

SHRI J. S. BISHT: After all, Ministers are not public servants.

DIWAN CHAMAN- LALL:
They are paid salaried servants of the Government. They would come under Section 21 of the Indian Penal Code.

SHRI' P. N. SAPRU: I doubt whether the Ministers would come under Section 21 of the Indian Penal Code. Even in respect of High Court Judges, the argument is admissible that they are not public servants. I can refer him to an article written on this point by Sir William Holdsworth in the Law Quarterly of 1931.

DIWAN CHAMAN LALL:
I have not the slightest doubt that the House is most grateful to my hon. friend for his profound knowledge of the subject.

MR. DEPUTY CHAIRMAN: Do you want to sit through the lunch-hour? The House has to pass 28 Bills and we have only two weeks left.

SHRI H. N. KUNZRU (Uttar Pradesh): Is it necessary for Government to go on introducing new measures that we should finish all of them within the allotted time? The Government must give us more time. It is within your power to extend the time. It is most unfair to ask of us, when Government goes on introducing important new Bills, to finish everything by the date by which the Session is expected to close.

MR. DEPUTY CHAIRMAN: Well, if the House is willing to sit through the lunch-hour, we shall sit through; otherwise, at least from tomorrow, we will have to sit through the lunch-hour. I am giving information early. Also, we may have to sit late and we have to sit through the two Saturdays also. The Business Advisory Committee is meeting tomorrow. They have got 28 Bills to pass.

SHRI H. C. DASAPPA: I make this suggestion. We shall have one hour for lunch and sit half-an-hour later, with the result that we gain that one hour.

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MR. DEPUTY CHAIRMAN:

The Business Advisory Committee is meeting tomorrow. And I am just informing hon. Members that tomorrow they will come prepared to sit through the lunch-hour today, we will adjourn till 2.30 P. M.

There is a message.

MESSAGE FROM THE LOK SABHA

EMPLOYEES PROVIDENT FUNDS (AMENDMENT) BILL, 1956

SECRETARY: Sir, I have to report to the House that the following message has been received from the Lok Sabha, signed by the Secretary of the Lok Sabha :—

"In accordance with the provisions of Rule 133 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Employees' Provident Funds (Amendment) Bill, 1956, as passed by Lok Sabha at its sitting held on the 8th December, 1956."

Sir, I lay the Bill on the Table.

SHRI B. C. GHOSE (West Bengal): Sir, shall we meet at 2 P.M.

MR. DEPUTY CHAIRMAN: The House will meet at 2 P.M.

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

The House re-assembled after lunch at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

THE PRESS COUNCIL BILL 1956 *continued*

DIWAN CHAMAN LALL:

Mr. Deputy Chairman, I was trying to recount the various reasons why my hon. friend should be induced to accept this motion for reference of this measure to a Select Committee. In the course of doing so before lunch. I was trying to point out to him

[Diwan Chaman Lall.]

the various difficulties that face us which could only be resolved by a frank discussion across the table in a Select Committee. One of them was in reference to the public servant. We, Members of Parliament, become naturally public servants under the provisions of this measure, those of us who are elected or nominated to the Press Council. Ordinarily too, my friend Mr. Leuva tells us that Members of Parliament are public servants but there is another function that devolves upon them. They become not only public servants but holders of offices of profit. What happens to their seats in that particular case? Would there be an additional legislation brought in to solve this particular difficulty? I am pointing out to the hon. Minister these various difficulties which have got to be considered calmly and not in the manner in which they have been presented to the House.

SHRI P. N. SAPRU: In the Medical Council Bill and other Bills also Members of Parliament were eligible for election to those bodies. Are they regarded as holders of offices of profit?

DIWAN CHAMAN LALL: Dr. Sapru has referred to the position of Members of the Medical Council. If my hon. friend would look at clause 15, he would find that it says:

"The Central Government may, after due appropriation, made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act."

It may be that the Members also, according to the provisions that he has before him, would be eligible for payment. It becomes immediately an office of profit. In order to avoid this particular difficulty and other difficulties it was suggested that more time should be given for the consideration of this matter. My friend is anxious to push through this matter in such

a short time. May I say that nothing would be lost if a little delay took place and a proper measure was brought before "this House for the purpose of fulfilling the objectives that my hon. friend has in view? He will agree with me that the objectives that he has in view are not at all fulfilled by the provisions of this measure. In 1954 the Press Commission reported, it is now nearly three years since that report has been before us and before the public and my hon. friend brings this measure this morning and wants this measure to be adopted by this afternoon and turned into law.

DR. B. V. KESKAR: This is rather unfair. The measure was introduced in the last session and has been before my friend for the past 4 months.

DIWAN CHAMAN LALL: Of course it has been before me but has there been an opportunity to discuss it with my hon. friend? We used to have a little procedure, namely a little Amendment Committee which used to discuss all these measures and all the amendments that came before it. This particular measure is the one measure which should have gone before the Amendment Committee and which has not gone before it.

SHRD B. C. GHOSE: Which Committee?

DIWAN CHAMAN LALL: The *Inter-se* Amendment Committee of ours. We, Members of his Party, have never been taken into confidence in regard to this measure. I suggest a wider confidence being created not only in Members of his own Party but in Members of the House associated with a Select Committee, that procedure being adopted in order that there may be wider support for this measure. Let us take another issue. How is my hon. friend going to meet this provision? He said that in regard to disclosure it is not his intention to effect any disclosure of the source of information that has been gained by any particular journalist

SHRI V. K. DHAGE: What he said in reply to my question was that the

provisions of the Bill don't envisage a disclosure of the source of information.

DIWAN CHAMAN LALL:
My hon. friend understood him to say that. I understood him to say a little more than that, not merely that the provisions of the Bill do not envisage a disclosure. There I am quite certain and I prepared to accept a challenge from my hon. friend that the provisions of the Bill go beyond this and do not prevent anybody from forcing a journalist to disclose his source of information.

DR. B. V. KESKAR: If I may correct what is said, I said and I again repeat it, that my friend is perfectly right when he says that as far as the legal provisions there are concerned, this does not prevent the Council from calling for such disclosures but I said that it is not intended to do so. The Press Council is a body whose main object has been defined and it is composed of journalists—all Indian—and such people are not likely to do anything against a colleague and we hope also that commonsense will always prevail in the Council. If it does not, it is no use trying to bring such commonsense simply by legal provisions. They will do something which probably they are not meant to do.

DIWAN CHAMAN LALL:
What the hon. Minister has said just now is an argument reinforcing the plea that this measure should go before the Select Committee. Had he not said this, perhaps he might have been on stronger grounds. What he says now is this that although this is the law, although these are the provisions of the law, although under the provisions of this law disclosures can be forced, nevertheless he hopes and he thinks that the complexion of the Press Commission will be such that such a contingency will not arise. I ask you, Mr. Deputy Chairman, has such a proposition ever been advanced in support of an objection raised by the whole House in the matter of disclosure that you are living not on the letter of the law but you are living

on hopes which may be so in the worthy breast of the hon. Minister but they will die and wither as hopes and never be realised when an issue of this nature arises, a serious issue of this nature arises? My hon. friend Dr. Sapru raised the issue that even with the provisions as they are, as they were understood by me, by my learned friend Mr. Ghose, or by my friend Mr. Dhage, even with the provisions as they are, the writ procedure of the Supreme Court and the High Court is available. It is easy enough for anyone to get over it and compel the disclosure of the source of information. Now my hon. friend will be convinced that the law being what it is, merely living on hopes is not sufficient. We must try to find ways and means which we cannot in a discussion of this nature on the floor of this House. We must find ways and means whereby the law can be stiffened, the law can be made definite or perfect in regard to this matter of not wanting any journalist to disclose his source of information. On this side of the House, on the other side of the House, the hon. Minister and ourselves, we are all agreed that it is wrong in principle to force a journalist to disclose his source of information. If it is wrong what does the law say? Let us have a look at clause 14(3) of this measure. I will read it to you. Mr. Deputy Chairman. It says:

"Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code."

Now, I have had some experience. Once I was a member of a Royal Commission—the Royal Commission on Labour. There we had exactly the same provision whereby we could compel any witness to come before us to give evidence. We could take action against a witness if he did not come before us and give evidence and we could compel witnesses to disclose the source of information. In fact, we did time and again, compel witnesses to disclose the sources of information and I remember the late Rt. hon.

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V. S. Srinivasa Sastri; who was also a member along with us on this Commission, getting at certain sources of information of such a nature that the Legislature was compelled later on to pass a measure preventing the sale and mortgaging of children in factories only as a result of the disclosure of this information. That happened in those circumstances and the same provisions are here, and therefore, nothing is going to prevent the members of the Council from asking for the disclosure of the source of information.

SHRI H. C. DASAPPA: That was a very healthy procedure in your investigation.

DIWAN CHAMAN LALL: I am very glad my hon. friend Mr. Dasappa considers that that was a healthy procedure. Certainly it was, but it was in a different context. Here we are dealing with a matter where the honour of a journalist is at stake. A journalist, if he is not compelled to disclose the source of his information makes his own offence much worse. By disclosing the source, he passes on the responsibility to some body else who is the giver of the information to that particular journalist. But in the other case, as I said, it was in an entirely different context.

Therefore, I would suggest to the hon. Minister to take the plunge. Let him not hesitate to give a little more time to this particular measure. As I said, in 1954, the Press Commission reported. My hon. friend brought in this measure, that is to say, he introduced it in the House, but no discussion took place of any value. Now that he has brought in the provisions of the measure that is before the House, it is necessary to examine each and every clause, each and every word in the clauses, to find out whether the objects that my hon. friend has in view are being fulfilled or not being fulfilled. Mr. Deputy Chairman, the objects are vast. But this measure is like providing for a bubonic patient a vitamin B 12 pill to cure him. That is the state of affairs as far as the objects are concerned. What is this

measure? Will it check all the abuses that are rampant as far as journalism is concerned, as far as the monopoly in journalism is concerned, as far as the concentration of journalistic activities is concerned? It does nothing of the kind. There are terrible abuses that are growing as a result of the concentration of power. And there are certain other things which must be given attention to, if the main objects that my hon. friend has in view are to be fulfilled. And how are those things to be given attention to in this discursive debate on the floor of this House? How can we do that except by sitting down quietly in a Select Committee and by coming to a decision as to what more should be done in order to achieve the main objects that we have in view? As I said, in 1954, the Press Commission reported. What would my hon. friend lose by waiting for another three months, or let us say, by waiting for another three weeks, or even three days? I am sure the mood of the House is such that even the shortest time that my hon. friend can give for the consideration of this measure in the Select Committee, the House will agree to because the House considers this measure as of paramount importance. It is of the greatest importance and must not be rushed through with these indefinite clauses, these discursive clauses with these improvements on British wording by adding a few more discursive words on certain suggestions made by the Press Commission and the Royal Commission on the Press in Great Britain which also, I believe, reported in 1954. I suggest that in order to achieve his main objectives, my hon. friend must agree to this suggestion of ours. He must not stand on dignity; nor must he stand upon any preconceived notions of his to force this legislation through the House. It is wrong. It is wrong in principle to do so. This is a very important matter. No doubt the Report of the Press Commission has been before us. We have considered it. We have read it and we have also discussed it. We had a long debate on it. But what was not before us was this particular measure with all its provisions and

ff we are going to translate the suggestions made by the Press Commission into legislation, it is necessary that we must have proper time to consider every clause of this measure. I ask my hon. friend once again, I appeal to him, to let us have more time. I do not do it because any particular interest would be helped or is desirous that the period of consideration should be extended. Not at all. It is necessary in our own interest to see that widest possible support is given to the widest possible objectives that we have in view, in order to cure the evils that afflict journalism today. Take one example as an instance. While copying all this legislation, copying all this phraseology from the British reports and British legislation and so on and so forth some of the main and ameliorative objectives have been lost sight of. There was a provision in the Royal Commission's Report on the Press regarding the examination of the possibility or practicability of a comprehensive pension scheme, which Mr. Deputy Chairman, you will find on page 174 of that Report. Now, these are things which we would also like to be incorporated in this measure, because we are going to raise the standard of life of the journalistic class—the people who are going to be affected by this measure. You want to improve the standards of journalism. How are you going to do that ? Not merely by the clauses that you have put into this measure. You will find clauses of the nature that I referred to just now, which you can put into this measure. But how can you put them into this measure, Mr. Deputy Chairman, except by carefully considering the pros and cons of these clauses in the Bill, calmly discussing them and considering them in the context of the Select Committee ?

SHRI B. C. GHOSE: Sir, there are no two opinions in this House about the importance of this measure, as my esteemed friend Diwan Chaman Lall has already stated. In truth, this is one of the most important pieces of legislation brought before this House in pursuance of the recommendations of the Press Commission.

