which this kind of Bill will conjure up. Therefore, I would like to urge that we keep the objectives of the Bill clearly before our minds and not entertain any illusions about the scope of the Bill.

I will quote from the 1867 Act which is being amended now. That Act, according to its text—

“... is meant for the regulation of printing presses and newspapers, for the preservation of copies of books and newspapers printed in India, and for the registration of such books and newspapers”.

Now, this should have been amended some time ago, as recommended by the Press Laws Enquiry Committee in 1948; but nothing was done. The matter was made more urgent by the Report of the Press Commission, part of which Dr. Keskar quoted to the House this morning.

Now, that quotation from the Press Commission's Report gave you a full background about the functions of the Press Registrar, a full background about the conditions concerning newspapers in the country or the lack of information about newspapers in the country and a full background as to what is needed for us to get more detailed and complete information about newspapers all over the country.

Therefore, I will not go further into that aspect but come straightway to an enumeration of the main objects of this Bill.

Now this Bill is meant—I am putting it succinctly so that they may be properly understood—to enable the Press Registrar to collect, maintain and publish information about the newspapers in the country every year. It is meant to regularize the procedure and system of collecting data about newspapers in the country

and carry out the objects of the 1867 Act. It is meant to ensure a proper procedure and practice in the publication and registration of newspapers. Now, this is fully and amply set out in section 19B of the original Act.

I have set that down in writing and read it out so that I may be as precise as I want Members to be clear in the understanding of the objects of the Bill. It is necessary, therefore, for getting such kind of information, to have a central authority like that of a Press Registrar who will not only publish authoritative and authentic information about newspapers in the country every year for general information but will also ensure the regular publication of newspapers according to the periodicity prescribed under the rules and the Act.

This amended Act of 1955 has been in force since July 1, 1956. Four years have since gone by. What has been done in these four years? It is a legitimate question to ask before we can give the Press Registrar additional facilities or powers to give us a more complete and true picture of newspapers in the country.

To my mind, the Press Registrar has done quite good work. He has secured the basic information about newspapers in the country in as complete a form as possible. I understand that this latest Report has about 7,000 entries and includes, for the first time, the circulation figures of newspapers as well. Secondly, his study of the newspapers of the country has revealed certain new trends in circulation and common ownership of newspapers. Thirdly, ...

DR. R. B. GOUR: What are those new trends?

SHRI M. H. SAMUEL: You will find them in the Report that will be presented shortly. If I go into them now, it will take up a considerable amount of time and moreover, it is not within the scope of the present discussion of this Bill. I can only give you certain broad outlines.

DR. R. B. GOUR: At least, tell us what those trends are.

SHRI M. H. SAMUEL: I will tell you outside privately. Thirdly, a uniformity of procedure in the registration and publication of newspapers has been achieved. Fourthly—it is not very commonly known, I believe—the Press Registrar is now assisting the Commerce and Industry Ministry in allocating newsprint to the newspapers on the basis of their circulation and, as a result, I believe, has saved about Rs. 50 lakhs worth of foreign exchange every six months of the licensing period.

That is good enough work and if we give him further facilities to get us more information about newspapers in the country, I think it is well worth while.

I have just said that the first amendment of the 1867 Act has been in working for the last four years and as Dr. Keskar has said, its working has shown certain anomalies, certain difficulties, certain loopholes which it is necessary to plug or to rectify. These have been given in the Bill in the form of a number of amendments to the Act. One relates to cancellation of a declaration once it has been authenticated. Another one relates to ownership notification. It is not a subject which I would like to touch on at the moment because it has already beaten up a considerable dust of controversy, and perhaps the Minister might say something about it.

DR. R. B. GOUR: He has already told you about it.

SHRI M. H. SAMUEL: He has not told me. How do you know it?

DR. B. V. KESKAR: Telepathy.

SHRI M. H. SAMUEL: Perhaps, the hon. Member sitting behind you is responsible for this information.

A third is the residential qualification of an editor that he should be

ordinarily resident in the country. A fourth is the obligation thrown on the magistrate to consult the Press Registrar before authenticating a declaration. This has also raised considerable controversy and I shall revert to this matter in a minute. The next one is about the fine which a State Government can impose for any contravention of the Act and another is about the right of exemption that can be given by the State Government in respect of any particular declaration.

As far as the cancellation of a declaration, once it has been authenticated, is concerned, it is an anomaly which has been felt acutely for a long time. When once a declaration has been authenticated it has not been possible to cancel it. Now, circumstances may arise when a cancellation is necessary. For example, a person declares himself to be a printer and publisher of a paper and then he becomes mentally unfit to discharge his functions; or it may be that in a political agitation he has been sent to jail. He is in jail for six months, ten months or one year. And there is no means of cancelling his declaration. Can you consider that such a declaration made by that man is still valid? From the point of view of law, the answer may be 'yes'; but from a practical point of view, it is necessary that you should be able to cancel his declaration because he is not able to carry out the duties imposed upon him by his declaration.

Such circumstances are possible and it is expedient that the magistrate or the authority that is empowered must have the power under the law to cancel the declaration if a person who made the declaration is not in a position to fulfil his functions.

Besides, if a declaration is cancelled, there are various other remedies prescribed for an aggrieved party.

In the first place, cancellation can be done only under any of the four

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conditions laid down in clause 4 of the Bill. These are really safeguards against a light cancellation of a declaration. These are the protective factors to see that a magistrate or any other authority does not exercise that power too lightly. Any one of these four conditions have to be satisfied, and it seems to me also, that this power is vested in the authority in a very cautious manner.

First, when you cancel a declaration you will have to ask the party concerned to show cause why the declaration should not be cancelled. Then, there is a provision for an appellate body to which you can go in appeal against the decision of the magistrate. The appellate body is to have only two members, one from the Ministry of Information and Broadcasting and the other from the Law Ministry, which again ensures a quick decision in the matter and no expense whatever. If you go before a court of law, it would mean considerable expense and much greater delay.

Now, I come to the next point. About ownership notification I have already said that I would not say anything.

Then about the residential qualification of an editor, I think it is necessary that an editor, if he is to perform his functions diligently and conscientiously, has to be on the spot. But the main object in having this provision is that the person who is editing a newspaper in the country should be amenable to the laws of the country. If you have an editor who is not amenable to the laws of the country, then a lot of complications would arise.

DR. R. B. GOUR: He has to be a citizen?

SHRI M. H. SAMUEL: The Bill does not say that he has to be a national of the country. It says that he must be ordinarily resident in the country. That is quite a flexible term and would include all and sundry who want to

do legitimate editorship in the country and they can do so without let or hindrance. That, I suppose, is the main object of this provision and it would also facilitate in fixing the responsibility upon particular individuals.

Now, coming to the other point, which has been raised by both Mr. Ramamurti and Mr. Gurupada Swamy, about the obligation of a Magistrate . . .

DR. R. B. GOUR: I would just ask one question of Mr. Samuel. Suppose there is a foreign student studying in our country and as a part-time job he takes up employment as editor of some paper. It is not necessary that he should file a declaration. He is just an employee and after some months he goes away and another employee comes. Because no declaration has been filed, would you deny such a position for that employee?

DR. B. V. KESKAR: Is he a resident of the country?

DR. R. B. GOUR: No.

SHRI M. H. SAMUEL: That is not at all necessary. He need not be a national of the country.

DR. R. B. GOUR: That is what he wanted.

