

AMENDMENTS IN THE REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTIONS AND ELECTION PETITIONS) RULES, 1956

SHRI A. M. THOMAS: Sir, on behalf of Shri R. M. Hajarnavis, I beg to lay on the Table, under sub-section (3) of section 169 of the Representation of the People Act, 1951, a copy of the Ministry of Law Notification S.O. No. 1836, dated the 20.h July, 1960, publishing further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956. [Placed in Library. See No. LT-2259/60].

ACTION ON RECOMMENDATIONS MADE BY THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN HIS REPORT FOR 1957-58

THE DEPUTY MINISTER OF HOME AFFAIRS (SHRIMATI VIOLET ALVA): Sir, I beg to lay on the Table a statement showing the action taken or proposed to be taken on the recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes in his Annual Report to the President for the year 1957-58. [Placed in Library. See No. LT-2258/60].

SUPPLEMENTARY DEMANDS FOR GRANTS FOR EXPENDITURE OF THE CENTRAL GOVERNMENT ON RAILWAYS IN 1960-61

THE DEPUTY MINISTER OF RAILWAYS (SHRI SHAH NAWAZ KHAN): Sir, I beg to lay on the Table a statement showing the supplementary Demands for Grants for Expenditure of the Central Government on Railways in the year 1960-61.

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

SHRI AKHTAR HUSAIN (Uttar Pradesh): Sir, with your kind permission, I would like to place certain

considerations with respect to the proposed clause 4 by which it is intended to insert an additional Section in the main Act. This confers the right of cancellation of a declaration. The authority which confers a permit or which grants the right to a newspaper to start publications has also the right to cancel it and to revoke the permission that has been granted by it. The right to revoke a permit is, I submit, inherent in the authority that confers it. I do not think it would be denied that the authority which confers this permit could in suitable and proper cases cancel that permit if it finds that the permit is being misused for the propagation of ideas and policies which are detrimental to the national interests or to the larger interests of society. This right, I submit, would not be denied even by the leader of the party the number of whose followers is fast diminishing in this House. I submit that there should be some rule which would enable the authority granting the permit to cancel it in proper circumstances. If the Minister does not consider it advisable to embody a specific provision in the main body of the Act, at least some provision should be made in the rules to be framed by Government as contemplated by the proposed section 8B(i) to provide for the cancellation of a permit in those cases in which the Government is of opinion that the continuance of that newspaper is not in the best interests of the country or that it has been inciting people to indulge in subversive activities. In the very recent past we had the unpleasant experience of newspapers having connection with foreign countries inciting the strikers and making all sorts of accusations against the leaders of our country. All that was being done not in the interests of the country but was an attempt at subversion. Should the Government have the power to cancel the permits of such newspapers or not? I submit that it would be very much better to have the power to cancel the permit of such newspapers by executive authority of the Government rather

[Shri Akhtar Husain.]

than take action which would involve the Government in litigation by means of a writ petition under article 226 of the Constitution or some other long-drawn out legal processes. It is true that the Government should not do anything which would affect the freedom of expression of opinion but while conferring this fundamental right, the Constitution further provides that reasonable restrictions on the exercise of such rights can be imposed and reasonable restrictions can be imposed most validly and legally. Therefore, Sir, I submit that the Government would not be doing anything wrong if it arms itself with adequate executive power and authority to cancel the registration granted to newspapers which in the opinion of responsible authorities carry on such propaganda which is likely to subvert the existing order.

SHRI J. S. BISHT (Uttar Pradesh): But that has nothing to do with this Bill.

SHRI AKHTAR HUSAIN: The hon. Member, my critic, will kindly bear with me. The proposed Section 8B(i) provides for cancellation of permit of a newspaper published in contravention of the rules or the provisions of the Act. In that connection, I am suggesting that if a newspaper is carrying on activities in contravention of the rules or the provisions of the enactment, it should be liable to have its permit cancelled. If my hon. friend thinks that this power is not there, then I am making out a case for introducing some provision which would confer that right on the Government. This power is very necessary and the Government should not hesitate to arm itself with this power. I know that ours is a government which is being carried on with the will of the people. We need not be apprehensive that Government would be accused of taking too much power in its hands because any power that Government takes in its hands will be exercised in the best interests of the country because for every action, Gov-

ernment is responsible to the people. If there is any exercise of excessive authority, of course, that can always be set right by our judiciary. I want the Government to take this power in explicit language and the House should agree to make it clear that so far as subversive activities are concerned, the Government will have full authority to cancel the permits of such newspapers which incite the people to indulge in activities which are subversive of the existing order of society.