Incidentally, I believe the hon. Minister deserves the congratulation of the House on the way in which he has been trying to implement the recommendations of that Commission.

Before I come to the question of the reference of this measure to a Select Committee, I would like to say a few words on the main points covered by this measure. The most controversial among them are three or four in number. First of all there is the question of the appointment of the Chairman of the Council. That raises two issues—one, whether the Chairman should be a person who is or has been a High Court Judge, and second, the method of his appointment. On the first issue it is true as the hon. Minister pointed out, when the Report of the Press Commission was being discussed in this House, opinions were expressed that the appointment should not be confined merely to a person who is or has been a High Court Judge. I have thought over that point still further and I feel that there is a lot to be said in favour of the recommendation made by the Press Commission and the reasons, to my mind, are the following.

Expert committees, whether in this country or elsewhere, seem to be—of the opinion that the person should be one who is not connected with the Press, who is an independent-minded person. Both the Ross Commission in Great Britain and our own Press Commission are agreed on that point. It is not a question as to whether we want judicial knowledge or not. I do not think that is the main issue. The main reason for which we want that the Chairman should be a person who is or has been a High Court Judge is that he should be independent-minded, that he should be too much associated with the Government so that the independence of the Press might not be impaired; that he should not be too much concerned with the industry itself so that his judgment may not be warped, that the person is really one who is not linked up with either of these interests.

[Shri B. C. Ghose.]

I have no great bias for High Court Judges as such but it so happens that there is a feeling in the country, rightly or wrongly, that High Court Judges are independent-minded. It may be that there are High Court Judges who are very much biased but, even if that is so, they have fortunately created an impression in the country that they are not so biased and it is the impression of the public that matters. Although they may be biased, people in the country feel that if we have a High Court Judge, he will not be biased. And we cannot also overlook the fact that having some legal knowledge is an added advantage because he will have to perform certain quasi-judicial functions under this Act. For all these things, Sir I hope that the hon. Minister has still an open mind on the subject and that he will give his serious consideration to this matter.

Next comes the method of appointment, whether the appointment should be made by the Chief Justice of the Supreme Court or by the President. I feel that if the appointment is to be made by the President, then there is all the more reason why the person should be one who is or has been a High Court Judge. In this case, the choice would be limited. Our fear is that if we do not limit the choice of the person to be appointed as Chairman, the Government may appoint anybody that it likes and there is no guarantee that Dr. Keskar will always be there as Minister in charge. Dr. Keskar has told me that his intention is to appoint the first person—a person who is or has been a High Court Judge. I would be glad if he > could give me a guarantee that he will always hold charge of this office and in that case, I would not press this point.

SHRI RAJENDRA PRATAP SINHA: What is the guarantee that they will be in power always ?

SHRI B. C. GHOSE: As I said, it is desirable that the choice of the person who may be appointed as Chairman should be limited in certain respects and that is why we are saying

that he should be a person of the type that we have been advocating.

Now, my friend, Shri R. P. Sinha, has raised a very important issue, whether it would be desirable to have the appointment made by the Chief Justice of the Supreme Court because, he thinks that this will bring the Chief Justice's conduct into public discussion and there may be criticism. Now, that is true and we have to give weight to that consideration but, at the same time, this has also to be said that however much people may seek to criticise or however much some persons may seek to criticise the assessment of the Chief Justice, I believe that, by and large, it will be accepted in the country that it has been an impartial assessment and opinion. Therefore, I am not against the appointment being made by the Chief Justice of India. It is also rather interesting to observe that both the Ross Commission and our own Press Commission have had the same recommendation in regard to the method of appointment. If, as my friend, Shri R. P. Sinha, stated, the appointment should not be made by the Chief Justice on the ground he mentioned, then his objection to the method of appointment of the Members would also hold good, that the Vice-President and Chairman of this House and the Speaker should not be brought into the picture by their having to appoint the members of the Council. But it appears that Government have not considered it unwise to have a committee of that nature for the appointment of members. If that is so, then they cannot legitimately object to the appointment of the Chairman being made by the Chief Justice.

Now, Sir, the second point is with regard to the appointment of the members of the Council. It is agreed that there should be some laymen on the Council for reasons which have been stated by the hon. Minister. There has been objection in certain quarters about Members of Parliament being appointed or nominated to this Council. Particularly, it appears that the journalists have taken objection to that provision, although

we do not object to journalists observing our work and criticising in any way they like the activities of the Houses of Parliament. I do not quite understand as to what may be the objections to Members of Parliament functioning on such a Council. They are people who represent public opinion and as such, if it is agreed that people representing public opinion should have a seat -on this Council, I do not think that the objection to Members of Parliament is very valid. There may be only one ground of objection and that is that Government may try to influence the Council through such membership. Now, I do not deny that there may be some ground for that objection but then I should like to suggest that the hon. Minister should take that criticism into consideration and give us an assurance that when he selects Members for this Council, nobody from the Government side would be appointed, that Members of Parliament would always be drawn from the Opposition side, whoever may be the Government, because, I think, then there will be no fear that there would be any chance of Government trying to influence or dominate this Council through such membership.

SHRI R. P. N. SINHA (Bihar): I hope the hon. Minister will take note of it.

SHRI V. K. DHAGE: He wants the hon. Minister to note this point.

DR. B. V. KESKAR: I have had the benefit of talking with Mr. Ghose already.

SHRI B. C. GHOSE: Not on this point the point was regarding the objection to Members of Parliament being appointed on this Council and I said that that objection was not valid but probably it emanated from a fear that through such appointment, Government would try to influence or dominate the deliberations of the Council.

DR. B. V. KESKAR: If the Speaker or the Chairman is the creature of the Government, yes. It is they who will appoint, not Government.

SHRI B. C. GHOSE: Yes, but still there might be a doubt and, in order to avoid that, I am suggesting that such Members may always be drawn from the Opposition Benches.

DR. B. V. KESKAR: I am quite prepared.

SHRI B. C. GHOSE: Whoever may be the Government, Members will not be nominated to this Council if they happen to belong to the Government Party.

SHRI P. N. SAPRU: You cannot take away the rights of other Members.

SHRI B. C. GHOSE: I am not saying that there should be any such provision but there may be at least an assurance from the Minister.

DR. B. V. KESKAR: It will apply to all the bodies for whom Members are selected.

SHRI B. C. GHOSE: I have no objection.

SHRI P. N. SAPRU: You will be fettering the discretion of the Government.

SHRI B. C. GHOSE: There is one difference between this organisation and the other organisations. This is an organisation which has to do with public opinion; it is an organisation which criticises Government. Its function is to criticise Government and, therefore, you cannot put it on all fours with the Silk Board or the Fisheries Board. These are not the same things. Therefore, this should be treated on a different plane altogether.

SHRI V. K. DHAGE: But will it not mean discrimination ?

SHRI B. C. GHOSE: There is no question of any discrimination at all. It will apply to whoever is in Government. It will apply to all. You do not mean to say that the Congress will always rule the country ?

DR. ANUP SINGH: Let us hope so.

SHRI B. C. GHOSE: The third point is about the study of developments which may tend towards monopoly or concentration of ownership of newspapers and if necessary to suggest remedies therefor. This is a very salutary provision in this Bill but I do not see how this will be given effect to because, clause 13 has no reference to this particular aspect of the work of the Council. Clause 13 relates only to journalistic behaviour but I believe that this Council should also be given power under clause 13, to study such subjects. If there is any monopolistic developments in the newspaper world, then the Council should be given power to investigate such developments and suggest remedies. They may merely censure. I should be satisfied if nothing more is done and if they are given the power to censure such monopolistic practices just as the Council has been given the right to censure non-professional conduct.

The last point is about clause 14 and I believe that there is unanimity in this House that there should be no provision which might directly or indirectly force journalists to disclose the source of their information. What the hon. Minister has said may be quite correct but if the effect of the provision is such that journalists may be forced to disclose their source of information, I believe the main purpose of such Bills will be lost. We should be very particular about that and therefore I have two suggestions to make, either one of which may be accepted by the hon. Minister. The first suggestion is that we should make it specific in this provision that there shall be no power to force disclosure of the source of information, or alternatively, the whole clause may be deleted. After all, what is the purpose of this Bill? This Bill has no legal sanction in the sense that if the Council comes to the conclusion in regard to any particular matter that professional etiquette has been violated, all that it can do is to censure a particular individual. It is the public opinion that is sought to be roused in that particular matter. There is no legal sanction behind it so that even

if we did not have this provision, what would be the effect? The effect would be that a particular person who may be considered to have transgressed the ethics of journalism by the Council and who may be called to appear before it may not appear. But what of that? If he does not appear, the presumption would be against him and the Council will take that fact into consideration and pass its resolution. The very fact that a particular journal or a journalist does not appear before the Council when asked to appear will be a presumption, as I said, against that person.

SHRI P. S. RAJAGOPAL NAIDU: They have the power to summon under clause 14(2) (a).

SHRI B. C. GHOSE: I say that the whole of clause 14 may be deleted. Even if the whole of clause 14 is deleted, the main purpose of the measure is not vitiated.

DR. B. V. KESKAR: Of what use is the Press Council then?

SHRI B. C. GHOSE: The Press Council has only a moral force behind it; it is nothing but that and the moral force should be so much that any journalist who may be called to appear before it would appear. Because if he did not appear then he would be considered to have been guilty *prima facie* and therefore I suggest that if the hon. Minister...

SHRI P. S. RAJAGOPAL NAIDU: Suppose he appears but the witnesses do not appear. What happens?

SHRI B. C. GHOSE: Suppose he appears and the witnesses do not appear, the Council will be able to form an opinion and unless the Council is able to form an opinion, the Council will not pass a vote of censure. Is it the contention of my hon. friend, Mr. Naidu, that even if the Council does not have conclusive evidence that a journalist has been guilty of some professional misconduct, it will pass a vote of censure against him, or pass a resolution

against him. I do not think so. All that can be urged is that in many cases the Council may not obtain all the facts to come to a decision and therefore all the cases will not result in a resolution of censure. That may be the effect and to that extent its work may suffer. I would concede that but...

SHRI V. K. DHAGE: You want an enquiry or not ?

SHRI B. C. GHOSE: I want an enquiry by the Council but the question is whether it can be done on a voluntary basis or we want to have legal sanction behind it.

SHRI J. S. BISHT: Why have the Press Council at all ?

DR. B. V. KESKAR: This is a legal voluntary Council.

SHRI B. C. GHOSE: I do not say that you accept this alternative. A much better thing would be to have this provision but at the same time to provide explicitly that this will not require disclosure of the source of information. There should be an explicit provision like that. But if that cannot be done for any reason, then the other alternative appears to me to be better than this provision. But I say that my preference is for the first alternative.

Sir, these are all the points that I wanted to refer to on this measure. On the issue of reference to a Select Committee, I wish the hon. Minister would agree to that because many points have been raised which probably require some further discussion across the table and I think it would be helpful. But if his argument is that if we had a Select Committee then we would not be able to finish this Bill in this session and it will mean deferring the Bill to the next Parliament, and if that creates difficulties, then I shall be prepared to proceed with the Bill. But as my hon. friend, Diwan Chaman Lall has said, we might have a Select Committee to report within three or four days and that will not affect the time table for the passage of this Bill. I would therefore request

the hon. Minister to give serious consideration to this prayer made from all sections of the House that the Bill may be referred to a Select Committee.

SHRI P. S. RAJAGOPAL NAIDU:

Mr. Deputy Chairman, I would also join the previous speakers in requesting the hon. Minister to consider the amendments tabled by hon. Members to refer this Bill to a Select Committee. As Diwan Chaman Lall has said, the Press Commission came forward with its Report in the year 1954. More than 2-] years have elapsed before this Bill was introduced in this House during the last session and the Bill is now before us for consideration without even being referred to a Select Committee. Sir, the formation of a Press Council is one of the most important recommendations of the Press Commission and I find that in the case of certain important recommendations, as for instance the" recommendation relating to the composition of the Press Council, the recommendation is one and what we find in the Bill is different, particularly in the matter of appointment of the Chairman. There are several other matters where we find there is a serious departure from the recommendations made by the Press Commission. So this House will have to consider in detail whether such departures made in this Bill should be examined in a Select Committee, or not. It may be said that we are practically at the fag end of the session and there is not much time but as hon. Members put it previously, there is no harm in giving only three or four days' time to consider this in a Select Committee. The Report can be made within three or four days and this House may consider it then in less than a few hours' time and send it to the other House. I also therefore join other hon. Members in making an earnest request to the hon. Minister to consider the request of this House to refer the Bill to a Select Committee.

Sir, the most important provision in this Bill is about the composition of the Council. The Commission has

[Shri P. S. Rajagopal Naidu.] made a recommendation that the Chairman of the Council shall be appointed by the Chief Justice of India and that the Chairman should be a judge or a retired judge. Sir, I agree with some of the previous speakers that the Chairman should be only a judicial officer or a retired judicial officer and I have two reasons for that. The most important reason is that under clause 14 which deals with the general powers of the Council, the most important power given to the Council is the power to censure.