SHRI M. H. SAMUEL: I did not want that.

DR. R. B. GOUR: He said that.

SHRI P. RAMAMURTI: He did not say that.

SHRI M. H. SAMUEL: His own comrade here disagrees with him. So, my task of trying to convince him is lightened. He is more fair-minded than my Andhra compatriot. Never mind, you can forgive him for that. The obligation of a Magistrate to consult the Press Registrar before authenticating a declaration is meant primarily to see that there is no repetition of the same title in the

same State in the same language, and on the national scale that newspapers does not have the same title. This is the main purpose of this provision—that a Magistrate, in authenticating a declaration, shall consult the Press Registrar. There is no other purpose in it. In its operation Mr. Ramamurti pointed out that there can be a time-lag between a declaration and authentication, and during the time-lag the paper may have to close down, because there is no authenticated declaration.

DR. B. V. KESKAR: How can there be a time-lag for a paper which has not started?

DR. R. B. GOUR: The point is that though it is a new paper, the authentication itself is taking a year.

SHRI M. H. SAMUEL: I am coming to that. I will deal with this point about one year for starting the paper.

DR. R. B. GOUR: That was for a new paper.

SHRI M. H. SAMUEL: I do not know how Mr. Ramamurti had to wait for one year to get his authentication. It is something unbelievable. It is almost like a blind man seeing a deaf man hearing a dumb man saying that a lame man is running away.

SHRI P. RAMAMURTI: If you do not mind, I shall explain.

MR. DEPUTY CHAIRMAN: Order, order. Let him go on.

SHRI M. H. SAMUEL: It is quite possible that Mr. Ramamurti may have had that experience but it is something very difficult to believe. That is one of the very rare things. Therefore, the real point about this, as the Minister has pointed out, is in respect of a newspaper which is already existing and which requires a new declaration because of some changes that have taken place. Authentication of that declaration should automatically follow, because

the necessity of checking upon the title of the newspaper, that there is not another title of the same, does not arise. So, it is automatic authentication of a declaration; the Magistrate in authenticating at the same time would inform the Press Registrar that he has done so. I do not think there is anything for the Press Registrar to do in the matter.

SHRI P. RAMAMURTI: The law does not say so.

SHRI M. H. SAMUEL: That will be the case. He will find it to be so. I love these interruptions. Mr. Santhanam asks me to go on. As far as the new papers are concerned, I think every district magistrate in the country does not understand, first of all, about newspaper titles, whether there is a newspaper title in another district of the same name. It has to be done by a person who is a State authority. Even that would take considerable time. Unless you take this step to check the duplication of titles, it would lead to a tremendous amount of confusion in the trade and in the public mind. I think it is worthwhile that time is taken by a Magistrate to ask the Press Registrar to find out and give him the correct particulars and the Press Registrar, who is the proper person and who has the necessary information, can do it to the satisfaction of everybody concerned. Therefore, I, for my part, do not find anything tremendously wrong or objectionable in this Bill.

DR. R. B. GOUR: What is a reasonable time?

SHRI M. H. SAMUEL: The sense of reason must differ from person to person. Even if I give a reasonable time, I am sure my friend Dr. Raj Bahadur Gour, will not agree that it is reasonable.

SHRI P. RAMAMURTI: But this time he will agree.

SHRI M. H. SAMUEL: So, this Bill is not meant against any person, any delinquents of law or any party. It

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is meant merely to facilitate the work of the Press Registrar, so that he may collect the necessary information about newspapers in the country and give us a complete and true picture every year. I am aware that Parliament had last year, during the discussion of the Press Registrar's Report, asked for an expansion of the activities of the Press Registrar. Even the Press Commission's Report suggested a wide expansion of the work of the Press Registrar and it gives in an appendix a whole list of things that the Press Registrar should do, including the capital outlay, circulation revenue, advertisement revenue, ratio of expenditure between the management and the editorial department and all sorts of things. That means more work and more staff. But I for one am entitled to hope that one day we might get all this information with all the facilities that we are giving to the Press Registrar, if, of course, all of us are interested in those dry and bony statistics. But if some of the Members believe, as Oscar Wilde did, that "newspapers are unreadable and literature unread", then it is altogether a different matter. Thank you.

SHRI K. SANTHANAM (Madras): Mr. Deputy Chairman, as the Minister has already explained, it is largely a clarificatory Bill and I do not propose to take much time. But in drafting this clarificatory Bill, obviously those who are responsible for drafting it thought that they were clever in bringing in two new points. I do not think those points are logical and they have committed mistakes which I wish to point out. I think that the bringing in of the 'owner' is altogether mistaken and purposeless also. If they wanted to make the owner really responsible for the newspaper, I can understand it. I find that the owner is not brought into Chapter IV on penalties. There is nothing except that his name should be there. No other responsibility has been fixed on the owner. For penalties only the publisher or the printer will be responsible for anything that might

happen in defiance of this Act. So, it is more for public information than for any other purpose that the name of the owner has been brought in. Even for that purpose there should have been a proper definition of the word 'owner'. There is a definition of the word 'editor'. There may be parties disputing about the ownership. Meanwhile, the newspaper cannot continue. So, temporarily at least they must have provided as to who shall be deemed to be the owner till things got settled. If a man dies and there are four sons, they might dispute about his property. One son may be in possession of the property and he will refuse to put in the other sons as owners, while the other sons will be claiming to be put in. So, all these points have not been thought out, and the word "owner" has been put in hastily. I do earnestly suggest that all the new amendments relating to the publication of the name of the owner may be deleted from the Bill, or in the alternative they should take the logical consequences of defining who is to be the owner for the purposes of the Act and make the owner responsible for all the other things. Between the two, a slipshod insertion of the name of the owner in the newspaper does not benefit anybody.

Again, in the original Act it is said that anyone who goes out of India for a period exceeding 30 days has to make a declaration. Whether it is 30 days or 90 days is a matter of no importance. In these days I think even if you give 90 days or six months, no great harm will be done, because his responsibility will be there. If a man says "Even if I am going out of India, I shall be responsible for anything that may happen in my paper", why should the Government be anxious to relieve him of that responsibility and enable him to put his clerk in charge of the paper? What happens is that if the real publishers go out, they put their personal assistants or clerks as temporary publishers. How does it benefit the newspaper world? That is a minor point,

but a greater mistake has been done. It has been provided:

"Where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding thirty days in circumstances not involving the vacation of his appointment, a new declaration shall be necessary."

I wonder whether those who put in the clause reflected on the consequences. Who is to judge whether a man is infirm or not? Is it the man himself? Suppose a publisher says that he is not infirm and somebody else says that he is infirm. Will a declaration be necessary or not? I can understand that if a man is declared by any court of law or by a duly constituted authority to be infirm or incapable of doing anything, he should get out and somebody else should be put in. If he does not consider himself to be infirm and somebody else considers him to be infirm, I do not know what is to happen. Secondly, if he is put in jail, according to section 8 of the original Act this man who is in jail has to go before a Magistrate and make a declaration. How is he to do that?

DR. B. V. KESKAR: If somebody is in jail, the Registrar will move the Magistrate that it should be cancelled.