That is all that I have to say.

THE MINISTER OF INFORMATION AND BROADCASTING (DR. B. V. KESKAR): Sir, there has been a learned discussion on the various aspects of the amendments that have been proposed. I would again say at the outset that the amendments are clarificatory. I wish hon. Members who made very exhaustive comments had carefully read the sections of the original Act before taking up for generalisation certain amendments that have been proposed here.

I would take up two or three of the principal points which have been raised. Let it be clearly understood that there is no reason why the owners should not declare themselves to be the owners of publications. What is being proposed here is not such a drastic change as some hon. Members think. What we are proposing here is not that the owner himself must file a declaration—there is no need for him to do so—but that the owner must authorise the printer and publisher to file the declaration on his behalf. This is very essential from many points of view. The hon. Member Mr. Joshi very pertinently pointed out yesterday a case where the printer and publisher quarrelled with the owner and ran away with the title of the paper. He then printed the paper from another press saying, "I am the printer and publisher. I will carry on the paper as I like. I am the printer and publisher before the law and I shall do as I like". Secondly, the ownership of the paper which in the

majority of cases controls the policies, lays down the line for an editor, should also be known. There is no reason why it should not be known. For these practical reasons, it has been proposed that the owners should also make a declaration through the printer and publisher. They themselves need not come forward. Nowhere has it been mentioned that the owners must themselves file the declaration. The printer and publisher must get the authority from the owner, and I think this is something very reasonable and logical. We have already two or three cases, and if tomorrow some printer or publisher decides to act on his own, then the owners and proprietors will be put in a very embarrassing situation and will have to resort to quite complicated legal processes in order to get their rights. So this is very reasonable and let me inform the House that the proprietors have welcomed this. There is no objection to this. They want that this should be done so that it is clear that only a person authorised by the owners is being made the printer and publisher and whenever there is a change it is also notified to the magistrate.

There is another general point which I would like to clarify. The Bill is not meant simply to help the Registrar. No doubt, the collection of statistics by the Registrar is an important thing for the newspaper industry but there are other things which, for the more effective working of the industry, require to be clarified. The very important thing is, for example, the similarity of titles. As I said, a paper which has been established for half a century might have earned a name and a prestige which others might envy. If somebody tries to steal away that goodwill by trying to have a name which gives an illusion in the mind of the readers that this is the same paper, it practically takes away the whole basis of that old paper. Therefore it is essential that the magistrate, before a new paper is declared or allowed to be published, must satisfy himself that

the paper has not got the same title or very similar title of another paper which is already being published. Newspapers claim to make public opinion. They form a very important branch in democratic society. And such a very important limb of our society should not be reluctant to declare as to who owns the paper and who is guiding it. There is nothing wrong about it. My friend, Mr. Santhanam, was mentioning that the least restrictions we put on the Press the better for us. I entirely agree but that is regarding expression of opinion by the Press. There I fully reciprocate that no restriction whatsoever should be put except those restrictions which exist by law already. Newspaper is not simply the medium of expression of opinion; it is also an industry. It is a business; it is one of the big businesses and it is becoming bigger still. As far as the business side of the newspaper is concerned, as far as it is a profit-earning or money-earning business, that business must conform to certain rules, certain regulations, like other industries. More especially since this business claims to mould public opinion, everything that it does should be in public light. Nothing should be hidden. In a country like the United States of America it is obligatory not only that the owner's name should be there but the names of the Directors of the Company, if there is one, should also be given. In a country where there is absolute freedom, they do not resent this. I do not see what is wrong there in the declaration of ownership. Moreover, as I said, the proprietors have no objection. The two most important associations of proprietors have said that they not only agree but they also consider that this is quite welcome.