Clause 14 says:

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

Then Sub-clause (2) says:

"While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure 1908, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of persons and examining them on oath,
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents."

These provisions are practically the most important provisions of the Code of Civil Procedure.

And secondly under sub-section (3) we find that every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code. It may not be strictly called a judicial inquiry, but it has to be said that it may be called a quasi-judicial inquiry or an inquiry for limited purposes which is a judicial inquiry, the particular provisions

being sections 193 and 228 of the Indian Penal Code. Section 193 of the Indian Penal Code deals with perjury or false evidence; and section 228 deals with intentional insult or interference in the discharge of duties of a public servant. If we read section 193 of the Indian Penal Code we find that certain inquiries of a similar nature are considered as judicial inquiries. For instance:—

"Explanation 1.—A trial before Court-martial is a judicial proceeding.

Explanation 2.—An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding. . .

Explanation 3.—An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice."

So, this particular inquiry to be made by the Press Council for the purpose of censure can be ordinarily compared to the provisions that are contained in section 193 of the Indian Penal Code. So, for all these purposes it is better that a person who has knowledge of law, preferably a judge is there. I prefer a judge for the simple reason that he will act absolutely in an independent manner. It is only for this purpose I suggest that a judge if appointed as Chairman of the Council will be able to discharge his duties properly and efficiently and also independently at the same time.

Then, Sir, Diwan Chaman Lall has stated in very clear terms—I do not know whether any other Member has suggested, that Members of Parliament should be associated with such important committees. But I find peculiarly a provision under clause 21, saying that every member of the Council and every officer or other employee appointed by the Council shall be deemed to be public servants within the meaning of section 21 of

the Indian Penal Code. I do not find, as far as my knowledge goes, any Bill of a similar nature containing a similar provision, namely, that any member of the Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

SHRI P. N. SAPRU: Is there any such provision in the Medical Council Act or the Bar Councils Act? I do not think.

DR. B. V. KESKAR: There is a misunderstanding regarding this and so I might make it clear that this 'public servant' provision has to be there for effectiveness of the member functioning. Hon. Members probably do not know that according to law where an appointment is made by Parliament itself of any Member of Parliament, that is not an office of profit. If Parliament does not make the appointment, but it is made by Government, then only it becomes an office of profit. Of course, since the member gets the payment, that is a different matter.

SHRI P. S. RAJAGOPAL NAIDU: The matter is: Is there any similar provision made in any Bill that is passed by Parliament here? To my knowledge there is no provision made to this effect, namely, that every member of the Council so appointed will be deemed to be a public servant under section 21 of the Indian Penal Code. When such a provision is made, then a doubt arises as to whether it will become an office of profit and whether the Member of Parliament will be disqualified.

DR. B. V. KESKAR: That will certainly be legally examined, if my hon. friend raises the question.

SHRI P. S. RAJAGOPAL NAIDU: That is the reason why I said it should go to a Select Committee. What is the harm?

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Merely an office of profit is never a disqualification. It must be an office of profit under the

Government. Merely an office of profit is no disqualification.

DR. B. V. KESKAR: This is not a Government body.

SHRI P. S. RAJAGOPAL NAIDU: Why should this sort of provision be made? Particularly you mention these two sections in clause 14 (3) that for the purpose of judicial proceedings it shall be within the meaning of sections 193 and 228 of the Indian Penal Code. It is said that the person who is in charge of this inquiry would be deemed to be a public servant. This has to be carefully examined. I do not say for a moment that it will become an office of profit. It has to be examined. It has to be considered. That is why I say that if it is referred to a Select Committee, it can discuss these.

DR. B. V. KESKAR: This is an argument for a Select Committee.

SHRI P. S. RAJAGOPAL NAIDU: We can leisurely consider whether clause 21 should be there or whether it has to be deleted.

Then, again, while dealing with Members of Parliament we find there is no provision; for instance, it is said that the life of any member who is appointed in this Council is three years. If, for instance, any Member of Parliament ceases to be a Member of Parliament or he resigns, then does he continue?

SHRI P. N. SAPRU: He is a member as Member of Parliament. He automatically goes out if he ceases to be a Member of Parliament.

DR. B. V. KESKAR: That matter is being looked into and an amendment is being brought to see that the moment he is not a "Member of Parliament, he ceases to be a member of the Council.

SHRI P. S. RAJAGOPAL NAIDU: It is only that I wanted to point out that sometimes a Member of Parliament ceases to be a Member of Parliament. Then, there should be a provision made in the Bill for that man

[Shri P. S. Rajagopal Naidu.] ceasing to be a member of this Council. There is no such provision at present and that is why I raised it.

MR. DEPUTY CHAIRMAN:
Clause 22 (2) (c) will cover it perhaps. Clause 22 deals with power to make rules.

SHRI P. S. RAJAGOPAL NAIDU: If anything that covers it should be clause 5. Clause 5 (3) says: "A casual vacancy created by the resignation of a member under subsection (2) or for any other reason shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office." This may be construed to cover it, but it is better that there is a specific provision made in the Bill.

SHRI V. K. DHAGE: But if he ceases to be a Member of Parliament, he ceases to be a member of the Council—automatically, of course.

SHRI P. S. RAJAGOPAL NAIDU: For instance, recently a Bill was passed called the Indian Institute of Technology (Kharagpur) Bill, 1956. There a provision was made specifically that if he ceases to be a Member of Parliament, he will cease to be a member of the particular body also. There is a specific provision made in that Bill.

Then, Sir, I would like to say a few words about clause 8. It deals with Committees of the Council. For the purpose of performing its functions the Council may constitute from amongst its members such Committees for general or special purposes as it may deem necessary and every Committee so constituted shall perform such functions as are assigned to it by the Council. What I would like to suggest in this matter is that we find that the Council is very unwieldy in number, twentyfive in all, and for effective day-to-day administration and also for calling frequent meetings, an executive committee should be formed comprising of not more than seven members of the Council. And such of the powers that

can be delegated by the Council can be delegated to the Executive Committee, so that the Executive Committee may meet as often as possible and thrash out the subjects that come up before the Council. We find that in the case of very many committees, for instance, the National Co-operative Development and Warehousing Board, and several other bodies, when the board is comprised of more than twenty or twentyfive members, they constitute a small executive committee and they delegate very important powers to the executive committee. At the same time, the Council also is given the power to appoint what they call *ad hoc* committees consisting of two, three or four members and they also co-opt outsiders. They call them *ad hoc* committees and if any special subject has to be dealt with, *ad hoc* committees are constituted comprising of one or two members from the Council and one or two members from outside also.

DR. B. V. KESKAR: This does not preclude the Council from appointing an executive committee if it likes.

SHRI P. S. RAJAGOPAL NAIDU: I have got my own doubt about it. Executive committee is different from constituting 'such Committees for general or special purposes'. The executive committee will be a permanent committee.

But the Committees that are dealt with under clause 8, I think, are not of a permanent nature. "For the purpose of performing its functions under this Act, the Council may constitute from amongst its members such Committees for general or special purposes as it may deem necessary and every Committee so constituted", etc. As and when necessary such Committees will be constituted. What I would suggest, Sir, is that there should be a permanent Executive Committee with powers delegated to it by the Council.

Lastly, I would like to mention a point which was already mentioned by Mr. Sinha. So far as the funds of this Council are concerned, I do not find that the Press Commission had

made any recommendation for the Council to look to the Government for its funds. The moment this Council looks to the Government for its funds it ceases to be an independent body. I would therefore suggest that the recommendation of the Commission for the levy of a cess at the rate of Rs. 10 per ton of consumption of newsprint should be incorporated in this Bill and that the Central Government may not make any appropriation made by Parliament by law in this behalf. This is a point which this House will have to seriously consider. The Press Commission has recommended that funds should be had by levy of a cess on consumption of newsprint at a rate of Rs. 10...

DR. B. V. KESKAR: Who is going to make the levy ?

SHRI P. S. RAJAGOPAL NAIDU: Provision should be made in this Bill for a levy by the Council. The Council will have to make the levy.

(Interruptions.)

SHRI H. N. KUNZRU: The Council has no legislative power.

SHRI P. S. RAJAGOPAL NAIDU: The Government can make the levy.

DR. B. V. KESKAR: Constitutionally it is not possible.

SHRI P. S. RAJAGOPAL NAIDU: Whatever it is. Sir, I only want to urge that this Council should not look to the Government for its funds and that this Council should try to raise its own funds and not look to the Government. The moment it looks to the Government for funds it will cease to have its independence.

SHRI H. N. KUNZRU: Mr. Deputy Chairman, so far as I can see there is no objection in any quarter of this House to the creation of a Press Council. Both the Royal Commission on the Press in England and the Indian Press Commission are agreed that such a Council should be established. The Royal Commission taking into account of British conditions

recommended the vountary establishment of a Press Council. Our own Press Commission taking Indian conditions into account has recommended the statutory establishment of such a Council. I have thought over this matter more than once and it seems to me that our Press Commission was on firm ground when it recommended the statutory creation of a Press Council. Generally speaking, the provisions in the Bill regarding the number of Members of the Council, the functions of the Council, etc., follow the recommendations both of the Royal Commission and the Indian Press Commission. The Indian Press Commission in laying down the powers and functions of the Press Council has, generally speaking, followed the recommendations of the Royal Commission. We therefore find that the clause relating to the powers and functions of the Council virtually carries out the recommendations of both the bodies I have referred to. Our Commission, as I have said, followed generally speaking the recommendations of the Royal Commission, and the Bill follows the recommendations of our Press Commission.

There is, however, one matter to which reference has been made by everybody, viz., the appointment of the Chairman, where a departure has been made from the recommendations both of the Royal Commission and the Indian Press Commission. The Royal Commission said "we recommend that the Lord Chief Justice and the Lord President of the Court of Session should nominate the Chairman jointly". Here our own Commission recommended, as has been pointed out, that the Chairman should be a person who is or has been a Judge of a High Court and should be nominated by the Chief Justice of India. There is a difference between the recommendations of these two Commissions with regard to the category from which the Chairman should be drawn. The Royal Commission said that Council should have a lay Chairman who should be a person of standing entirely unconnected with the Press and that the lay Members including the Chairman should amount

[Shri H. N. Kunzru.]

to about 20 per cent, of the whole. Now, the lay Members including the Chairman will amount to about 20 per cent, of the whole. But the Chairman, according to the Commission, should be a layman. I personally think that the Royal Commission has made a sounder recommendation than the Indian Press Commission. I am not against the appointment of any serving or retired Judge as Chairman of the Council. But there is no reason why it should be laid down that the Chairman shall always be chosen from the category of serving or retired Judges of High Courts. There may be other people who are quite capable of presiding over such a Council. There is no reason therefore why we should not throw our net wide and be free to appoint any person with the requisite qualifications wherever he may be found. The argument that, as the Press Council will carry out a judicial enquiry its Chairman should be a Judge, does not seem to me to have much force in it. I admit that every Commission that is appointed is given powers similar to those of the Press Council. The Chairman of every Commission or Committee is not a Judge of a High Court or of a similar standing. I see no reason therefore why in this particular case the Chairmanship should be restricted to serving or retired Judges of High Courts. I think, as I have already said, we should be free to appoint a competent

man wherever he may be found. 3 P.M.

But there is another reason also

why I am not in favour of the recommendation of the Indian Press Commission. Those who are connected with the legal profession or who are in touch with the Judiciary, have said to me more than once that the provision made in the various laws passed by us for the appointment of retired or present judges of a High Court or of the Supreme Court as salaried Chairmen of certain bodies has had a demoralising effect on the Judiciary. We should do whatever lies in our power to strengthen the morale of our judges. We should do whatever we can to see that they are not Open to temptation or do not in

any way become subservient to the wishes of the Executive. If I had my way, I would raise the salary of the judges of the High Court and the Supreme Court and substantially increase their pension so that they may not hanker after appointments when their period of service as judges is over.

SHRI P. N. SAPRU: And raise the age of retirement.

SHRI H. N. KUNZRU: Well, I have not thought very much about that. But to the latter two points, I have given some attention. And I think that, in order to make our judges as independent as possible, we should not restrict appointments to judges of any class whatsoever, but that, on the other hand, we should do what we can by raising their salaries and substantially increasing their pensions to place them beyond the reach of temptation.

DR. ANUP SINGH: May I ask hon. Member one question? If the choice is restricted only to retired judges, where does the question of temptation come in?

SHRI J. S. BISHT: Because every serving judge will have an eye on it.