SHRI K. SANTHANAM: No, no. I am only saying that because you said that the declaration would be necessary. First of all the point is, who is to decide whether a man is infirm or not. Many people have become absolutely senile, but they believe they are very intelligent and can manage things. You say that a declaration is necessary if he is infirm. If you say that if a man thinks he is infirm, a declaration is necessary, I can understand that. Or if he is found to be infirm by some impartial authority, then he must vacate. That I can understand. But this sort of generalisation will lead to all kinds of confusion and dispute. Why is it necessary? I do not think it is at all

necessary because the publisher is there. He will be responsible. There are other people, the printer is there, the owner is there. If the publisher is infirm, it will be in the interests of the owner and the printer to remove that man and put in somebody else. Why do you bring in a sort of ambiguous clause which cannot be operated logically or reasonably?

Sir, about newspapers, I believe the less legislation the better. I think the attempt to control newspapers through legislation is a great mistake. Of course, all these things are done in the interests of collection of statistics. But actually statistics are not collected, and what we get is what happened in the year 1950, how many newspapers there were in 1951 or 1952. We get only that. We must speed up the machinery so that every information is sent by telegram or by post and report is available within three months or six months of the end of each financial year. In these days when the country is marching ahead, all bulky documents which give information about things which happened three years, five years or seven years ago are all waste of labour and effort. As somebody said, either the Registrar must work as if he were the editor of a daily newspaper, or if he wants to be an ordinary bureaucratic functionary we had better go back to the old state when there was no Registrar when there was no registration, when everything went on without anybody knowing what was going on. Probably that may be better. So, I hope that the "owner" clauses will be deleted. New rule (4) also may be deleted, because in the original Act there is already a provision requiring a fresh declaration for 30 days' absence. Steps must be taken to enforce the existing Act much more efficiently.

Thank you, Sir.

SHRI J. H. JOSHI (Gujarat): Mr. Deputy Chairman, the Bill under discussion is a very simple one and of an amending nature. This Bill is meant to smoothen the work of the

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Registrar of Newspapers who is the head of the machinery which is set up by the Act of 1955.

Sir, the work of the Registrar is to collect statistics in regard to newspapers, to maintain the Register, to administer the provisions of the Act, to call for returns, etc. etc. Now let us see what the experience of the Registrar is in operating this Act of 1955. He mentions in the Annual Report for 1957 that there remain, however, certain other apparent anomalies for correcting which amendment of the Act itself is necessary. Amendment of the provisions of the Act is under consideration and, if necessary, legislation will be placed before Parliament in due course. Some of the difficulties experienced in the interpretation or administration of certain provisions of the Act are mentioned here. He gives an instance in which the owner of a newspaper dispensed with the services of the printer and publisher and tried to publish the issue of the paper himself. But the printer and publisher went to another press and printed and published the same newspaper with the same title elsewhere. The question arose as to what should be done. The printer and publisher, as they were dissatisfied, refused to sign the ceasing declarations, and the provisions of the Act of 1955 had no remedy. So, a question arose as to whether the law itself was not faulty. These were the anomalies to right which this sort of Bill has come before this House.

Another instance also has been cited in which it is stated that many newspapers which were in existence before July, 1956 had similar titles. Now these are the cases. Then the same Report mentions that there was some misunderstanding or lack of understanding about the legal interpretation. Now in order to remove these anomalies, this Bill has been brought before this House. It is stated in clause 2(iii) (2D) that where the title of the newspaper or its

language or its periodicity or its ownership is to be changed, a new declaration is obligatory. Now, a doubt has been raised by some Members that the declaration of a running newspaper may cease today what should be done when the issue of that newspaper is to be brought out the next day? It has been stated that it is not possible to get the authentication of a new declaration in one day in cases mentioned in clause 2(iii) (2D). I may respectfully submit that in order to obviate this difficulty, where in one day a new declaration may not be obtained, it should be considered sufficient if mere filing of new declaration is made on the day when the declaration ceases on grounds mentioned above. If this is done, I think the doubts which have been raised from other quarters may be resolved.

In other respects, this Bill, as I stated before, is meant to smoothen the work of the Registrar of Newspapers. This is after all a matter which has been vested in the Registrar and I should say that this office has done very good service by the presentation of the Report. They have collected statistics about the dailies, the weeklies, the monthlies and other periodicals State-wise and language-wise and have collected such other materials which would not be available unless such authority were invested in the Registrar. Much has been stated in regard to this and therefore, I will not take much time of the House.

Sir, the newspaper is a very powerful weapon in the country. It enjoys certain privileges and concessions also, and, therefore, there is an obligation which it should discharge in submitting the returns which it has got to do before the Registrar of Newspapers. Newspapers in this country have contributed much in enlightenment of public opinion in matters of politics, in matters of economic problems and in other social matters. Newspaper wields a great

power in influencing the people and by and large, they have served the country and the people, I should say, well. I do not think that this Bill is in any way directed towards curbing or controlling these rights and privileges which have been enjoyed by the newspapers in this country. There are countries in Asia and elsewhere which have gained independence during the last ten or twelve years. Hardly is there any country in which the newspapers enjoy as much liberal treatment and privilege as they do in this country. It is due much to the democratic attitude which the Government possesses. I think, therefore, that it would be better if we give our full and whole-hearted support to this Bill.

I support this Bill.

SHRI HARIHAR PATEL (Orissa): Sir, the hon. Minister has already said that this Bill is of a clarificatory nature and that it does not raise any controversy and as such the provisions in the Bill should be clear in language and also in meaning. But I find that in many places this Bill creates some confusion. Some of the points which I wanted to raise have already been dealt with by the hon. Members who spoke before me, and I have to mention only a few points more. For example, Mr. Ramamurti has already mentioned about clause 2(iii) (2B) which says:

“Where the printer or publisher of a newspaper making a declaration under rule (2) is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.”

Now, what will happen in the case of a joint Hindu family? This point was raised by an hon. Member, and I feel it is a valid point. Who is to be regarded as owner in the case of a joint Hindu family, that should be made clear. Regarding the change

of ownership, ownership may come to an abrupt end, and if we do not provide for such an occasion and say that a fresh declaration will be necessary for the continuance of the newspaper, I think it will be a folly of this legislation itself. Suppose the owner of a newspaper dies today. Under the existing provisions, the newspaper cannot be published tomorrow unless a declaration is obtained. And since it has been laid down in the Bill that while seeking a fresh declaration the matter has to be referred to the Press Registrar, it will surely take time and no declaration can be obtained within a day or two. So, I feel that it is imperative that there should be a provision that the newspaper can continue publication for some time even on such occasions. I would, therefore, suggest some sort of an amendment so that instead of the declaration ceasing immediately with the change of ownership, it could continue for a period of sixty days or something like that, and if within that period a fresh declaration is not obtained, the newspaper should not continue publication.

Then, Sir, with regard to sub-clause 2(iv) (4), I would like to suggest that thirty days is a very short period and should be increased; it should be made at least ninety days. An amendment is going to be moved to that effect and I shall support it when it comes up.

Then, Sir, under clause 3, as I have earlier pointed out, the Magistrate is under compulsion to refer to the Press Registrar when a declaration is sought for. Now that will surely take time and there should be provision to prevent delay in obtaining such a declaration. There has been a suggestion to that effect by an hon. Member. The suggestion is that the Press Registrar should issue lists of newspapers and periodicals being published in the country at intervals of, say, six months or two months or one month, and they should be readily available with the District Magistrate,

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so that it won't be necessary for the Magistrate to refer about it to the Registrar and he can himself accept the declaration then and there.