Now, the question of change of ownership has not been placed in the right perspective. For example, the question of authentication has been made into a kind of a bogey which is being raised in this Bill. Authentication is probably a very pompous legal word which only means that the

[Dr. B. V. Keskar.]
magistrate, before whom the document or declaration is brought for registration, just files it. That is called authentication. Otherwise it can be simply called acknowledgement by the magistrate of the document presented to him. This is a legal term. It should not be considered that something new is being introduced. If hon. Members take the trouble of going through the Act, they will find that authentication is there in every section. It is a common thing. Some thousands of authentications are taking place every year, authentications by printers, publishers and others connected with the Press and there is no difficulty whatsoever. In this connection I would invite the attention of hon. Members to section 6 of the Act. It says clearly that each of the two originals of every declaration so made and subscribed as aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made. In the proviso it is mentioned very clearly that the magistrate will refer to the Press Registrar only such cases where the question of title is involved. It is only in such cases that he will take the advice of the Registrar because the Registrar has got all the names. He will compare the names and tell the magistrate whether the proposed title is the same as, or similar to, that of any other newspaper or not. In no other case is it necessary, or does the magistrate refer any question of authentication to the Press Registrar.

DR. R. B. GOUR (Andhra Pradesh): If I could interrupt the hon. Minister, may I ask him a question? Suppose a particular owner dies and immediately according to the amendment the old declaration, which has been authenticated so simply as he has said, ceases to function. Before the new owner takes up and files a new declaration, will the paper be published?

DR. B. V. KESKAR: I am coming to that. This is what I am saying

generally that the noise made about authentication is unwarranted. Mr. Ramamurti was saying yesterday that so much of delay took place. It is possible; but because delay took place in one case, the whole system is not wrong. And let me emphasise this point that the question arises only when new papers come up or when the title is sought to be changed. Supposing a paper suddenly decides to drop its title and wants to have a new one. In that case only the question of referring to, and getting the opinion of, the Press Registrar arises. In other cases the magistrate simply files the declaration made before him and that filing is called authentication. I hope therefore that hon. Members will not try to magnify this question of authentication by saying that every authentication is referred to the Press Registrar. It is not the case. I hope that they will again read carefully section 6 of the Act. It is very clear and the only addition that we make is this. Up till now the magistrate was not obliged to refer even such cases concerning titles to the Press Registrar but according to the new amendment cases involving title will have to be referred to the Registrar so that he gives to the magistrate all the titles which are same as, or similar to, that of the proposed title and after getting that information the magistrate takes the decision which he considers fair. That is the only change that is being made and even with the change the result will be this. When a new paper is sought to be started or when an old paper wants to drop its title and take up a new one, then only the magistrate will refer the case to the Registrar for getting from him the necessary information which will enable the magistrate to take a decision. In no other case has there been any obligation or will there be any obligation of consulting the Press Registrar. In other cases the declaration is simply filed; it means that you go to the magistrate and you file the declaration. The magistrate automatically authenticates it; that is, he registers the declaration.

DR. R. B. GOUR: Suppose somebody challenges the ownership?

DR. B. V. KESKAR: The question of ownership is not here. I am coming to that. Dr. Gour need not be so impatient.

The other point which was raised was regarding the proposed clause (2D). We say here that 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.

[MR. DEPUTY CHAIRMAN in the Chair.]

There are four cases which have been referred to here and out of these three cases certainly belong to a category which we want to emphasise, namely, where it means a change of the paper's personality. For example, when the title of a newspaper is changed or its language is changed or its periodicity is changed, then it becomes a different paper. Supposing a daily paper wants to convert itself into a monthly, then surely it is not the same paper. It becomes completely different. If its language is changed or for some reason or other the paper wants to change its title completely, in that case it is entirely a new paper. So, I think it is rightly emphasised that the paper must make a new declaration and until that declaration is accepted, it cannot function. The case of ownership is not the same and I am glad that this question was brought to my notice by my friend, Mr. Santhanam. After considering it carefully, we also feel that the question of ownership should be separated, though the language in which it is couched here does not mean that the continuity of the paper will be broken. However, we feel that it might be put in separately and by an amendment which I have given notice of, we propose to take it out from here,

so that clause 2(iii) (2D) will be concerned only with the question of title of a newspaper, its language or the periodicity of its publication. Regarding ownership, we propose to add another sub-clause after this, namely:—

“As often as the ownership of a newspaper is changed, a new declaration shall be necessary.”