SHRI H. N. KUNZRU: It is the experience of some of us at least that, when judges are about to retire, they begin their search for a new appointment and it is this that is highly demoralising. It is this that ought to be prevented. I think, therefore, that the provision in the Bill is better than the recommendation of the Indian Press Commission. But I do not agree with the method prescribed in the Bill for the appointment of the Chairman. I do not want him to be appointed by the President of India who will have to act as the Ministry directs him to. The Ministry, though Dr. Keskar may not do so personally, being a political body, may be tempted by political considerations to recommend the appointment of a person as Chairman of the Council.

SHRI J. S. BISHT: But the Chairman has only one vote.

SHRI H. N. KUNZRU: The Chairman may have only one vote. But by virtue of this position he will exercise considerable influence. I have no doubt, certain powers will be conferred upon him—powers to enable him to act during the intervals between the meetings of the Press Council. As has been just pointed out to me by an hon. Member behind me, he will be one of the three members who will choose the other members of the Council.

DR. ANUP SINGH: No, no, Sir.

SHRI H. N. KUNZRU: There are some other persons who have to be chosen in that way. It is necessary, therefore, that the Chairman should be appointed in such a way that there may be no suspicion that he owes his appointment to political considerations. Now, how is this to be ensured? The Bill says that the Vice-President, the Speaker of the Lok Sabha and the Chairman of the Council should together select certain categories of members. By a little variation, this method can be used to select the Chairman also. The Chairman may be chosen by the Chief Justice of India, the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha. I say 'the Chairman of the Rajya Sabha, and not 'the Vice-President' because the Vice-President as such would have to carry out any recommendation made to him by the Government. The Chairman, however, in carrying out his duties is not subject to the control of the Government in any way. If, however, he is, it ought to be laid down specifically that in the discharge of his function, he will act in his individual capacity. Now, these three persons—the Chief Justice of India, the Chairman of the Rajya Sabha and not the Vice-President, though the two may be one and the same person, and the Speaker of the Lok Sabha—should together be able to appoint a Chairman on grounds only of merit and fitness.

Sir, now there are only two other points that I want to deal with. I should first like to deal with the general powers of the Council which

are detailed in clause 14 of the Bill. I entirely agree with those Members who have said that the clause should be so amended as to take away from the Press Council the power of compelling a witness to disclose his sources of information. The Mover of the Bill has admitted that the power conferred on the Council by this clause is wide enough to enable it to compel a witness to reveal how he obtained his information.

DR. B. V. KESKAR: May I make one correction, Sir ? In the residuary powers of the clause it might be so. But the legal decisions on this matter have been conflicting. For example, I have got a recent decision in England regarding this question and the judge has stated that, when you call for the production of a document, the person need not necessarily disclose the source from which he obtained the information and the document can be called for. So it is not something which, by the clause requiring the discovery and production of the document, necessarily comes in.

SHRI H. N. KUNZRU: Is there any judgement of the Supreme Court of India on this subject ? If there is none, then I think the point ought to be placed beyond doubt and nothing will be lost. I take it that the instance of British courts given by Dr. Keskar means that he himself is in favour of the interpretation placed on the presentation. ...

SHRI P. N. SAPRU: May I just read that? What I just meant was...

MR. DEPUTY CHAIRMAN: You will have your chance.

SHRI H. N. KUNZRU: I think he agrees with the interpretation of the British Courts. If he does so, why should he object to the amending of clause 14 so that this may be made quite clear.

The last point to which I want to refer is the position of Members of Parliament who may be members of the Press Council.

[Shri H. N. Kunzru.]

Clause 6 says:

"The members shall receive such allowances or fees for attending the meetings of the Council as may be prescribed:

Provided that the Chairman may be paid such honorarium or salary as the Central Government may think fit."

I think that if the Members of Parliament are paid only a daily fee for attending the meetings of the Council, they will probably not be held to be occupying places of profit.

SHRI P. N. SAPRU: Daily fee not exceeding their daily allowance.

SHRI H. N. KUNZRU: That is well understood because we have a law on that subject but if they are paid an allowance, I am not sure that they will not come within the mischief of the existing law relating to the disqualification of Members occupying places of profit. For instance, if it is prescribed that a Member of the Council shall get an allowance of Rs. 200 or Rs. 250 a month, I don't think it can be held that he is not occupying a place of profit. A Member of Parliament not elected by it but appointed by the Chairman or the Speaker will, I think, obviously be subjected to a disqualification. He will have to vacate his seat. I think this is another point that ought to receive the consideration of the Government.

DR. B. V. KESKAR: May I clarify this? It is quite clear that Members of Parliament, if they received allowances, would disqualify themselves. There is no question about it but if Members of Parliament are appointed to the Council and even if other Members of the Council do receive an allowance about which we don't know what the Council itself may decide, it is obvious that Members of Parliament will not receive such an allowance. Secondly I refer again to the point that I mentioned that according to the prevailing law, if Parliament makes the appointment of any Member to any Committee, that is not an office of profit unless he is

given an honorarium or an allowance which is above the allowance given to Members of Parliament. So there is no special exemption necessary for this purpose.

SHRI H. N. KUNZRU: But the Members of Parliament who will be members of the Press Council will not be elected by the Parliament. That point has to be clearly understood by the hon. Minister.

DR. B. V. KESKAR: When the Speaker appoints them, it will always be with the consent of the Parliament.

SHR; H. N. KUNZRU: I am not certain that it will be so. In this particular case that has not been laid down.

SHRI P. N. SAPRU: The Speaker is *penvna designata*.

SHRI RAJENDRA PRATAP SINHA: As far as I remember, there is a law already in existence that whatever may be the fee and allowance, a Member of Parliament will only draw what he draws as a Member of Parliament, namely Rs. 21.

SHRI H. N. KUNZRU: I don't think it is so, that a Member of Parliament can be a Member of a Committee when a daily allowance of not more than Rs. 20 or so is paid. I am not quite certain of the amount to be paid but there is a limit to the fee that he can receive for attending a meeting.

DR. 3. V. KESKAR: Of a Government body.

SHRI H. N. KUNZRU: If a Committee appointed by Government.

DR. 3. V. KESKAR: Of a private body there is no.

MR. DEPUTY CHAIRMAN: Parliament is appointing so many Boards, like the Coffee Board. They are all Statutory Boards or Committees and they are not considered as public officers.

SHRI H. N. KUNZRU: No, because they are appointed by the Parliament but the Members of Parliament who

will be members of the Press Council will not be appointed by the Parliament. One member will be appointed by the Chairman and two members will be appointed by the Speaker.

MR. DEPUTY CHAIRMAN: Probably they will have to be exempted by another Act of Parliament.

SHRI H. N. KUNZRU: That is what I say. Exemption should therefore be made now. There being so many points to consider. I think it is desirable that the Bill should be referred to a Select Committee. It is true that this Bill was introduced in *the* last session and that about three months have elapsed since it was introduced but two years have passed since the Indian Press Commission reported and the non-appointment of such a Council has not led to any serious difficulty. There will therefore be no harm if we wait for a few days or a few weeks more. I do believe that if you don't appoint such a Council at all, no serious harm will be done. There are ways of improving the tone of the press which are well known to my hon. friend and by paying too much attention to bring in legal pressure to bear on journalists, - he has not thought of those methods which can be quietly used in order to influence the taste and standard of conduct of journalists.

For the reasons that I have given, I am in favour of the reference of the Bill to a Select Committee. Whether the Bill is dealt with later in this session or in another session is not a matter of any importance but I do think that the Bill requires to be examined more carefully than it has been done so far.

SHRI P. N. SAPRU: Sir, while welcoming this Bill I would like to say that I am inclined to the view which was forcibly pressed before this House by Diwan Chaman Lall that the Bill should have been referred to a Select Committee. However, on the assumption that the Bill is not going to be referred to a Select Committee I shall make my position regarding this Bill clear.

4—53 R. S./56

Mr. Deputy Chairman, I would first of all like to pay a tribute to the Indian press. It has very great traditions and we have great national newspapers. In the development or in the progress of the country towards Independence it played a notable part and I would like, Mr. Deputy Chairman, its independence and its freedom to be preserved and indeed, if possible enlarged. I have therefore, looked at the question from this point of view. We know that while we have some papers of very high standard, we have also, what is unfortunately to be found in every country, a gutter-press and it is desirable that the standard of the press as a whole should improve. Now I think the principle of the Press Council Bill is that as far as possible, the press should have an autonomous organisation to regulate its standard or conduct. We want therefore to put the profession of journalism on the same footing as the profession of law or the profession of medicine or the profession of Chartered Accountants or such other learned professions. It is therefore desirable that, as recommended by the Press Commission in this country and as recommended by the Royal Commission in Britain, there should be a Press Council which would regulate the standards, which would lay down standards and which" would, in suitable cases, intervene and censure journalists who offend against the canons of decent journalism. Mr. Deputy Chairman, I would like, before I develop my arguments on the constitution of the Council, to invite your attention to clause 12 of the Bill and say one or two things about that clause. Sub-clause (1) of this clause says :

"The object of the Council shall be to preserve the liberty of the Press and to maintain and improve the standards of newspapers in India."

So far as the words "to maintain and improve the standards of newspapers in India" are concerned, I understand those words and there can be no difficulty in regard to them. But so far as these words "to preserve the

[Shri P. N. Sapru.] liberty of the Press" are concerned, that is not the case. Certainly we all want the liberty of the Press to be preserved, not only preserved, but also to be enlarged. But I feel this expression here may give rise to some difficulties in actual working. The liberty of the Press in any given country is conditioned by the press laws that obtain in that country and by the other laws, the criminal laws and civil laws that obtain in that country.

SHRI J. S. BISHT: The fundamental rights protect them.

SHRI P. N. SAPRU: I am just coming to that. One of the duties that this clause casts upon the Press Council is to preserve, that is to say, to maintain the liberty of the Press. Therefore, if at any time there is a measure which is restrictive, to some extent, of the liberty of the Press, the legal duty of the Press Council will be to vigorously oppose that restriction. I do not know whether this is the meaning which the hon. Minister had in mind when he accepted this particular form and I should, therefore, like him to be clear about the meaning that courts are likely to attach to these words. The words "preserve the liberty of the Press" may lead to a great many arguments. I would, therefore, have catalogued all the functions that we expect this Council to discharge, without indulging in vague expressions such as "the liberty of the Press".

SHRI J. S. BISHT: That is in the nature of a directive principle.

SHRI JAS AT ROY KAPOOR:
Or say, "should there be any inroad on the liberty of the Press".

SHRI P. N. SAPRU: In any case, Mr. Deputy Chairman, I should have thought that the words "independence of the Press" or even "the freedom of the Press" were more expressive terms than "the liberty of the Press."

Next I come to the question of the formation of the Press Council. Here, in regard to the manner in which or

in regard to the mode in which the Press Council is to be appointed, there is a fundamental departure from the recommendations of the Press Commission. The Press Commission suggested, following the lead given in this matter by the Royal Commission in England, that in this Council which should here be a statutory body and not merely a voluntary body, that the Chairman of this Council should be a High Court Judge appointed by the Chief Justice of India. Mr. Deputy Chairman, I agree here with the view which was so forcefully expressed by Dr. Kunzru. that it is undesirable for a sitting High Court Judge to be appointed as Chairman of the Press Council and I will give you one reason which was not given by him.

SHRI J. S. BISHT: Sitting or retired Judge ?

SHRI P. N. SAPRU: I will first say about the sitting Judge. So far as sitting Judges are concerned. I do not think that any one of them should be appointed as Chairman of the Press Council, and that for a very good reason. This Council, when it is exercising its domestic jurisdiction of censuring the journalists, will be acting under article 226 or 227 of the Constitution. Article 227 gives a general power of superintendence over all Courts to the High Court. I think it is wrong in principle for a sitting High Court Judge, I think it is wrong in principle, for a Judge of record, to be subject to the writ jurisdiction of the High Court or the Supreme Court. I think. Mr. Deputy Chairman, this is a fundamental principle of constitutional law and I would, therefore, for that reason, rule out all sitting Judges.

Next I come to the question of retired Judges. I would like a convention to be developed in this country where no retired Judge will be eligible for any further appointment of an executive character under the Constitution.

SHRI J. S. BISHT: Not paid appointment, you mean.

SHRI P. N. SAPRU: Either paid or unpaid, because appointment means service, *i.e.*, control and the very essence of a Judge's office is that he is not controlled in what he has to do by anybody. That was the view which was put forward in a very learned article which Sir William Holsworth wrote in the Law Quarterly Journal on the subject: "Are Judges servants of the Crown?" And he came to the conclusion that they were not servants because they were not subject to the control of anybody in the exercise of their judicial functions. A retired Judge stands on a different footing. Whether there should be any retired judges at the age of sixty is a different proposition altogether. I think you cannot have real independence of the judiciary with your age-limit at sixty and with the meagre pension that you pay to your Judges. I think it is fundamental for the independence of the judiciary that there should be a life tenure or at any rate, a tenure which is very much like a life tenure.