Then, Sir, in sub-clause 8C there is contemplation of an Appellate Board. Now this Appellate Board will consist of a Chairman and another member. That is, there will be two members. Now what will happen in the case of a difference between the two members and how is the appeal going to be decided? So I would request the hon. Member to look to that possibility.

Then, Sir, in clause 8 some amendment has been suggested the effect of which is that the form and manner in which the names of the owner and the editor shall be printed on every copy of a newspaper, and that will be done in the Rules. That is the only thing that has to be done under the rule-making powers—as I find—and I think that could have been prescribed or laid down in the Bill itself instead of leaving it to rule-making. I raise this point because, in a later clause, that is, in clause 9, there is the provision to insert a new section, namely section 20B, in the principal Act, and the new section reads:

"Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees."

Now Rules will be made and contravention of that Rule will entail a fine and that fine will extend to one hundred rupees. Now we see that that rule-making is practically confined to this point, namely, to the form and manner in which the names of the owner and the editor shall be printed on every copy of a newspaper. I fail to realize the necessity of making a rule for that purpose only, which could conveniently have been embodied in the Bill itself.

Then with regard to clause 10 of the Bill, Sir, it seeks, as the words reveal, to abrogate some of the powers of the States. I do not offer any opposition to this amendment sought to be made, but I would like the Hon. Minister to say something regarding the necessity of this amendment, because it seeks to abrogate the powers of the States and the States have not been asked to give their opinion regarding this amendment. So we should be fully informed about the necessity of abrogating the powers of the State Governments.

With these few words, Sir, I resume my seat.

श्री गुरुदेव गुप्त (मध्य प्रदेश) : उप-सभापति महोदय, यह बिल जिस उद्देश्य और जिस भावना को लेकर उपस्थित किया गया है उसकी सराहना तो की जा सकती है, किन्तु इसमें जो शंकाएं उपस्थित होती हैं, उनका समाधान करना भी निरान्त ही आवश्यक हो जाता है।

इस सम्बन्ध में मुझे तीन बातें कहनी हैं और वे धारा २(iii) २ डी और ८ सी(१) के बारे में हैं। आनरशिप चेन्ज होने के बारे में यद्यपि पूर्व वक्ता महोदय काफी कह चुके हैं किन्तु मुझे इसमें कहने की आवश्यकता पुनः यूँ है, जैसा कि पूर्व वक्ता ने अभी बतलाया कि दुर्वटनावश किमी पब्लिशर की डैथ हो जाती है, डिमएबल हो जाता है, जिससे वह संचालन मंडल में नहीं रह सकता है तो वैसी स्थिति में आटोमैटिकली उसका डिक्लेरेशन कैसिल हो जाता है। जब तक वह नया डिक्लेरेशन भरे उसमें एक दो दिन की देरी हो ही जाती है चाहे वह कितनी ही शीघ्रता क्यों न करे। ऐसी स्थिति में जो दैनिक समाचार पत्र हैं वे कानून के बन्धन में फंस जायेंगे, क्योंकि दैनिक समाचार-पत्र हर दिन निकलते हैं। इस कार्य में जो समय लग जायेगा उससे वे कानून के बन्धन में फंस जाते हैं। अगर ऐसी स्थिति में हम यह भी मान लें कि उनका

डिक्लेरेशन कौंसिल हो जाने के बाद फिर रिन्यू हो जायेगा, किन्तु जिस टैकिनकल कठिनाई में वे आ जायेंगे उससे कैसे बच सकेंगे और उसका नतीजा क्या होगा, यह प्रश्न हमारे सामने उपस्थित होता है। अतएव इस अमेन्डमेंट पर विचार करना शासन के लिए आवश्यक है।

दूसरी बात मुझे बिल की धारा २(४) के सम्बन्ध में कहनी है। इसमें यह बात दी गई है कि अगर कोई प्रिन्टर और पब्लिशर ३० दिन से अधिक के लिए देश से बाहर जाता है तो उसका डिक्लेरेशन चेन्ज होना चाहिये। इस बात पर श्री संतानम् जी ने काफी प्रकाश डाला है। लेकिन मुझे इतना ही निवेदन करना है कि आज भी देश में प्रिन्टर और पब्लिशर के लिए यह आवश्यक नहीं है कि वे उसी स्थान में रहें जहां से वह पत्र प्रकाशित होता हो। देश के एक कोने में बैठ कर कोई भी व्यक्ति जो प्रिन्टर या पब्लिशर का उत्तरदायित्व वहन करता है, देश के दूसरे छोर में पत्र प्रकाशित होने पर भी वह उसका प्रिन्टर और पब्लिशर हो सकता है। उसके लिए स्थान या किसी प्रकार का बन्धन नहीं है कि वह उसी स्थान पर रहे जहां पर कि वह पत्र प्रकाशित होता है और वह उस पत्र के काम को देखे कि वह ठीक हो रहा है या नहीं। तो ऐसी स्थिति में यदि कोई व्यक्ति यात्रा पर विदेश चला जाता है तो कोई कारण समझ में नहीं आता कि जब वह उत्तरदायित्व अपने ऊपर लेना चाहता है तो उसको क्यों बाध्य किया जाय कि वह डिक्लेरेशन चेन्ज करे।

तीसरी चीज जो ८ सी (१) में आती है वह मैं आपके सामने पढ़ देना चाहता हूं :

“Any person aggrieved by an order of a Magistrate refusing to authenticate a declaration under section 6 or cancelling a declaration under section 8 B may, within sixty days from the date on which such

order is communicated to him, prefer an appeal to the Appellate Board to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be appointed by the Central Government.”

तो इस सम्बन्ध में मेरा निवेदन यह है कि इसमें कुछ व्यावहारिक कठिनाइयां हो गई हैं और वह इस रूप में हो गई है कि अगर किसी समाचार पत्र का डिक्लेरेशन डिस्ट्रिक्ट मैजिस्ट्रेट कौंसिल कर देता है—यह ठीक है कि उसे अपील करने का अधिकार है—लेकिन जिस दिन से डिक्लेरेशन कौंसिल कर दिया जाता है उसी दिन से उस समाचार-पत्र का प्रकाशन स्थगित होना चाहिये। जब एक बार समाचार-पत्र का प्रकाशन स्थगित हो गया, उसके बाद वह अपील में भले ही जाय और उस अपील का फैसला महीने, दो महीने, चार महीने या छः महीने में उसके पक्ष में भी हो जाय, फिर भी उसकी गुडविल समाप्त हो जाती है। इस प्रकार उसको अकारण अपनी ख्याति और प्रतिष्ठा से हाथ धोना पड़ता है जब कि उसके पक्ष में न्याय मिल भी जाता है। ऐसी स्थिति में मेरा सुझाव है कि अपील में जाने पर उसको स्टे मिल जाना चाहिये। जिस तरीके से अपर कोर्ट्स में लोअर कोर्ट्स के फैसलों के सम्बन्ध में स्टे ऑर्डर मिल जाया करता है, उसी तरीके का कोई प्रविधान इसमें भी किया जाय।