Now, I will come to the other point which was emphasised by a number of speakers here. What happens if an owner dies? That can happen only in the case of personal ownership of a newspaper. Now, a number of things were suggested. I have taken competent legal opinion and the interpretation of the clause, as was interpreted, does not appear to be correct. It is said here: “As often as the ownership of a paper is changed”, ownership which is a fact does not change. For example, on the death of an owner, ownership will change legally when the heirs are decided and they apply for change of ownership before a Court. Until that time, as you know, the publisher and the printer are carrying on the newspaper on behalf of the owner. No need generally arises for it; there is no obligation on them to go and declare that the owner is dead and the paper's ownership should be changed. The question of change of ownership will arise only when the ownership is fixed on somebody that he has become the owner now. Until that time, it does not arise. So, there need be no apprehension that during the interregnum the paper will cease to exist. Nothing of that kind will happen. However, in order to take into account any case which might arise, I will draw the attention of hon. Members to section 21 of the Act, which says:—

“The State Government may, by notification in the Official Gazette, exclude any class of books or papers from the operation of the whole or any part or parts of this Act.”

[Dr. B. V. KESKAR.]

Now, though the type of case that my friend, Mr. Santhanam, was envisaging will occur very rarely, we propose to write to the State Governments advising them that where such a case occurs or such a class of cases occurs, they should give exemption to the paper, so that until the time ownership is fixed, it is not obligatory that the name of the owner should appear on the paper.

SHRI K. SANTHANAM (Madras): Will it come really under clause 2, because it is not 'class of books or papers'?

DR. B. V. KESKAR: 'Class' means papers whose ownership is in doubt. That is the class of papers. We want to exclude them, so that in such cases they might exempt and allow the paper to be published without the name of the owner, because we felt that to put many provisos in the Act itself might not create a feeling of clarity, which we wanted to have. The difficulty which may arise and which my friend has so well explained will be got over.

This is regarding the most important points about the Bill. There was a question raised as to why so much centralisation is there, why consult the Registrar. Someone has to get all these statistics and, as I said, a large number of papers have an inter-State character and it will have to be done by a central authority. In fact, I would like to remind hon. Members that it is Parliament which has insisted that we should have a central authority for getting these statistics and Members, including the Party to which my friend, Mr. Ramamurti, belongs, have been saying that it should be so. Because he has had some difficulty, now he says why there should be a central authority, why not a local authority.

DR. R. B. GOUR: It is not a question of not having a central authority. It is a question of making the information available to the Magistrate concerned quickly. Could he not have

some machinery for sending the central information to the State and keeping it there, so that consultation is quick?

DR. B. V. KESKAR: That certainly can be taken up, but not in the Bill. This is a matter of practical despatch. Certainly that will be looked into and should be looked into. But the point has nothing to do with the Bill or its framing here. About the desirability of having a central place to gather all these things, when the Press Commission's Report was debated in the House, practically every section of the House in fact, insisted and censured Government for not establishing the Press Registrar's office as quickly as possible. During the last debate on the work of the Press Registrar, Members were very keen that the powers of the Registrar should be increased and more obligations should be laid on the papers to furnish statistics of various kinds. So, it is not proper to say that the Registrar . . .

DR. R. B. GOUR: In the case of language papers, where they are only State newspapers, will it be necessary to refer to the central Press Registrar?

DR. B. V. KESKAR: Yes, because the Registrar has to register all the papers throughout the country, including the language papers. As I said, the practical question of how to make it available quickly might be considered separately. I may assure my hon. friend that we would like this thing to be done with despatch. Naturally as far as the Magistrate is concerned, it is not within my power. He will deal with it as expeditiously as possible. On our side, we will see that things are not held up. If there are any cases, he can bring them to my notice and we will see that they are despatched quickly.

Then there was this question of going abroad for thirty days. This was brought to our notice by the important associations of publishers.

also In fact, the publishers' associations had agreed with the whole Bill, except this particular sub-clause. They say that 'thirty days' is too small and they have recommended ninety days. There are two amendments regarding this and I propose to accept those amendments because the idea behind all this is to see that for too long a period the paper is not left without the person who is responsible for it. Supposing something happens, he would come and say: "I was not here. Therefore, I am not responsible." Therefore, he should appoint somebody else who will take the responsibility during the period. So, that also has been settled and we have no objection in accepting this particular amendment.

I have dealt with the important points that have been raised by hon. Members. I move that the Bill be accepted by the House.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2—Amendment of section 5

DR. B. V. KESKAR: Sir, I move:

1. "That at page 1, for lines 11 to 14, the following be substituted namely:—

'(1) Without prejudice to the provisions of section 3, every copy of every such newspaper shall contain the names of the owner and editor thereof printed clearly on such copy and also the date of its publication.'