SHRI J. S. BISHT: Will it apply to service judges also?

SHRI P. N. SAPRU: There should be no service judges, I hope once a Judge is appointed he would cease to belong to any service.

MR. DEPUTY CHAIRMAN: Any way, that is not the point at issue now.

SHRI P. N. SAPRU: Yes, Mr. Deputy Chairman. Therefore I am not prepared to go as far as Dr. Kun-zru in ruling out retired Judges altogether.

SHRI H. N. KUNZRU: I think my hon. friend has misunderstood what I said. What I said was that the position of Chairman of the Council should not be reserved for a sitting or retired Judge.

SHRI P. N. SAPRU: Mr. Deputy Chairman, I think Dr. Kunzru went a little further and made an attack on the motive or rather he speculated on the influence it may have on a Judge who was about to retire, in coming to his judgments or doing his administrative work and so on.

SHRI H. N. KUNZRU: And my hon. friend, I am sure, agreed with those observations.

SHRI P. N. SAPRU: I would like to say that it would have been better if the President of India had not been made the nominating authority. I should like to say that. The President does not act in his individual discretion; the President acts on the advice of the Ministry of the day and the Ministry of -the day is answerable to a political party. I do not think that from the point of view of the independence of the Press it is desirable that the Chairman of the Press Council should be a nominee of the Ministry of the day.

SHRI J. S. BISHT: If he appoints a man like Dr. Kunzru, what is the harm?

SHRI P. N. SAPRU: Never mind. Even Dr. Kunzru will be under an obligation to the appointing authority. I am looking at it from the point of view of fundamental principles.

DR. B. V. KESKAR: Dr. Kunzru is under a great obligation to all of us.

SHRI P. N. SAPRU: I think we should have a correct democratic approach in these matters and I think it is not right to place the Ministry of the day in a dilemma. We have the highest regard for Dr. Kunzru but we are not always certain of having good Ministers of Information such as Dr. Keskar is. Therefore, the matter has to be looked at from a fundamental point of view. I would like, as far as possible, to leave the Chief Justice of India also out because I do not like

SHRI H. P. SAKSENA: Then, who is to make the appointment?

SHRI P. N. SAPRU: I will just tell you. Have a little patience. I do not like the Chief Justice of India to be made the sole appointing authority. I have got a very great regard for the Chief Justice of India but I think the nature of his judicial functions requires that he should be above and

[Shri P. N. Sapru] beyond any criticism. He should be kept away, as far as possible, aloof from all controversy and these appointments in our country do give rise to controversies. I would, therefore, by a process of elimination, leave the appointment to be made by the Chairman of the Rajya Sabha—I would like to use the word Chairman instead of the Vice-President—and the Speaker of the Lok Sabha. I think these two high dignitaries should be able and strong enough to recommend a suitable person drawn either from judicial ranks or drawn from the ranks of non-controversial men in public life as Chairman of the Press Council.

Well, Sir having said this about the Chairman, let me come to the other members of the Press Council. I should have liked the Minister to follow the recommendations of the Press Commission in regard to this matter. They visualised that the other members would be elected by the profession or by employers or by learned bodies. I know that it is not possible to create an electorate overnight. I know that the journalists are not as organised as they should be and it may be that for the next few years, we want to have reserve powers of nomination. Therefore, I am not prepared to object to that power of nomination for the first few years but I think that the nominative body, which is I think a good body, consisting of the Chairman of the Rajya Sabha, the Speaker of the Lok Sabha, and the Chairman of the Press Council, should not be authorised to go outside the panel which is recommended to it.

SHRI J. S. BISHT: No, it cannot go outside the panel. Sub-clause (5) of clause 4.

SHRI P. N. SAPRU: The words are: ".....the Committee shall have due regard to the panels of names forwarded to it". We do not make it obligatory on the Committee not to go beyond the names submitted in the panel. I do not see why, with this reservation of a panel, it should not be

possible for us to give to the Press of this country a feeling that the country expects it to maintain high standards.

Mr Deputy Chairman, I will come to this censure clause. I think that is the most important clause in this Bill. It is for improving journalistic standards that we are establishing this Press Council and it is essential that the Press Council should have the power of censuring erring journalists, if the Press Council exercises this power of censuring erring journalists, it must be given a certain judicial status, it must be a quasi-judicial domestic tribunal and this is what article 14 seeks to do. I do not think that it is necessary, for the purposes of giving this tribunal a quasi-judicial status, to require that the persons who serve on this tribunal shall be public servants within the meaning of section 21 of the Indian Penal Code. It may make the position of the Members of Parliament a little awkward and difficult. I do not know whether they will come within the mischief of the clause which prohibits the holding of office of profit by Members of Parliament. The Speaker and the Chairman will be what we call in law *personae designatae*: that is, the power of appointment has been conferred upon them and they will be acting in their individual discretion. It cannot be said that their appointment is the appointment of Parliament. Therefore, there is some force in the contention that appointment of Members of Parliament may be regarded as appointments of profit under the State, particularly as there will be allowances or salaries attached to these appointments. I may say that the sound view is that allowances and salaries do not matter. The payment of an allowance is not the only test which can be applied here. It is a difficult matter and I would say that the clause requires careful draftsmanship. I am sorry to say that draftsmanship of this clause is not as good as it should have been.

Then, Mr. Deputy Chairman, I would come to the clause which authorises a tribunal to summon a document or a witness. Now, the Press regards as vital the convention that

Editors should not be made to disclose the sources of their information. I know what in one particular case, the Allahabad High Court made or wanted the Editor of the 'Hindustan Times' who had been running for contempt of court, to disclose the name. Like the very honourable man he was, Mr. Devadas Gandhi refused to disclose that name.

SHRI J. S. BISHT: Who was the Chief Justice then ?

SHRI P. N. SAPRU: Never mind who the Chief Justice was. You want me to name him ? He was Sir Iqbal Ahmed. Well, Mr. Devadas Gandhi, like the honourable man he was, refused to disclose the name.

The Chief Justice and the Court had their own source of information and the correspondent was also brought on the record. Summons were issued—I do not know, it may be warrant—against him and he was made a party to the case and the sentence, which was I think a sentence of imprisonment, included a sentence of imprisonment on this correspondent also. I know from personal experience how touchy our courts of justice are in regard to contempt matters. In the United States they have no law of contempt and the administration of justice is just as good as it is in our country, if not better. But here almost everything that is written in the Press about a judge becomes a matter of contempt. We had the Muzaffarnagar case in which the Supreme Court had to intervene. Therefore, I am not certain what the view of our courts will be when it is brought to their notice that the Council or one of the Parties wanted a certain document or a witness or a certain person to be produced. If he is not produced, they may take the view that there has been a failure to exercise jurisdiction in a material sense and that it is such a failure as would justify interference in their exercise of their writ jurisdiction.

I do not want the Press to have any special privilege. This is a question which is connected with the larger

question of exemption of professional men from giving evidence. In courts, for example, the law does not permit a doctor to take the plea that he will not divulge whether a particular patient was suffering from venereal disease at a particular time or not because to do so would be unprofessional. The law does not permit him to say that he will not disclose whether a particular person was suffering from leprosy or not because to do so would be a breach of confidence between him and the patient. The law, however, does not permit a solicitor to be asked to reveal the conversation that he had had with his client regarding the case, I very much sympathise with the view that the journalists should be given some privilege but the difficulty which I feel is that once we give this privilege without considering the matter in all its aspects, without understanding the entire philosophic background of this privilege, we may be doing something, which requires more thought than we can bestow at this stage on a Bill which concerns the Press alone. Therefore I am not disposed very much to quarrel with Dr. Keskar in regard to the attitude he has adopted in regard to this matter, I think the law will crystallise itself in course of time. This I think is a matter which requires consideration in regard to all the professions and I think we need not be too unhappy over the fact that there is no particular clause protecting journalists from disclosure of their identity for anything that they may write as correspondents to their editors.

Having said this, I would like to say finally that this is a good Bill. It has been said that the voluntary Press Council has not worked well in Britain. I suppose the only case in which they did something was in the case of the *Daily Sketch* but conditions in England are somewhat different from conditions in this country. We do need to improve very much the standard of ethics in the press of our country. We do also need to break the monopoly of power which certain papers run by certain syndicates have come to possess in this country. We do not wish the country to be misled

[Shri P. N. Saprū.]

by information supplied from contaminated sources. We want free access to information because comment is based upon facts and where your facts are tainted, your comments cannot be right. Therefore, I think this Bill represents an effort to improve the morale and the tone of the Press. While welcoming it as a measure in that direction, I should have liked some of its provisions to be somewhat different from what they are in the interests of a virile and independent Press. A virile and independent Press is vital for the successful functioning of democratic institutions in any country and it is democracy that we are worshipping in this land.

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Deputy Chairman, I welcome' this Bill. It is a very good Bill and it has not come too soon. I think it is essential that this Bill should be passed as soon as possible because if it is not passed in this session, if it is postponed to the next session, possibly the Lok Sabha will not be able to take it up in the Budget Session. Then the elections will be on and so this Bill may have to be postponed right up to May or June. Sir, it is during the time of elections that we want the Press to function properly. You know about the yellow Press. Even in spite of all the efforts we have not been able to curb it, reform it or abolish it. It still flourishes and it is at the time of elections that it can do its maximum harm. I do want that this Bill should be passed as soon as possible and should be brought into operation as soon as possible. And if a request has been made for referring it to a Select Committee for three days, it is motivated by the sole object of introducing some amendments in it. The hon. Minister may use a whip and force the party Members to vote for it but we feel that if it is referred to a Select Committee and if we can sit across the table, it is possible that Members may come round and may agree to many of the amendments. There are only three or four amendments and if he agrees with the spirit behind those amendments, it would be a good thing.

The only question is that the hon. Minister thinks that the spirit of the amendments is implied in the Bill while certain hon. Members think that it is not implied. That is the point of disagreement. Therefore while I welcome this Bill, I will point out these amendments and if they are accepted by the hon. Minister, the whole question is solved.

First of all there is the question of appointment of the Chairman. I agree that the Chairman should be appointed by the President. The President appoints the High Court Judges and he appoints everybody else and I do not see any reason why we should say that the President when he appoints the Chairman will be influenced or at least will be advised by the Government and because the Government will give the advice they will select a man of their own liking. I do not think this is correct. When the Judges can be appointed by the President, I think the Chairman could also be appointed by the President.

Now, the Minister in introducing the Bill tried to eliminate certain categories and said, he should not be a politician. He was definitely against a politician being the Chairman of the Council. We agree with it. Then, he cannot be an editor, because if he is editor of one paper, during the long course of his editorship, he will have certain bias developed and he will have one set of opinions and one way of looking at things. Therefore, he should not be an editor. He should not be an owner of newspaper because he will have prejudice against other papers. If you go on eliminating like that, probably he should not be a medical man, he should not be a chartered accountant, he should not be an industrialist or technologist. So, naturally your choice comes round to only High Court Judge, retired or a present one or a man of the legal profession who is qualified to be a High Court Judge. I have sent an amendment by which I suggest not only a High Court Judge—a present one or a retired one—but I have extended it to any person who is qualified to be a High Court Judge. Now,

if you include that category, there are thousands and thousands of men in the legal profession who are qualified to be High Court Judges and there are any number of them, who are good journalists, who are writers, authors, and out of them, I think, the President will be able to select a suitable person. If you restrict it in that way, by the process of elimination, we have eliminated almost every other class and we are only left with the legal profession.

Sir, there are going to be 25 members. Out of those 25 members who possess some quasi-judicial powers, is it not right to have at least one man acquainted with the legal procedure? After all, when they are going to conduct enquiries, call witnesses, cross-examine them, see their evidence, corroborate it from various sources and come to a conclusion, is it not right that at least one out of those 25 is a person with legal knowledge and who has conducted and given verdict based on justice and equity. I do not see any reason why the hon. Minister thinks that by restricting the choice to the legal profession he is restricting it so much that he will not be able to get a good man. If the hon. Minister accepts that proposition. I think, half the demand for referring the Bill to a Select Committee will disappear. That is one point.

Secondly the hon. Minister laboured very greatly the point that it is against the etiquette of journalism to divulge the source. He was vehemently against divulging the source of information. I could not understand why he is fighting shy of introducing it by a simple addition to clause 14. I have sent in an amendment to clause 14. It was circulated day before yesterday. For the purpose of performing its functions under this Act, the Council may require the publisher or any newspaper to furnish to it information on such points or matters as it may deem necessary. I have sent an amendment to the effect that it will not be compulsory on the part of the person to give the source of his information. My amendment is, after

j the word "necessary" the words "with-I out demanding disclosure of the source of his news" be inserted. Now, by adding just one phrase you are making it exact. You are not leaving any loophole for any enquiry committee to go so deeply into the matter. That they may force the production of certain documents, and by inference from those documents they may arrive at the source from which the news was obtained. We do not want by inference also, because after all the journalist gets the news in confidence. If a person is afraid that the source would be divulged, he will not give the news.