दूसरी चीज यह की जाय कि डिस्ट्रिक्ट मैजिस्ट्रेट के द्वारा डिक्लेरेशन कौंसिल करने के बाद अपील में जाने के लिए भी कम से कम चार छः दिन का समय या इतना समय कि आदमी अगर सुदूर दक्षिण में बैठा हुआ हो तो दिल्ली तक आ सके, अवश्य होना चाहिये, जब तक कि उसका डिक्लेरेशन किसी ऐसे मामले में कौंसिल करने के लिए शासन को बाध्य न होना पड़ रहा हो कि वह देश के प्रति विद्रोही भावना को जाग्रत करता हो अथवा किसी विदेशी राष्ट्र के लिए कार्य कर रहा हो।

[श्री गुरुदेव गप्त]

तो संकटमय स्थिति होने पर अथवा राष्ट्र विरोधी उसका कार्य होने पर जिला मैजिस्ट्रेट को अधिकार दिया जा सकता है कि वह इमिजिएटली उस पब्लिकेशन को स्टाप कर दे अन्यथा उसके लिए एक हफ्ते या दस दिन का समय अवश्य होना चाहिये ताकि वह अपीलेंट बाडी तक पहुंच कर अपनी अपील दायर कर सके ।

एक मेरा सुझाव और है पीत पत्र-कारिता या यलो जर्नेलिज्म पर । अपने देश में यलो जर्नेलिज्म भी काफी पनप रहा है जिसके कारण हर समाचार पत्र को, चाहे वह उससे सम्बन्धित हो या न हो, थोड़ा-सा लज्जित होना पड़ता है । आज शासन के समक्ष कोई ऐसा कानून नहीं है कि जिससे वह पीत पत्रकारिता को बन्द करा सकता हो अथवा यदि एक बार उसको डिक्लरेशन कैसिल हो भी गया तो वह दुबारा पत्र निकालने के अधिकार से वंचित किया जा सकता हो । देश की वर्तमान स्थिति में यह भी आवश्यक प्रतीत होता है कि ऐसे पत्रों पर कुछ रोक लगाई जाय । इस सम्बन्ध में मेरा सुझाव यह है कि जो डिक्लरेशन ऐसे संदिग्ध पत्रों को दिये जायें वे कंडिशनल रहें कुछ समय के लिए और उतने समय में उनकी गतिविधि का अवलोकन करने के बाद उनको रिन्यू किया जाय । आज भी अगर हम छानबीन करें तो हम यह पायेंगे कि कुछ ऐसे समाचार-पत्र होते हैं जिनका पब्लिकेशन लोग अपने स्वार्थ के लिए करते हैं । यदि उनका डिक्लरेशन कैसिल हो भी गया तो वे दूसरे जिले में जा कर फिर पत्र निकालने लगते हैं और इस प्रकार जनतंत्र में दी गई सुविधाओं का नाजायज फायदा उठाने लगते हैं । तो इस ओर भी शासन को ध्यान देना चाहिये ।

जहां तक प्रेस रजिस्ट्रार को अधिकार देने का प्रश्न है, इसे मैं बिल्कुल न्यायोचित मानता हूं । प्रेस रजिस्ट्रार की १९५८ की

रिपोर्ट के अनुसार देश में उस समय अर्थात् जब वह रिपोर्ट लिखी गई थी ३६११ पत्र प्रकाशित हो रहे थे । तो लगभग इन चार हजार पत्रों के लिए हर जिले में रिकार्ड रखा जाय और जिला मैजिस्ट्रेट उससे अवगत रहे और उसकी समीक्षा करने के बाद उन डिक्लरेशंस को स्वीकार करे, यह संभव नहीं प्रतीत होता । हां, इतना जरूर आवश्यक है कि प्रेस रजिस्ट्रार के यहां से उन पर ऐक्शन शीघ्रतापूर्वक लिया जाना चाहिये और उसके लिए यदि समय भी निर्धारित कर दिया जाय तो अनुपयुक्त नहीं होगा ताकि प्रेस रजिस्ट्रार के ऊपर यह बंधन रहे कि अमुक समय में उसके यहां से कागजात डिसपोज आफ कर दिये जायें ।

अपने देश में समाचार-पत्र और पत्रकारिता दोनों ही काफी पिछड़े हुये हैं । अन्य देशों की तुलना में हमारे यहां के पत्र सर्व्युलेशन के मामले में भी बहुत पिछड़े हुये हैं । कुछ समय पहले हमारे देश में लोग समाचार पत्रों का प्रकाशन अपना प्रोफेशन या व्यवसाय के रूप में अपना कर करते थे, लेकिन इधर कुछ वर्षों से शासन ने इसे उद्योग की संज्ञा दे दी है और आज इंडस्ट्री के रूप में हमारे देश में समाचार-पत्रों का प्रकाशन हो रहा है और उन नियमों के अन्तर्गत उनको कार्य करना पड़ रहा है । प्रेस रजिस्ट्रार के आंकड़े अभी हमारे समक्ष इस बारे में नहीं आ सके हैं कि जो समाचार-पत्रों को विभिन्न कैटेगरीज में डिवाइड किया गया है । ए, बी, सी, डी, ई, एफ, तक इन छः श्रेणियों में समाचार-पत्रों का वर्गीकरण किया गया है और इन लगभग चार हजार पत्रों में से कितने पत्र किस कैटेगरी में आते हैं, अगर वह तालिका हमारे सम्मुख हो तो हमें यह देखने में आसानी हो जायगी कि इन समाचार-पत्रों की अनुमानः पूंजी कितनी है और इनमें से कितने प्रतिशत पत्र ऐसे हैं जो कि न्यूजपेपर इंडस्ट्री के रूप में आ सकते हैं । इन आंकड़ों के अभाव में यह कहना कठिन होगा कि कितने प्रतिशत पत्र

ऐसे हैं जो कि इंडस्ट्री की संज्ञा में आ सकते हैं। लेकिन मैं इतना अवश्य समझता हूँ कि देश में काफी प्रतिशत पत्र ऐसे होंगे जो कि न्यूजपेपर इंडस्ट्री की संज्ञा में आ ही नहीं सकते। दस बीस प्रतिशत या अधिक से अधिक २५ प्रतिशत पत्र भले ही इस संज्ञा में ले लिये जायें, बाकी ७५ प्रतिशत पत्र ऐसे होंगे जिनके पास लाख दो लाख रुपये की भी पूंजी नहीं होगी। ऐसे समाचारपत्रों को एक और जहाँ औद्योगिक संज्ञा में ले लिया गया है वहाँ दूसरी ओर उनके ऊपर इस तरीके की चीज लाद देना जिसमें कि बहुत सी कानूनी अड़चनें आयें और जिसमें आये दिन उनको लिटिगेशन में फँसना पड़े उचित नहीं होगा। अतएव मेरा सुझाव है कि इन चीजों पर विचार करते हुए इसे पास किया जाय।

श्री पा० ना० राजभोज (महाराष्ट्र):

उपसभापति महोदय, यह जो संशोधन बिल हाउस के सामने आया है वह मेरे ख्याल से पहले आना चाहिये था। इसको बहुत देर से लाया गया है। इसकी आज बहुत आवश्यकता है। मैं इस संशोधन बिल का समर्थन करने के लिये खड़ा हूँ। १८६७ का कानून छापेखाने के रजिस्ट्रेशन तथा अखबारों के—साप्ताहिक और मासिक अखबारों के—रजिस्ट्रेशन तथा किताबों के रजिस्ट्रेशन के लिये बनाया गया था और १९५५ में जो संशोधन हुआ वह स्टेटिस्टिक्स जमा करने के लिये और सरकार को अखबारों की क्या हालत है वगैरह की जानकारी मिलने के लिये बनाया गया था। प्रेस कमीशन ने भी इस बात की इन शब्दों में सिफारिश की है जो कि मैं आपके सामने पढ़ना चाहता हूँ :

"The growth of national life has been such that without the necessary registration and continued attention to statistics, proper administration of the State is impossible."