9. "That at page 2, line 9, the words 'or its ownership' be deleted."

11. "That at page 2, after line 12, the following be inserted, namely:—

'(2E) As often as the ownership of a newspaper is changed, a new declaration shall be necessary.'

DR. R. B. GOUR: Sir, I move:

2. "That at page 2, after line 12, the following proviso be inserted, namely:—

'Provided that a fresh declaration under this sub-section shall not mean a break in the service of the employees of the newspaper concerned.'

4. "That at page 2,—

(i) in line 17, for the words 'thirty days' the words 'ninety days' be substituted; and

(ii) in line 19, for the words 'thirty days' the words 'ninety days' be substituted."

(The amendment also stood in the name of Shri M. H. Samuel).

The questions were proposed.

DR. R. B. GOUR: Mr. Deputy Chairman, I have got at this stage to make a few remarks concerning my amendment No. 2. He has kindly consented to accept my amendment No. 4 and so I need not go into that.

DR. B. V. KESKAR: Is he going to speak on his amendment No. 2?

DR. R. B. GOUR: I know that he is going to give certain undertaking on this point. About this amendment it is true that the Industrial Disputes Act protects the continuity of service in case of change of ownership. But here my only difficulty is this. In case the ownership is changed and when the new owner is filing a fresh declaration, will it be considered a new establishment? He will say: "I have submitted a fresh declaration. The title may continue, the place of publi-

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cation may continue, but so far as I am concerned, it is a new establishment." If under the Press Act this person becomes a new owner and if this is to be taken as a new establishment, he argues that so far as he is the owner, proprietor and the paying authority, he is not liable to pay the arrears that his predecessor-owner owed to the employees. That is a point that has been worrying me a lot. It is quite true that if it is an ordinary transfer of ownership, the Industrial Disputes Act does protect. But his whole argument in the first place is that the change of ownership does not mean that the establishment is undergoing any qualitative change or any new establishment is coming into being. He has been saying that, but I am not quite sure how that position will be there.

There is another point I would like to raise regarding change of ownership. For example, we have got this "Indian Express". The "Indian Express" and its Telugu paper, the "Andhra Prabha", have closed down in Madras. We know that there was a big dispute. But today a different proprietor comes forward with the same paper "Indian Express" and also "Andhra Prabha" published from Vijayawada and Chittur—same name, but a different place of publication and a different proprietor. On the title also it is said "largest circulation", "published from so many places", etc. That means the whole thing continues. Even the existing Act could have prevented it. You could not give the same title though there has been a change of ownership or change of place of publication. He has rightly said that title is very important. Change of ownership, change of the place of publication, change of the name of printer and publisher, all these things are used to circumvent the Working Journalists Act in the matter of payment of salaries or other things, to circumvent the obligations under the Industrial Disputes Act. Now I want a clarification from the hon. Minister. How

will this legislation or even this filing of a new declaration for change of ownership not be misused? The proprietors are bound to accept it because they want it. Therefore, his argument on the point that the proprietors have accepted it does not satisfy me. In fact it makes me worry all the more because they will change the ownership but will continue. I would like to ask him this. How could it be possible for the "Indian Express" and the "Andhra Prabha" to come out again from Vijayawada and Chittur under a different proprietor? How could you prevent a similar thing under this Act? How will you protect the rights of the working people unless you provide here that any change of ownership, any fresh declaration, will not materially affect the continuity of service of the employees? Change of ownership does not mean that a new establishment is coming unless the title is changed. Change of ownership or change of the place of publication does not change it. Please do not use the words "employees' safeguards". You say that this does not mean that a new establishment is coming into being. You just add a proviso that a change of ownership or a change of the place of publication or a change in the name of printer and publisher will not mean *ipso facto* a change of establishment. That is enough for me because you know what the "Indian Express" have done. Under new proprietors they are publishing the "Indian Express" and the "Andhra Prabha" and the employees' services have gone. I want a protection that it will not be considered as a new establishment. That is all.

Thank you, Sir.