SHRI J. S. BISHT: So that even in a case like the budget leakage you would not like any information.

SHRI KISHEN CHAND: In budget leakage, you may get hold of the person, but it will not be an enquiry under this Bill, before the Press Council. It will be an enquiry in a law court and when it is an enquiry in a law court there are other laws. These laws will not be applicable. This is a special court, not a court exactly. They hold a court for professional etiquette; they are holding it only for professional conduct. They are not holding a court in the sense that it comes under the Criminal Procedure Code or the Indian Penal Code. The hon. Minister was quite right in saying that this enquiry is not going to lead to conviction, to any imprisonment or to any fine. It will be only a verdict that the man has not fulfilled his moral purpose, that in moral etiquette he has gone down below the level. So, in such a case if you add that amendment of mine, I think you are simplifying the law without creating any complication. I cannot understand—I have been trying to follow what is behind the mind of the hon. Minister—why he is not accepting this slight change.

Sir, several hon. Members have said that the Members of Parliament should be or should not be members I think when Members of Parliament are going to sanction grants, it is very essential that some three of them should be there. If there is a slight

[Shri Kishen Chand.] change required in the wording so that they do not come under the office of profit and become disqualified from membership, that can certainly be added on. But I do not see any reason why an objection is taken against Members of Parliament being members of this Council.

Sir, an hon. Member suggested that there should be a cess on newsprint.

SHRI P. S. RAJAGOPAL NAIDU: It is in the report.

SHRI KISHEN CHAND: It is in the report, but in this House—in the Rajya Sabha—any taxation measure cannot be proposed by us. We cannot propose any taxation measure. We cannot say that a cess should be levied. If it was a question of a cess being levied, of course, the Bill would have to be introduced in the Lok Sabha. It should have been introduced with the permission of the President. Only after taking the President's permission, it could have been introduced. We cannot levy any cess and we cannot suggest anything of that type. Whether the Government should give a lump sum, a fixed amount, or it should be a varying amount, will have to be considered later. The Government gives under the University Grants Commission Act large sums of money to the Universities, but nobody says that the Universities become dependent upon Government, lose their autonomy, or are subservient to the Government. Why suppose that the Press Council would become subservient to the Government simply because a lump sum grant is being made to it? I do not see any reason. And as I have pointed out, we cannot suggest any levy of cess because whatever amount is collected goes to the Consolidated Fund of India and then from the Consolidated Fund of India it will have to go to the Press Council. There also permission and sanction of Parliament will be required. Whether the collection is made by a cess and then given to the Press Council or the amount is given from the Consolidated Fund of India, is one and the same thing and, therefore, this question does not arise.

There is one more point. Clause 13 reads:—

"Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste or that a journalist has committed any professional misconduct....."

Now, only two categories of persons are going to be penalised—either a newspaper or a journalist. If you read clause 12 where the objects of the Council are stated, you will find that one of the items is "(i) to study developments which may tend towards monopoly or concentration of ownership of newspapers and if necessary, to suggest remedies therefor;". It is stated here that the Council is established not only to maintain a high standard of newspapers or of journalists, but also to see that monopolistic tendencies do not develop in the ownership of newspapers. When it is stated in clause 12 (2) (i) "to suggest remedies", I would have liked to add after the words "the standards of journalistic ethics or public taste or that a journalist has committed any professional misconduct", in clause 13 (1) the words "or a person is trying to gain a monopoly or concentration of ownership of newspapers", so that all the three main objects in establishing the Press Council are attained. In clause 13 we are only safeguarding against these two abuses—one by the newspaper and the other by the journalist. But there is a third category of persons who are trying to get monopolistic control of newspapers. For that no provision has been made and I have sent in an amendment. I submit that if the hon. Minister takes a broad view and he is trying to introduce this Bill in order to improve the standard of our journalism, of our newspapers, it is very essential that some of the lacunae in this Bill are removed. Either he should refer it to a Joint Select Committee!.....

SHRI V. K. DHAGE: Joint Select Committee ?

SHRI KISHEN CHAND..... to a !
Select Committee of this House, which j may
report in three days or he may j agree to the
amendments—at least the spirit behind these
amendments—and word them as he likes.
With these words I fully support the raea-
•sure.

4 P.M.

SHRI J. S. BISHT: Mr. Deputy
Chairman, I must congratulate the j hon.
Dr. Keskar on having so promptly
acted on the recommendations of the Press
Commission.

DR. H. N. KUNZRU: No flattery.

SHRI J. S. BISHT: Thank you very much.
I think my hon. friend and I have been long
enough in this House to see that I am not-
addicted to the art of flattery. Sir, much
legislation has already been carried through,
and the conditions of service, of salary and
allowances, and of leave of the working
journalists have been put down in the form
of a Statute, and now this recommendation
of having a Press Council which was
accepted and approved by most of the
speakers when we had a general debate on
the recommendations of the Press Com-
mission is now being put into effect in the
form of this new Bill. I am sorry that I am
not able to see eye to eye with the three
amendments that have been moved with
regard to reference of this Bill to a Select
Committee. In fact when my hon. friend,
Mr. Kishen Chand, was speaking, the cat
was out of the bag. The whole idea is that
their amendments should be accepted and
then they will withdraw their motion for
reference of the Bill to a Select Committee.
The idea of sending it to a Select
Committee is not so important as the idea of
having those amendments accepted by the
hon. Minister.

SHRI H. P. SAKSENA: Does this
argument apply to the amendment of
Diwan Chaman Lall also ?

SHRI J. S. BISHT: I do not know about
that.

SHRI H. P. SAKSENA: Then plead your
ignorance.

SHRI J. S. BISHT: Some thirty years back I
had occasion to read a book called "Modern
Democracy" by Lord Bryce, and I came
across one passage in which he remarked, that
in the Congress of the United States there
were pressure groups, there were lobbies like
Coal Lobbies, Iron Lobbies, Steel Lobbies,
and so on and so forth. I could not understand
the meaning of those words. Luckily when we
had this first newly elected Parliament in
1952, we did not notice any pressure groups
or any lobbies here, except that there was a
journalists' lobby here. I cannot say who is
moving what motion for what purpose or who
is at the back of that motion. Now, Sir, as I
have said, I am not in favour of referring this
Bill to a Select Committee at all. It is a very
small Bill, and the' only important clauses are
three or four—clause 4, clauses 12 and 13
and, you might say, clause 14. These are the
only three or four important clauses and they
have been argued threadbare in all their
aspects, and if there is any point that is of real
substance and value, I have no doubt that the
hon. Minister and the draftsmen who are
present in the official box will take note of it
and will accept or modify the same
Otherwise, sending the Bill back to a Select
Committee will mean compulsory change of
the whole Bill altogether. Then the hon.
Diwan Chaman Lall said that our hopes
would not be fulfilled, that it would lead to
journalistic monopolies, that the clauses were
indefinite, that the clauses were discursive,
and so on. I do not know what he expected
from a Bill of this type. We have had
experience of thirty years' working of the Bar
Councils Act. Great hopes were placed on the
Bar Councils Act. It was said that the legal
profession would order its own affairs, that it
would put its own house in order, that many
of the evils that had crept in the Bar would be
eliminated, that the system of legal education
would be improved. But the thirty years
working of that Act has shown that all those
hopes have been falsified. Neither has the
legal educational system improved very much
nor have the evils been eliminated. The same
applies to the

[Shri J. S. Bisht.] Medical Councils Act, Whatever abuses there are in the professions, our experience is that the professional brethren are very loath to take action against their own brethren. These optimistic views that are held to refer the Bill to a Select Committee as a result of which a new earth and a new heaven will be created are all vague hopes. Even journalists are like other people, and it will be very rarely that any action will be taken by them against a fellow journalist.

SHRI H. C. DASAPPA: Things probably might have been worse.

SHRI J. S. BISHT: I do not know. You can argue in any way you like. Therefore, I submit, Sir, that all that this Bill aims at is to attempt to create some sort of independence in the newspapers, to stop the development of any monopolistic tendency or to stop the creation of "Press Barons" who would have undue influence over the formulation of public opinion, to develop a sense of responsibility in them, to eliminate the growth of the Yellow Press, and to provide facilities for the proper education and training of persons who want to follow these professions. For this purpose a statutory Council is being created, and let us hope that in due course of time they will be able to do some of these acts which are of course more or less in the nature of advisory functions.

SHRI H. P. SAKSENA: You forget the most important of them, that they are to develop and cultivate true journalistic ethics.

SHRI J. S. BISHT: Yes, Sir, I am very fond of that. So, I hope that these things will be developed. But my hon. friend forgets that the Press of India is not confined only to the capital of India. Here we have got very great newspapers who have got a very high standard, and the journalists who work in those papers are also of a very high standard. But do you have any experience of the Press that functions in the districts? There it is actually a sort of gutter press that lives on blackmailing people, and about that, Sir, I had many words,

many hard words, to say when the Criminal Procedure Code Bill was under discussion here. Under a particular clause they were made liable to be prosecuted, because the life of an average politician or of any respectable and reputable official becomes hell there because every opportunity is taken to blackmail those people if they do not toe their particular line of policy.

We want to put down that sort of things and we hope that the Press Council will develop that sense of responsibility especially in regard to many of those papers which function in those taluks and those far off mofussil districts. And I think this hon. House must have noted that since the time we heard that the General Election is coming, a whole series of news papers have just cropped up and they will last only up to the month of April and then they will suddenly disappear. All these sorts of things go on. So, we hope that these points will be considered by the Press Council and that a better press will rise up.

With regard to certain points that have been raised, one is that the Chairman should not be appointed by the President of India and a suggestion was made by a person like the hon. Dr. Kunzru that, if the President is to make an appointment, it should be in exercise of his own individual judgment. I have very strong opposition to this sort of appointment because the President is already armed with very wide powers. And if you want to arm him with powers in every legislation independent of the ministry, then what is the fun of having a parliamentary system of Government and why not have the American system where the President will have every power to make appointments? In the parliamentary system, the President is the constitutional head and he must act on the advice of the Government of the day and the Government of the day is responsible to Parliament. There is a whole chain of responsibility.

Then, it is said that the person who is to be appointed as the Chairman

must necessarily be a High Court Judge—sitting or retired High Court Judge. Apart from other arguments against the appointment of Judges to these Councils and Commissions, the most important point is this. Are we to understand that there are no people of integrity or of impartiality or judgment outside the rank of High Court Judges? If you appoint a person like Dr. Kunzru, is there any one who will challenge his integrity or his impartiality? If you appoint my hon. and learned friend Prof. Wadia as the Chairman of the Council, would anybody doubt his integrity and impartiality? There are plenty of people.

SHRI JASPAT ROY KAPOOR:
Why not yourself?

SHRI J. S. BISHT: I am very thankful to you for it. I am not a candidate for the post. As I said, there are plenty of people outside the rank of High Court Judges who can be appointed to these Commissions, in fact, people who have had some experience of public life or who are better able to assess these things than purely judicial men, although I have got the highest respect for the judiciary of this land.

With regard to clause 4, I find that this Council would consist of as many as nineteen members who will be belonging to the fraternity of journalism—13 of them from among the working journalists and 6 of them from among persons who

SHRI H. C. DASAPPA: 13 cannot be an auspicious number.

SHRI J. S. BISHT: But there are 19—13 plus 6. Out of a total of 26 members, there are already 19 there. There are two members from among persons having special knowledge or practical experience in respect of education or culture; one member from the Sahitya Akademi and three from Parliament to be appointed, of course, by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha. So, I think that the composition of the Council is quite fair in so far as it goes.

Now, I come to the criticism in regard to clause 13 and I have only one suggestion to make here. It should not be said that all the mountain was in labour and only a mouse was produced. Now, you set up a Press Council and under clause 15, you appropriate certain funds out of the revenues of India in order to finance the working of the Press Council. All these elections take place and under clause 14, they have got the power to summon and all that. But what is the ultimate result? They find a newspaper or a journalist has offended against journalistic ethics. What do you do? All that you do at the end of it is that you may censure the newspaper or the journalist, as the case may be. That is nothing. There should be some appropriate punishment and the least that you can do is, I suggest, that you add a few words "And such censure shall be published by all the newspapers on the front page." This is the least that you can do so that the whole of India should know that a particular newspaper or journalist has offended in the eyes of their own brethren and censured before an impartial and independent body. Otherwise, if they simply censure him and leave it at that, nobody in the world knows about it.

AN. HON. MEMBER: At least it should be published in the newspaper censured.