इस संशोधन का उद्देश्य यह है कि जो डिक्लेरेशन अरबान निकाल के वक्त किया जाता है उस को कैंसिल करने का अधिकार मैजिस्ट्रेट को दिया जा रहा है। कौन कौन से कारणों के लिये यह डिक्लेरेशन कैंसिल किया जाता है उसको दफा ४ में लिखा गया है और वह प्रेस कमीशन की सिफारिशों के मुताबिक है। जैसे कि अखबार के नाम का जो कारण सेक्शन ८ बी के २ नम्बर के आइटम में दिया है वह सिफारिश नम्बर १०३६ के अनुसार है और अन्य तरतूदियाँ भी उसके मुताबिक हैं। एक और तरतूद भी है कि अखबार के मालिक का नाम भी सम्पादक और प्रकाशक के साथ अखबार में छापना पड़ेगा। इस सिलसिले में प्रेस कमीशन ने मालिक का नाम लगाना चाहिये ऐसी सिफारिश नहीं की है किन्तु पैराग्राफ १०३२ में उन्होंने लिखा है कि :

"It is desirable to know who is responsible for running a paper, where it is printed and published, who is responsible for a lapse, if any."

पहले सिर्फ सम्पादक को अपना नाम लिखना पड़ता था और उससे हमें मानूम नहीं होता था कि इस पेपर का कौन मालिक है। वह तो सिर्फ मैनेजिंग कम्पनी का नाम लिखते थे। सम्पादक का मत-प्रदर्शन में खास हिस्सा होता है जैसा कि प्रेस लॉज इन्क्वायरी कमेटी ने लिखा है :

"We are of the opinion that the editor does play an important part in the selection of the matter that is published in a newspaper."

लेकिन वह एक तनख्वाह लेने वाला आदमी होता है और वह अपने मालिक का दृष्टिकोण बताता है। पेपर कैपिटलिस्ट है या कम्प्युनिस्ट है इसको जानने के लिये मालिक का नाम छापना बहुत ही जरूरी है। अब गैर कानूनी काम के लिये उसे भी अपराधी गिना जायेगा।

एक और बात है कि जब मैजिस्ट्रेट इन्क्वायरी करेगा तो वह रजिस्ट्रार से सलाह

[श्री पां ना राजभोज]

मशविरा लेगा। जो आज मशरूम अखबार निकालते हैं उनका उद्देश्य सेंसेशन का निर्माण करना है। ऐसे अखबार अपने देश में बहुत हैं जिनका उद्देश्य ब्लैकमेलिंग करना और यनी जर्नेलिज्म को फैलाना है। उनके डिक्लेरेशन को कैसिल कर के उनको पुनश्च: रिवाइव नहीं करना चाहिये और जब तक इसकी कंट्रोल नहीं करेंगे तब तक हेल्थी प्रेस नहीं होगा। हर एक प्रान्त में ऐसे अखबार हैं। हमारे प्रान्त में भी कई ऐसे अखबार हैं लेकिन अभी गवर्नमेंट उनके ऊपर अपने अधिकार का अच्छे ढंग से क्यों नहीं लगाती है यह मेरी समझ में नहीं आता है।

मेरी यह भी प्रार्थना है कि जो अखबार बन्द होते हैं उसका कारण सरकार को मालूम करना चाहिये। दूसरी बात यह है कि छोटे-छोटे अखबारों को प्रोत्साहन देना चाहिये। जो पत्र सामाजिक कार्य करते हैं और अस्पृश्यता निवारण का काम करते हैं और उसके बारे में प्रकाशन करते हैं उनको सहायता और प्रोत्साहन देना चाहिये यह मेरी प्रार्थना है, क्योंकि ऐसे छोटे-छोटे अखबारों की हालत सब से ज्यादा खराब है। उनके बारे में सरकार की तरफ से जितना ध्यान दिया जाना चाहिये उतना नहीं दिया जाता है।

इस बिल में कई प्रकार की बातें सुझा ने के लिये लिखा है। इससे मुझे बहुत आनन्द होता है। मेरे ध्याल से जितने प्रिंटर्स और पब्लिशर्स हैं उनमें से ज्यादातर ऐसे हैं, ६५ प्रतिशत हैं, जिनका यूज पेपर की प्रोप्राइटी से सम्बन्ध नहीं है क्योंकि जो न्यूजपेपर के प्रोप्राइटर्स हैं वे कहते हैं कि तुम नामिनल पब्लिशर बनो और उसको बना देते हैं। मगर यह बात ठीक नहीं है क्योंकि इस तरह से जो असली प्रोप्राइटर है वह कानून से बचा रहता है। इसलिये यह कानून होना चाहिये कि जो प्रोप्राइट है उसको ही प्रिन्टर और पब्लिशर होना चाहिये। अब तक प्रेस रजिस्ट्रार को ऐसी कोई पावर नहीं थी कि अगर किसी

पेपर को गलती से रजिस्ट्रेशन दिया गया है तो उसको वापिस ले ले और अगर अलग-अलग नाम से दो पेपर एक ही प्रोप्राइटर चलायें तो उनको सरकार रोक नहीं सकती थी लेकिन अब ऐसा किया जा रहा है। मैं चाहता हूँ कि इस बिल में रजिस्ट्रार को ज्यादा पावर दी जाय और जो सुझाव मैंने दिये हैं उनको अमल में लाने की कोशिश की जाय। अगर किसी पेपर को गलती से रजिस्ट्रेशन दे दिया गया है या कोई पेपर रजिस्ट्रेशन का मिम्यूज करे तो उसके रजिस्ट्रेशन को कौन कैसिल करें और इसके लिये सरकार को उन्हें सख्त सजा देनी चाहिये।

एक्ट के पार्ट ४ में जो सेक्शन १५ है उसमें यह बताया गया है :

"15. Whoever shall edit, print or publish any newspaper without conforming to the rules hereinbefore laid down, or whoever shall edit, print or publish, or shall cause to be edited, printed or published, any newspaper knowing that the said rules have not been observed with respect to that newspaper, shall, on conviction before a Magistrate, be punished with fine not exceeding two thousand rupees, or imprisonment for a term not exceeding six months, or both."