DR. B. V. KESKAR: Sir, first of all let me assure Dr. Gour that the fresh declaration, as I have said in my speech, is nothing but an information to the Magistrate that the ownership has changed. As far as change of ownership is concerned, the position remains what it is today, I mean that there is no break in the continuity

of service by a change of ownership. There is, therefore, no new factor arising simply because we have put here that change of ownership also must be notified to the Magistrate. What we propose is that the Magistrate should be notified that there has been a change of ownership.

Sir, even today changes of ownership are taking place so many times. A number of important papers have changed ownership during the last year. Has there been a break of service? There has been none. Dr. Gour himself has said that they are governed by the Industrial Disputes Act. My point is that this does not bring in any new factor in the position existing today. He is talking about the "Indian Express" at Vijayawada and other places. It is well known that a paper has a place. A declaration is made before a Magistrate and the paper remains at a particular place. If a paper closes down at a particular place and opens itself at a place 200, 300 or 400 miles away, it is not considered to be the same paper.

The question of title which he has raised is different. If he will see the Act itself, he will find that it is not possible for us to stop the same owner from having or utilising the same title.

DR. R. B. GOUR: He is not the same owner

DR. B. V. KESKAR: Of course where there is a title, supposing there is a simultaneous publication of a paper and that one of the branches of that publication gets under a different owner, it is not possible for us to close down a paper which is functioning, but it is not allowed to have new branches if they are not under the same owner. If there are any cases where they are not under the same owner and where they were not formerly the branches of a paper published under the same owner, he can bring them to my notice and we

shall see what can be done. I am telling him what the position is. The stopping of such a thing is not the object of this Bill, but as he was asking the question, I have furnished the position as it is today. But I might assure him that as far as this amendment regarding declaration of ownership is concerned, it does not affect the present position in the least. There is no change excepting that the Magistrate will come to know that there has been a change of ownership. That is all.

DR. R. B. GOUR: The same owner has two companies. The name of the company which runs the "Indian Express" at Delhi is different, and the name of the company which runs the "Indian Express" at Vijayawada is different. Am I not right? At least he will agree in this.

DR. B. V. KESKAR: This has nothing to do with the particular question that is being posed here. The point he is posing can be discussed separately. It is an interesting point, but I will submit that it has nothing to do with the amendment in question. I, therefore, do not agree that this amendment is essential because his intention is already in fact being carried out today, and it is the practice in the trade today and all these things are governed by the Industrial Disputes Act.

SHRI M. H. SAMUEL (Andhra Pradesh): Is it not a fact that this filing of declaration by a printer and publisher on a change of ownership is meant to clarify the point that the printer and publisher is an employee of the owner and acts on the authority of the owner as is provided for in the Bill?

DR. B. V. KESKAR: On the authority of the owner the printer and publisher comes and files a declaration. Now when the owner changes, he needs a fresh authority from the new owner to file another declaration. This point seems to have been missed, and the emphasis on

[Dr. B. V. Keskar.]
change of ownership and change of establishment is clouding the issue altogether. I thought that this was the prime purpose of the declaration.

DR. R. B. GOUR: Sir, I beg leave to withdraw my amendment.

*Amendment No. 2 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, for lines 11 to 14, the following be substituted, namely:—

'(1) Without prejudice to the provisions of section 3, every copy of every such newspaper shall contain the names of the owner and editor thereof printed clearly on such copy and also the date of its publication.' "

The motion was adopted.

MR. DEPUTY CHAIRMAN: Dr. Keskar, are you accepting amendment No. 4?

DR. B. V. KESKAR: I accept amendment No. 4.

MR. DEPUTY CHAIRMAN: The question is:

4. "That at page 2,—

(i) in line 17, for the words 'thirty days' the words 'ninety days' be substituted; and

(ii) in line 19, for the words 'thir y days' the words 'ninety days' be substituted."

The motion was adopted.

*For text of amendment, vide col. 302 *supra*.

MR. DEPUTY CHAIRMAN: The question is:

9. "That at page 2, line 9, the words 'or its ownership' be deleted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

11. "That at page 2, after line 12, the following be inserted, namely:—

'(2E) As often as the ownership of a newspaper is changed, a new declaration shall be necessary.' "

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 4—Insertion of new sections 8B and 8C

DR. R. B. GOUR: Sir, I move:

5. "That at page 3, after line 21, the following be inserted, namely:—

'(iia) the new printer or publisher has not made a new declaration even after an opportunity having been given in this regard; or' "

Sir, the printer and the publisher are of the choice of the owner. The owner can change the printer and the publisher. Here I am thinking particularly in terms of small newspapers. Big newspapers have got their own publishing establishments. Now the small newspapers can as well do it. But at the same time what I want

here is that they should not be put to any harassment by the cancellation of their declaration. That is why I want to add here these words. They must be given an opportunity. If you change the printer and the publisher, you can submit a new declaration within such and such a time. If this is not done, the declaration can be cancelled. Otherwise, the small papers will be put to some difficulty. That is my point.