SHRI J. S. BISHT: Of course, it should be published in all the newspapers including the paper that is censured and on the front page so that it will act as a wholesome check.

AN HON. MEMBER: On the front page

(Interruption.)

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): Order, order.

SHRI J. S. BISHT: No advertisement. It will not be an advertisement, because once there is a censure by the Press Council, it will act as a deterrent on all those people who act in

[Shri J. S. Bisht.] this manner and without this sort of a sting in the tail, this will not be very good. This is my humble suggestion and I hope that the hon. Minister will put this thing in.

There was only one point to which great importance was attached by many—including yourself—and that was that there should be a provision forbidding the disclosure of the source of information. I think Mr. Sapru, in his speech, has already made out that this is a point which requires very careful consideration because, if you are going to give the journalist a special, privileged position, then you must give that privileged position to everybody—lawyers, doctors and everybody because, in their case too, great confidence has got to be maintained. There are also a large number of people who look into the account of firms and all have to be included in this category of 'exempted' people. So, I think it is best to leave it at that and rely on what the hon. Minister has very rightly said—that in a body consisting mostly of journalists, they will have due regard to considerations of journalistic ethics and will not unnecessarily ask anybody to disclose his source of information. But there may be cases—exceptional cases—which you cannot imagine just now, where, for instance, delicate negotiations are going on between this country and another country and some paper ferrets out some news from some clerk of the External Affairs Ministry or something like that. In such cases, it may become necessary at that time to get at the source of that information. I can imagine many other cases. So why should you shut out these things and leave the door wide open for people who are not of the right type? Because, you must remember one fundamental and basic principle of legislation, that is, we do not make laws for good people; we make laws against bad people. If we are all good people no legislative would be required and no laws would be required and no court would be required. It is only because that sometimes bad people take advantage of certain posi-

tions that you have to make these provisions.

SHRI JASPAT ROY KAPOOR:
Good people also.

SHRI J. S. BISHT: Sometimes, Therefore, it is unnecessary to keep a sort of legal bar against the disclosure of the source of information because, if it is a shady transaction done in a shady manner, there will be no bar.

With these few remarks. I support this Bill.

PROF. A. R. WADIA (Nominated): Sir, we all do recognise the importance of the press and we do recognise that an independent press is the very basis of democracy and therein lies the importance of a Bill like this. And although I do not wholeheartedly support all the provisions of the Bill, I must congratulate the hon. Minister on the promptitude with which he has brought it forward. At the same time, Sir, I do feel that a little delay in passing the Bill would not bring down that heavens. The Bill is so important that it is very necessary for all of us to devote our very best efforts to a consideration of the different points that have been raised in the course of the debate. I feel personally convinced that an important Bill like this should be referred to a Select Committee. Even if it means a few months' delay, or a few days' delay, it will not certainly matter and it is possible, especially when you bring down the differences under a few limited heads, to come to some sort of a clear understanding in the course of a week.

I shall touch a few points— that have been raised in the course of the debate, *e.g.*, as to who should be the Chairman. I am not particularly interested as to who appoints the Chairman. I accept the integrity of the President, even if he is advised by the Minister of the day, as much as I accept the integrity of the Chief Justice of the Supreme Court, but it is really very important as to who should be the Chairman. Now the hon. Minister pointed out that there are very eminent men outside the High Courts who are quite fit to be appointed as Chairman. I am not

concerned to deny the eminence of the various people. Ministers are eminent, non-Ministers are eminent, High Court Judges are eminent but I do feel that the Chairman should be a man of very wide legal experience and probably this condition is being satisfied that by a High Court Judge or a retired High Court Judge. I have been quite well impressed by the arguments urged by my friend Pandit Kunzru as well as by my friend Dr. Sapru as to why a High Court Judge should not be appointed.

SHRI V. K. DHAGE: Should not be appointed ?

PROF. A. R. WADIA: Yes, they argued that. But I do feel that on the whole it is much better if a High Court Judge is appointed. I know that there are disadvantages, but the advantages of this appointment are all the greater especially when we remember that clause 14 definitely confers a judicial status on this Council. It is not merely an advisory council and for that very reason, a man of judicial experience should be at the head of it.

SHRI H. C. DASAPPA: What about experienced lawyers ?

PROF. A. R. WADIA: I have said that experienced lawyers can be appointed but preferably I said a High Court Judge should be appointed. I am not ruling out an experienced lawyer like my friend here.

The second point that was raised was about the membership of the Council as to whether Members of Parliament could be members of the Council. I personally feel that it is very desirable to associate the Parliament with such a Council. I think a good deal has been said that the membership of a Member of Parliament on this Council would be considered to be holding an office of profit, but in the financial memorandum, on page 9 it has been clearly stated that the Members will receive only an allowance for the days they attend the meetings of the Council. I think that is perfectly clear. So certainly this

will not affect the position of the Members of Parliament and it is very desirable that they should be represented on it. If there is any doubt, I think that could be set at rest by making these representatives elected by the Parliament. Why give the power only to the Chairman of the Rajya Sabha or the Speaker of the Lok Sabha ? As it is, I find, in my humble experience, that so far as elections are concerned, they are practically non-contested. As a rule, if there is a vacancy for one Member, only one man's name is put forward and he is unanimously elected. We are not asked to go to the ballot-box. We are spared that trouble but it gives a certain status; it certainly implies that the whole Parliament—or the House concerned—is behind such a person. Therefore, it seems that it would be better if the Minister is pleased to modify the method of election of these Members, of Parliament by providing that they shall be elected by the Parliament.

I do agree with my friend Mr. Bisht that the Press in India, exceptions apart is not of a very high standard. He has used a very strong expression, a very strong expression which is justified unfortunately by facts, and it is that there is such a thing as a 'gutter-press'. Well, how to put it down? Will the Council succeed in this endeavour? I am not quite sure, for this reason that the Council has not been given any power whatever to book the guilty people. I was rather impressed by the fact that the hon. Minister especially used the word 'moral' pressure and the Bill provides only for censuring. That is the only way in which the Council can make itself felt. I am afraid the people who are responsible for this gutter-press are journalists hardened to be carried away by this censure or by the mere moral pressure of the opinion of the Press Council.

SHRI H. P. SAKSENA: They are habitual offenders.

PROF. A. R. WADIA: It seems to me that something tangible should be done. Some definite power should be given to the Council to make its

[Prof. A. R. Wadia.] views felt. Now the mere publication that a censure has been passed on the front pages of all the newspapers in India. I am afraid, will not meet that point. I fail to see why the Council should not be given the power especially when it is a representative body of the journalists, to call upon the editor for an explanation and if the Council is not satisfied with this explanation, why it should not be given the power of suspending the publication of such journal ? That would be of real benefit. That is the only thing that these people understand. Otherwise, the mere moral pressure or a mere censure is not going to touch them. It has value for people who have got conscience. It has no value whatever for those who have no conscience. There is another point which has been worrying me, and I am sure it has been worrying so many others, and that is the growth of monopolistic presses in our country. Just today I was reading in the papers that a very eminent editor of an American paper has condemned the press in America for this very reason that it tends to be the mouth-piece of certain vested interests and not a dispenser of impartial news. That evil is likely to be much greater in our country where we have not yet been able to form very deep-rooted journalistic traditions and we are just beginning our democratic traditions. How to deal with that question is a very serious problem. I am afraid if I am asked to suggest a solution. I must plead my inability to do so at the present moment but if a question like this were to be thrashed out with a certain amount of leisure in a Select Committee, it might be possible to devise ways and means whereby this tendency towards monopolistic growth or towards growth of a monopolistic press can be checked, or can perhaps be even put an end to and that is a thing which is worthwhile considering.

I think, with the exception of my friend Shri Bisht, there has been practically a unanimous demand on the part of this House for the appointment of a Select Committee. I do

appeal to the hon. Minister to accede to this request. Nothing is going to be lost and everything is to be gained. Let not this House get the impression and let not the public outside get the impression that the Government is simply bent upon passing this legislation at break-neck speed without taking into consideration its consequences. If we are going to have this Act, and it is a good Act on the whole, let us make it really good on so many points which have been raised. It may be that the Minister will be able to convince the people who want a Select Committee that his views are correct. It may be that they may succeed in convincing him that they are correct and in that way a certain *modus operandi* may be found and we can come to some particular decision whereby we can improve this Bill and the improvement of this Bill means really a great service to the profession of journalism in India.

DR. ANUP SINGH: Mr. Vice-Chairman, Sir, at the very outset I would like to say a word or two about the Indian press. I think the terms 'gutter-press', 'irresponsible press' have been used and I am painfully aware of the fact that there are certain periodicals and newspapers in our country who have not lived up to certain moral or ethical standards. But I can say from a little personal experience of the press outside of India—and I am not speaking to the gallery when I say that—the Indian press by and large, will compare favourably with the press in any country without any exception.

Not very long ago, when the question of Goa was being discussed in the world Press, I happened to be in England where, some hon. Members had pointed out the conditions are different, that their ethical and moral standards are so high that we cannot possibly emulate them. But what was the reaction of the British Press on this particular issue ? Unfortunately, with the exception of perhaps the Communist newspapers and the "Manchester Guardian", the entire Press in Great Britain, from one end to the other, was calling India the aggressor in Goa. That certainly does

not reflect any high standard. I have also had some experience of the American Press, part of which is known as yellow journalism, which goes on denouncing individuals or countries, and—the same thing obtains in South America also. Therefore as a sort of a corrective and in order to give a proper perspective. I thought I might say a word about the Press at the very beginning. We should not be unnecessarily alarmed by the law quality of our Press, for I think it is as good as any and in fact. I feel in many respects it is far better than the Press outside India.

As for the Bill itself, I think I have never witnessed, never seen a more impressive and overwhelming demand for referring a Bill to a select Committee as I have seen today. With the one solitary exception of Mr. Bisht and one qualified exception of Dr. Sapru—and that qualification was based, as he himself said, on his assumption that the Minister was not likely to accept the suggestion, and I hope that assumption was unwarranted every Member has asked for the reference to a Select Committee and I think that demand is valid and justified, because not a few Members have made very constructive suggestions. I myself have given notice of a number of amendments, but I am not dealing with them at this stage. Dr. Kunzru, for instance, suggested a formula for the selection of the Chairman of the Council. Likewise Dr. Sapru has made some other constructive suggestions and I feel that these suggestions can be profitably utilised and the only place where that can be done at this late stage, is in the Select Committee. We on this side belonging to the Congress naturally are under certain obligations and at one stage we might have to withdraw the amendments and cannot freely express ourselves and give constructive suggestions at this stage in the House. But these we can do in the Select Committee. There, I think the hon. Minister will naturally put forward his point of view and we would be putting forward ours and there will be a sort of a give and take, and thus we might be able to improve and modify and make certain changes in

the Bill which will then be more acceptable to this House and more acceptable to the people at large.

Sir, the hon. Minister said that more than two years had gone by since the Press Commission reported and more than four months had gone by since the introduction of the Bill and hon. Members have had the chance of discussions with him personally and of giving him their suggestions. All that is very true. But as one hon. Member very pertinently pointed out, we never saw the Bill in its present form, in black and white, and at this stage I humbly submit that nothing is to be lost and everything is to be gained by referring the Bill to the Select Committee. I think the hon. Minister has earned the gratitude of journalists and of the public at large by promptly bringing this Bill. But we find from a number of editorials that appeared today, particularly one in the "Times of India" yesterday that among journalists there is some dissatisfaction. I am not at all suggesting that we are under any obligation to satisfy all the editors and all the journalists. They belong to a particular profession and they have their own bias, their own predilections, and we certainly cannot be guided by everything that they say. But I think, Sir, it must be conceded that the people who will be largely affected by this measure are the people belonging to the journalistic profession. Here is what the editorial of the *Times of India* said yesterday. I take it that this reflects the views of the journalists, by and large. I take it that it reflects the views of the editors also, because in a recent conference they gave expression, more or less, to the same sentiments that the Editor of the *Times of India* has done. He says :

"It is the anxiety to secure the highest standards of objectivity and judicial detachment that prompted the Press Commission to recommend that the Chairman should be a person of judicial experience and be appointed by the Chief Justice of India and that the Chairman of the Press Council alone should choose the members of his Council."

[Dr. Anup Singh.]

And then it goes on to say:

"The authors of the Bill seem to have completely missed the very spirit which prompted the demand for the institution of a Press Council."

Personally I think that is putting it perhaps much more strongly than I would like to put it. But the main purpose of this Bill, rather the main spirit behind the demand for the institution of the Council, is the self-regulation of the Press by itself. I think in the previous debates in this House also it was made very clear that Government is not at all anxious to impose any unnecessary restrictions, because that would be an encroachment upon the sphere that naturally belongs to the Press. There must be some amount of regulation and a gentleman's agreement, I presume, has been reached between the Press and the Government that the emphasis, or rather the onus or burden will be more upon the Press itself for self-regulation. Therefore, if there is unnecessary interference by the Government, either by way of appointment or in other ways, then I think the very spirit which originally prompted the demand for the establishment of a Press Council gets vitiated.