मैं आपसे प्रार्थना करना चाहता हूँ कि ऐसी बातों में ऐसे लोगों के ऊपर दो हजार रुपये के बजाय ५ हजार रुपये तक का जुर्माना होना चाहिये और छः महीने के बजाय एक साल की सजा होना चाहिये। ऐसा होना जरूरी है क्योंकि इसके बिना मालिक ठीक ढंग से कानून को नहीं मानेंगे। हमारे देश में ज्यादा से ज्यादा अखबार कंपिटलिस्टों के गुलाम बने हुए हैं और इस देश में अखबारों में जो काम करने वाले हैं, जो श्रमजीवी पत्रकार हैं उनकी बहुत खराब हालत है उनके लिये भी ज्यादा से ज्यादा कोशिश होनी चाहिये और मालिकों के ऊपर रूकावट होनी चाहिये।

सरकार को इन सब बातों को सोच कर सब प्रकार से उन्नति करनी चाहिये।

हमारा देश आजाद हो गया है और देश के आजाद होने के बाद जो पत्रकार हैं ये आजादी का—डेमोक्रेसी का—बहुत लाभ उठाते हैं और बहुत खराब बातें पब्लिश करते हैं, बहुत कटिप्ताइज करते हैं और लोगों का बहुत बहकाते हैं। इसके बारे में भी हमारे मंत्री महोदय कुछ रास्ते निकालेंगे। किसी न किसी हालत से इन के ऊपर रोक होनी चाहिये।

जिस तरह अखबारों में खराब खराब बातों का पब्लिकेशन होता है और कई तरह की गलत बातों को प्रसिद्ध करते हैं उसको बन्द करना चाहिये। अभी हाल जो स्ट्राइक हुआ था उसमें तरह तरह की नमक मिर्च लगा कर भड़काने वाली बातें अखबारों में प्रकाशित हुई थीं। तो कम से कम अखबार-वाले कोई बात छाँटें तो उसमें मारे लिटी का ख्याल रखना चाहिये। मैं गरीबों के खिलाफ नहीं बोल रहा हूँ, उनकी तनख्वाह ठीक मिलनी चाहिये। लेकिन जो लोग हमारा एडमिनिस्ट्रेशन चालाने वाले हैं, देश का कारोबार जिन पर निर्भर करता है उनके बारे में जो बातें कही जायें उसमें नीतिमत्ता होनी चाहिये, सच्चाई होनी चाहिये लेकिन वह सच्चाई हमारे समाचारों में बहुत कम देखने में आती है क्योंकि हमारे अखबारों की मालिकियत जिनके हाथ में है वे जैसी चाहे वैसी बात छपवा देते हैं, अखबारों का मालिक कोई कैपिटलिस्ट है तो वह अपने तनख्वाह पाने वाले एडिटर के जरिये जैसा चाहे समाचार छपवा देता है। अखबार का जो पैटी एडिटर बेचारा है वह स्वावलम्बी नहीं है। इसी वास्ते सरकार को इस बात के ऊपर जरूर ध्यान रखना चाहिये नहीं तो हिन्दुस्तान में अखबारों की एक बड़ी शक्ति है और उसको सही ढंग से चलाने की आवश्यकता है। इस शक्ति का दुरुपयोग होगा तो देश की बहुत बर्बादी होगी।

अभी हमारे यहां देहात के लोग उतने पढ़े लिखे नहीं हैं जितना कि इंग्लैंड और अमेरिका में। तो थोड़ी सी नीतिमत्ता समाज में आने के लिये कुछ न कुछ कोशिश करनी चाहिये। हमारे पास बहुत बड़ी जिम्मेदारी है और हमारे जो पत्रकार हैं उनका कर्तव्य हो जाता है कि देश का नैतिक बल बढ़ाने के लिये अपना सहयोग दें। मैं भी उपसभापति महोदय, एक छोटा सा पत्रकार हूँ। पत्रकार लोग मेरे भाई हैं और मैं उनका दुख देने के लिये, उन के विचारों के खिलाफ कहने के लिये यहां खड़ा नहीं हुआ हूँ। मैं उनका प्रतिनिधि हूँ। और मैं चाहता हूँ कि हम आजाद बनें और आजाद बनने के बाद हमारे अन्दर कोई नैतिक बल पैदा हो। हमें इस देश का आचार विचार संस्कृति और सभ्यता को उन्नत करने के लिये नीतिमत्ता से काम करना है।

उपसभापति महोदय, मैं ने शुरू में ही निवेदन किया था कि बिल अच्छा है लेकिन बहुत देर करके इसको यहां लाया गया है। इसको जल्दी से आना चाहिये था। तो मैं यहां इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ और आशा करता हूँ कि जो बातें मैं ने कही हैं उनको अमल में लाने के लिये हमारी सरकार सब प्रकार की चेष्टा करेगी। छोटे छोटे जो पत्रकार हैं उनको अच्छे ढंग से प्रोत्साहन मिलना चाहिये। इस समय लाखों करोड़ों की आमदनी हमारे पेपर वालों की होती है। कई कैपिटलिस्ट लोग इनको चलाने वाले हैं। एक बिड़ला हैं, एक डालमिया हैं, एक गोयेन्का हैं। इन अलग अलग अखबारों की अपनी क्या पालिसी है समझ में नहीं आती मैं तो समझता हूँ कि सभी अखबारों का राष्ट्रीयकरण होना चाहिये जैसे और चीजों का राष्ट्रीयकरण हो रहा है और तभी हमारा सब प्रकार का भला होगा। मैं जानता हूँ मेरी बातों से सब लोग सहमत नहीं हो सकते लेकिन मेरी यह प्रार्थना है कि अखबारों के बारे में जो हम संशोधन ला रहे हैं उनका

[श्री पा० ना० राजभोज]

ठीक ढंग से उपयोग हो। हमारी विरोधी पार्टी के लोग बुरी दृष्टि से अखबारों का मिसयूज करते हैं। कुछ न कुछ गंदी बातें जरूर पब्लिश कर देते हैं। ऐसी भयानक पिकचर देते हैं कि मानों प्रलय आ जायेगी। अभी कुछ दिन हुये समाचार पत्रों ने एक ज्योतिषी के हवाले में खबर दी थी कि दुनिया खत्म होने वाली है, दुनिया डूब जाने वाली है—जैसे कि सामाचार-पत्र वालों को विश्वास हो गया हो कि भविष्य के बारे में यह गणना सही है। लोग इस समाचार से इतना घबरा गये कि कोई कहीं जा रहा है तो कोई कहीं जा रहा है। कोई पहाड़ पर चला गया, कोई जंगल में चला गया, कोई तीर्थयात्रा में निकल गया यह कहते हुये कि भगवान मैं मर जाऊंगा, अब मेरा क्या होगा। हमारे देश में कितने ही भविष्य-वक्ता लोग हैं लेकिन बहुत से लोग ऐसे हैं जो सिर्फ बहकाने वाले हैं इसी वास्ते उन के ऊपर कोई अंकुश होना चाहिये। जो लोग अश्लील लैंग्वेज लिखते हैं, लोगों को बहकाते हैं, भड़काते हैं और बुरे ढंग से कुछ न कुछ उकसाने वाली बात कह कर अपनी पार्टि-पलिटिक्स चलाते हैं उनको दंड होना चाहिये।

अभी मेरे एक भाई साहब मेरी ओर देख रहे हैं। सवेरे मैं सुन रहा था कि ये लोग स्ट्राइक के बारे में कह रहे थे कि जांच होनी चाहिये। आग लगाने वाले वही और बुझाने वाले वही। आग लगाने के लिये हर वक्त तैयार बैठे रहते हैं। मुझे दुःख हुआ यह देख कर कि सवेरे जब हमारे प्राइम मिनिस्टर बैठे थे तो भूपेश गुप्त इस तरह की बात उठा रहे थे। मैं चाहता था कि मैं इनको जवाब दूं लेकिन फिर चुप रह गया। जब पोस्टल स्ट्राइक हुई थी उन दिनों हम गांव गांव में, बस्ती-बस्ती में जा कर काम करते थे। लेकिन