The question was proposed.

DR. B. V. KESKAR: Sir, if Dr. Gour reads lines 6 to 11, he will understand the position. They read as follows:—

“... any declaration made in respect of a newspaper should be cancelled, he may, after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an inquiry into the matter and if, after considering the cause, if any, shown by such person and after giving him an opportunity of being heard, he is satisfied that ...”

I mean, what he is asking for is there already because cancellation being something serious, it has been expressly laid down that without giving a show-cause notice to the person and holding a thorough inquiry, he will not do it.

DR. R. B. GOUR: Sir, I beg leave to withdraw my amendment.

**Amendment No. 5 was, by leave, withdrawn.*

MR. DEPUTY CHAIRMAN: The question is:

“That clause 4 stand part of the Bill.”

The motion was adopted.

*For text of amendment, vide col. 308 *supra*.

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Clause 4 was added to the Bill.

Clauses 5 to 7 were added to the Bill.

Clause 8—Amendment of section 20A.

DR. B. V. KESKAR: Sir, I move:

6. “That at page 4, for lines 24 to 26, the following be substituted, namely:—

‘and the form and manner in which the names of the printer, publisher, owner and editor of a newspaper and the place of its printing and publication may be printed on every copy of such newspaper.’”

7. “That at page 4, for lines 27 to 30, the following be substituted, namely:—

(ii) for clause (b), the following clause shall be substituted, namely:—

‘(b) prescribing the manner in which copies of any declaration attested by the Official Seal of a Magistrate or copies of any order refusing to authenticate any declaration may be forwarded to the person making and subscribing the declaration and to the Press Registrar.’”

The questions were put and the motions were adopted.

MR. DEPUTY CHAIRMAN: The question is:

“That clause 8, as amended, stand part of the Bill.”

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

Clause 10—Amendment of section 21

DR. B. V. KESKAR: Sir, I move:

8. "That at page 5, line 14, after the word 'notification' the words 'in respect of any class of newspapers' be inserted."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

DR. B. V. KESKAR: Sir, I move:

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

In asking for the assent of the House, I would like to assure it that the object of the Bill which is to make the working of the press as a business more effective and more precise and also to get together the statistics concerning the press more easily and in a more precise form, will be achieved by making these amendments. I am also sure that ultimately it will be effective in helping the working of the press because there has been a certain vagueness and ambiguity, and as such, even conflicts have arisen as to who is the printer and the publisher, who is the owner and what is the relationship between them, and once this is precisely laid down, there will be no such cause for conflict or ambiguity in future.

The question was proposed

DR. R. B. GOUR: Sir, the hon. Minister in his reply to the First Reading stage has said that in regard to the question of getting authentication on the first occasion when a new paper is to be brought out, he will see that

expedition will be tried. It means that you must have certain arrangements at the State level to enable the Magistrate to consult and take a decision expeditiously about authenticating the declaration, and with that assurance of the hon. Minister, I must tell him that we are all for a proper Newspaper Registrar's Office, for centralised statistics and all that. At least, there is one thing that the bogus papers should not take away the newsprint and the deserving papers should not be denied that. At least, for that purpose it is necessary that we have proper statistics.

DR. B. V. KESKAR: As far as the authentication to which Dr. Gour made a reference is concerned, I can assure him that we will see that expeditious despatch is achieved and in regard to any cases of difficulty, if he brings them to my notice, I will see that things are done quickly.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2:30 P.M.

The House adjourned for lunch at one of the clock.

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

THE EVACUEE INTEREST (SEPARATION) AMENDMENT BILL, 1960

THE MINISTER OF REHABILITATION AND MINORITY AFFAIRS (SHRI MEHR CHAND KHANNA): Sir, I beg to move:

"That the Bill to amend the Evacuee Interest (Separation) Act, 1951, be taken into consideration."