आग लगाने वाले वही, आग बुझाने वाले वही पब्लिक को भड़काना कोई अच्छी बात नहीं है। अखबारों में तो बात हमेशा सच्ची आनी चाहिये। स्टेटमेन्ट देना हो तो ईमानदारी से देना चाहिये। सच्चाई से काम करना चाहिये। बेचारे हमारे सोशलिस्ट भाई भी ऐसे ही चक्कर में पड़ गये थे। उनको भी अखबारों का अच्छा लेसन मिल गया। तो अखबारों में कई प्रकार की बातें आती रहती हैं।

उपसभापति महोदय, मेरी इच्छा पहले बोलने की नहीं थी। लेकिन क्या करूं, विरोधी दल के सदस्यों की बात सुन कर रहा नहीं जाता। इनके खाने के दांत और हैं, दिखाने के और हैं। रशिया और चीन की प्लेट लगाने से हमारे देश की रक्षा नहीं होगी। इसी देश में हमें रहना है, इसी देश में हमें मरना है और हमें सब प्रकार से यह प्रयत्न करना चाहिये कि हमारा देश आगे कैसे बढ़े। हमारे अखबार वालों को चाहिये कि अपने देश की सामाजिक, आर्थिक और सांस्कृतिक दृष्टि से सेवा करें और उसके लिये प्रचार करें और अच्छी प्रकार, अच्छे ढंग से समाचारों का प्रकाशन करें। यह मेरा सुझाव है।

उप सभापति महोदय, अंत में आपको धन्यवाद देते हुये मैं मंत्री महोदय से प्रार्थना करना चाहता हूं कि जो सुझाव मैंने दिये हैं उनको अमल में लाने के लिये उन पर उदारता से विचार करें। इतना मुझे आत्मविश्वास है कि मंत्री महोदय डा० केसकर साहब मेरी बातों पर अवश्य ध्यान देंगे।

SHRI AKHTAR HUSAIN (Uttar Pradesh): Mr. Deputy Chairman, the amending Bill deserves our support. As was pointed out by the hon. Mem-

ber who immediately preceded me, this Bill should have been brought forward earlier, but I think the hon. Minister has acted well in not bringing forward this Bill earlier because five years is not a long time to wait to see the working of the measure—the Act was originally amended in 1955—to assess its progress and to see whether it has been able to suppress the evils that were intended to be suppressed at the time of the passing of the amending Bill of 1955. A period of round about five years has elapsed and the Minister and the authorities and others have seen that amendments are necessary in order to give effect to the purposes underlying the original amendment of 1955. I, therefore, Sir, welcome this amending Bill and trust that the House would give to it the support it deserves. The amendments proposed in this Bill are not many but they are important. In the measure as it stands today, there is no provision, no specific provision, for the cancellation of a declaration once made. There may be many cases in which the declaration has got to be cancelled, and in the absence of a specific provision, a crop of litigation would arise and the matter would have to be fought out right up to the Supreme Court to find out whether under the existing law there was any authority or not to cancel any authentication that may have been made. Therefore, it is well that specific authority is conferred to provide for cases in which the authentication of registration once made may be cancelled in fit and proper cases. In order to provide against a capricious exercise of this power, the Bill provides—and I think correctly—that a notice should be issued to the offending party to show cause why the registration should not be cancelled. He will have full opportunity of representing his case and making out a case for not cancelling the registration. If such party proves that no case is made out for the registration to be cancelled, after a proper hearing, it is possible that the notice which was issued for the cancellation of the is likely to reach him, he may just

registration may be vacated and the registration upheld. In case, however, the registration is cancelled and the party is aggrieved, there is a provision here for an appellate tribunal. If it comes up before the appellate tribunal the matter can be gone into again and properly thrashed out and a decision will be taken as to whether the cancellation has been rightly done or has not been rightly done. If the registration had been rightly cancelled, then, of course, the appeal of the aggrieved party would be rejected but if the registration had been wrongly cancelled then the appeal would be allowed and the original registration would be upheld. That obviously is a very salutary provision which it was necessary to insert in the interest of the efficient administration of the Press laws.

As has been pointed out by some of the hon. colleagues who preceded me, there has been a tendency to misuse the liberty of the Press and some of these newspapers have transformed this freedom of the Press into some sort of a licence by which they can abuse all their opponents or those with whom they do not see eye to eye and this kind of thing has been going on to such a large extent that the hon. Minister deserves our thanks for having brought forward this Bill to put a stop to it by cancelling the registration in proper cases. Some of these newspapers and other experts in scurrilous writing wield a powerful pen and they so cleverly word their sentences and use such expressions that it is difficult in a court of law to obtain a conviction against them. Therefore in order to avoid all that long litigation it is necessary that power should be preserved in the Press administration to put a stop to such newspapers and if they come within the provisions of this law, then their registration or authentication should be cancelled so that it will not be possible for them to continue their mischief or to continue to propagate their ideas creating hatred either

[Shri Akhtar Husain.]
against the established order or
against the government established by
law.

DR. B. V. KESKAR: I would like to point out that the observation of my hon. friend is laudable but this is not the object of this Bill. It does not try to restrict or cancel the registration of papers for any expression of opinion whatsoever.

SHRI AKHTAR HUSAIN: I do not say that this Bill provides for all this but I submit that we, as people interested in the maintenance of law and order and of orderly progress for our country, feel that such provisions should be there and if they are not there, they should be introduced. I have not been able to hear the exact words the hon. Minister was pleased to utter, but if this Bill does not give this power to the Registrar, I am one of those who would like that this power should be conferred on the Registrar and proper amendment should be made in order to make it absolutely clear that the Registrar will in fit and proper cases have the right to cancel the registration of newspapers which, for instance, indulged, according to the hon. Member who just preceded me, in yellow journalism. We know what it means and it is not necessary for me to dilate upon this. I believe that in order to have a Press which will not have the power to create mischief, to disturb the existing order and to help subversive elements, this power should be conferred on the Press authorities so that they can cancel the registration of newspapers which in the opinion of the Government—of course in the opinion of responsible officers of the Government—are carrying on such propaganda which it is not desirable that it should be allowed to be continued in the interests of orderly progress of the country.

Then, Sir, another provision which deserves mention is that in the event

of a printer or publisher leaving the country for a period of 30 days or more a new declaration should be made. Now, I do not know if this period of 30 days is the correct period. There are some people who can leave the country within a matter of a few hours by aeroplane and not be available for answering any charges that may be levelled against them for things that are done in their name or under their implied authority. What happens is this. The printer or the publisher is responsible for all that is published in the newspaper. Some of those rich proprietors of publishing houses and printing presses are so wealthy that for them a ticket for a journey round the world is a matter of every day occurrence and therefore, they can leave the country at any time and may not be available to answer any charges that may be levelled against their newspaper in their absence. So it is desirable that if a printer or publisher leaves the country there should be another person appointed in his place and fresh declaration to that effect should be made. Now there may be cases that a printer or a publisher, who is not a resident of India, may be carrying on some illegal activities in this country, he may carry on some subversive propaganda and when he knows that the strong arm of the law is likely to reach him, he may just escape and leave the country leaving the titular printer to answer the charges.

MR. DEPUTY CHAIRMAN: You would like to take more time?

SHRI AKHTAR HUSAIN: Yes, Sir.

MR. DEPUTY CHAIRMAN: You can continue tomorrow. The House stands adjourned till 11 A.M. to-morrow.

The House then adjourned at five of the clock till eleven of the clock on Tuesday, the 9th August, 1960.