Coming next to the specific points that have been raised. I think the demand that the Chairman of the Council should be a man of judicial experience has overwhelming weight on its side. Although I have proposed an amendment to say that the recommendation of the Press Commission should be accepted, after listening to the very learned arguments of Dr. Kunzru and Dr. Sapru, and one or two other hon. Members also, I am perfectly willing to concede that nothing is to be gained by absolutely restricting the choice of the Chairman only to a High Court Judge or a retired Judge. But I do feel, as the hon. Member who spoke just before me said, that the person selected should be a man who has legal experience. The hon. Minister in his opening

remarks said that he should be a person who has practical experience of the working of the Press. But there again I think it should be kept in mind that if it is a Judge of the High Court, he will have his other associates. There will be 24 other members, 13 of whom will be drawn from the profession and therefore, there will be no difficulty on his part to draw upon the experience, especially upon the practical experience, of the people on the Council who are from the profession. I therefore, do not fully subscribe to the view expressed by the hon. Minister" that the Chairman should have practical experience of the Press. I think he rather rejected the idea that a High Court Judge should be the man.

SHRI H. C. DASAPPA: That was not rejected by the hon. Minister.

DR. ANUP SINGH: No, but he said that he should be a man of practical experience. My point is that there are besides some 13 other persons who are from the profession and there are people from other categories also and so the Chairman will be always at liberty to draw upon the experience of these individuals and on the collective wisdom of these people who have intimate knowledge of the Press.

As regards the appointment of the Chairman by the President. I feel that it has a political connotation, though I do not know the way out and whether Dr. Kunzru's formula is feasible or not. The President, as is obvious, must make the appointment on the recommendation of the Ministry and the Ministry means the ruling party at the moment.

I personally would be very happy if some workable formula could be evolved whereby there would be no such impression that political considerations have weighed so far as the appointment of the Chairman is concerned. That would be most welcome.

As far as the other point is concerned, the composition of the Council, I am not at all opposed to the idea of including Members of the Parlia-

ment. I think they do represent a cross-section of the public opinion in India. As to the technical point whether they will be disqualified or not, it is a legal point and I think it should be carefully studied. Arid, instead of taking a chance and living in the dark, it would be advisable to refer this to the Select Committee and thrash out this technical and legal point there.

Sub-clause (5) of clause 4 says, "Before making any appointment under clause (a) or clause (b) of subsection (3), the Committee referred to in sub-section (4) shall, in the prescribed manner, invite panels of names from all such associations of working journalists or of persons owning or carrying on the business of management of newspapers as may be prescribed " etc., etc. I hope, Sir, that it is not the intention of the Ministry to draw this panel from the local parties only and I hope that it will be restricted to such organisations that have a national character. Otherwise, it would be very difficult to ascertain what exactly are the views of the various associations. In one of my amendments, I have said that the word "national" should be substituted for "such other" organisations.

Sub-clause (2) of clause 12 details the functions of the Press Council which include the "study of developments which may tend towards monopoly or concentration of ownership of newspapers and if necessary, to suggest remedies therefor." Even though this is one of the functions, the Press Council is not given any powers to discharge this function. I would have been in favour of giving more powers to the Press Council so far as it has to deal with the trends and tendencies which eventually culminate in monopoly.

As far as disclosing the sources of information is concerned, I am one with those Members who have expressed the opinion that there should be no compulsion whatsoever in this respect. Sir, a reference was made to the Royal Commission and it was suggested that most of the suggestions in

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the Indian Press Commission's Report have been patterned or borrowed from the Royal Commission. If I remember correctly, the Royal Commission was in favour of establishing a statutory Press Council but the British Parliament called it otherwise. It left the Press Council absolutely a voluntary organisation and without any interference from the Government. Of course, the functions assigned to the Indian Press Council are two-fold, to look into the professional conduct, to maintain high standards but, at the same time—and this is not the least important—to check the growth of or any tendency towards monopoly. That is why it was decided to make it a statutory burden.

I have given notice of some other minor amendments which are consequential and which flow from the major ones. I am not sure whether there will be any opportunity to speak on the individual amendments but at this stage I am rather concerned with one thing and that is, the reference of this Bill to a Select Committee. So much time has already been consumed and I repeat that the hon. Minister will lose nothing whatsoever—I am quite sure that he would gain in some respects—by referring this Bill to a Select Committee. If it is a question of indefinitely postponing the Bill, naturally I would not be in favour of the Select Committee idea but, as has been suggested, in a matter of two or three days, a small Select Committee could be formed and it could go into the Bill. I think the Bill can come back to the House with every chance of being put on the Statute Book in this Session with improvements and modifications.

SHRI V. K. DHAGE: Mr. Vice-Chairman, I have listened to the debate this afternoon. Many of the speeches that have been made are in support of the amendment that I have given notice of and so, I do not wish to cover all those points which have been covered by the other speakers. There are only one or two points which I would like to emphasise and one of them is with regard to the enquiry that is to be made by the

[Shri V. K. Dhage.] Council under sub-clause (2) of clause 14. I was under the impression, Sir, that the journalists will not be called upon to disclose the sources of their information and the questions that I asked during the speech of the hon. Minister made me feel that the impression that I had with regard to the provisions in the Bill was not correct. I think, Sir, this provision, if it cannot prevent the enquiry committee from asking or compelling journalists to disclose the sources of information, is an infringement of the rights which the journalists at present enjoy. I think, Sir, every profession enjoys the privileges of that profession and no one, under the present law, can be compelled not to claim that privilege, if the person so wishes to enjoy. I remember, when I was in college in Bombay, the very well-known case in which that very well-known journalist, Mr. B. G. Horniman, was being prosecuted for having published in this paper, "The National Herald" a letter. He had not disclosed the name of the writer of that letter; it was published under a *nom-de-plume*, as they call it and there was a complaint in the Presidency Magistrate's Court in which it was desired to know the name of the person who had written that letter. Mr. Horniman objected to the disclosure of that name. In fact, the Court ordered a search of the premises to find out and to lay hands upon that letter. Mr. Horniman said that he had burnt it. He was called upon in the court to disclose the name of the person who had written that letter and Mr. Horniman claimed the privilege of his journalistic profession to say that he could not be compelled to disclose the name of the person who had written that letter and that he was prepared to face all the consequences that might arise the publication of that letter in his paper. Now, Sir, this is a privilege which every profession enjoys; every profession has its own privilege. A Medical man has certain privileges of not having to disclose certain facts which he comes to know in confidence from his own clients.

DR. B. V. KESKAR: Not in all cases.

SHRI V. K. DHAGE: I do not know whether it is so in all cases or not but he certainly neq<rt;h;iJlot disclose anything that has ' en to him in confidence. Similar h the case with regard to the lawyers. A criminal may have gone and said, "I have committed a particular crime" but I do not think the Court

SHRI J. S. BISHT: But if he says, "I am going to commit a crime?"

DIVVAN CHMAN LALL: Even then.

SHRI V. K. DHAGE: The privilege is that what a particular person discloses in confidence, remains so; that confidence cannot be broken. I may be wrong probably. I am not a lawyer, but so far as my profession is concerned, that which I come to know in the course of my profession, I do not think I can be compelled to disclose unless the other party is willing. I therefore feel that this provision of the Bill, if it does not prevent the Committee from compelling a journalist to disclose the source of his information, is I think an infringement of his right and I hope the hon. Minister will accept my amendment. T had particularly asked whether the provision contemplated anything of this nature and the hon. Minister replied that it did not prevent the Committee from compelling the person to disclose the source. Now, that does not satisfy me.

There is one point with regard to the appointment of the-¹ Chairman. There has been a case made out that the Chairman should be appointed by the Chief Justice of India. I do npt know whether this would be constitutionally proper. It would be making the Chief Justice of India to exercise an executive power which I suppose is the privilege only of the President or the Government of Tndia as the case may be. Otherwise we shall be creating precedents whereby we shall be having the Chief Justice not only to appoint the Chairman of this Council but also in many other cases. I can understand if we formulate an

elective procedure by which the Chairman may be elected and later appointed in view of the success that the particular person might have achieved in the matter of election. I therefore feel that even if the Press Commission had recommended that the appointment of the Chairman should be made by the Chief Justice of India, we as Members of Parliament in this House cannot agree to a proposition of that type.

Thirdly, there has been a suggestion made that a cess may be levied for the purpose of financing the Press Council or to meet the expenses of the Press Council. I feel that the suggestion to levy the cess to finance the Press Council is no different from the provision that already exists because I do not think that the Press Council will have the power to collect the cess and incur expenditure out of that for its own purpose. Even if the cess is levied, the cess will have to go into the Consolidated Fund and then from the Consolidated Fund the Parliament will have to sanction expenditure to meet the requirements of the Press Council. With the provision as it is that the Consolidated Fund shall be charged for the purpose of meeting the expenditure of the Press Council, I do not think it makes any difference and I do not follow the idea behind that suggestion that because the cess is levied it will make the Press Council independent. I do not think that it is constitutionally possible and there seems to be some misapprehension with regard to that. Whether it is constitutionally proper to suggest a cess here or not, even if it were to be levied, I do not think the objective in view for levying the cess will be achieved. It is not possible at all.

Then, I support the view for reference of the Bill to a Select Committee as suggested by various friends here and I do hope that the hon. Minister who has been very sympathetic to the journalists in many respects will also be very sympathetic in this respect and satisfy us on the various points raised during the debate.

SHRI JASPAT ROY KAPOOR:
Mr. Vice-Chairman. I extend to this

measure a hearty welcome, and I congratulate the hon. Minister for introducing this measure even though with all its imperfections, insufficiencies and anomalies. I welcome it because its objectives are very laudable. My hon. friend, Mr. Sapru, referred to the objects of this measure the more important of which is that it aims to preserve the liberty of the Press and in furtherance of its object it is provided in clause 12 (2) that the Council shall help newspapers to maintain their independence. This is a very laudable object and it goes to show to what great extent our present Government is prepared to subtract the liberty and freedom of the Press. It was also pointed out by my friend, Mr. Sapru, that at present there is hardly any restriction imposed on the Press. That is so, but while enacting legislation we must not only think of the present but also think of the future and it is well and good that the Government is prescribing this by legislation so that it will not be open to any subsequent Government if it ever comes into being—I do not see it coming into being even in any distant future—to impose any restriction on the liberty of the Press unless of course this enactment is changed.

Secondly, the object is to improve the standards of newspapers in India. I would like to take this occasion to express—I would also request other hon. Members to do so—our strong disapproval and condemnation of the low standard of many Indian language newspapers. So far as English newspapers are concerned, their might be some—there are surely some—who are not having a high standard, but so far as Indian language papers are concerned, the standard in the case of pretty many newspapers is very low. I do not know if we have strong enough language to condemn those newspapers. Obscene pictures are published; obscene news is published; obscene language is used; filthy comments are made, prominently sometimes, even to such an extent that one does, not like one's children to read those newspapers. Some drastic steps must be taken to eradicate

[Shri Jaspal Roy Kapoor.]

this evil or at least to check it substantially, I am not sure—rather I am sure that this Bill is not going to check that evil to any substantial extent, because merely empowering the Council to censure such papers is not enough. What such papers publish is so obviously of a filthy and derogatory nature that even a man of the meanest intelligence would know that they are doing something undesirable. A mere censure of such journals or persons is not enough. I very much wish that this Council were empowered to take some more drastic and penal steps against such newspapers, if not for their first offence, at least for their subsequent offences.

Sir, I had said that I congratulate the hon. Minister for introducing this measure even though it has its imperfections, insufficiencies and anomalies, for such imperfections, insufficiencies and anomalies, there are pretty much in number. Many of them have already been pointed out by many an hon. Member in this House. So this is a fit measure for being referred to a Select Committee and for being carefully considered there.

Sir, I think we should develop a convention in this House that if a substantial number of members desire that a particular measure should be referred to a Select Committee, it should be surely referred to a Select Committee unless of course such a

suggestion is made from any quarter actuated by motives of dilatoriness, which on this occasion is not the case.

I am pleading not only for this measure being referred to a Select Committee but I am pleading for a healthy convention being established here that when a substantial number of members plead for a measure to be referred to a Select Committee, it should, invariably without any opposition from the Government, be allowed to be referred to Select Committee. Always something is to be gained from it; never anything is lost by that.

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): YOU will take some more time ?

SHRI JASPAT ROY KAPOOR:

Not much. Of course, hon. Members must be tired and exhausted particularly by requesting the hon. Minister to refer the Bill to a Select Committee.

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): YOU can continue tomorrow.

The House stands adjourned till
II A. M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Tuesday, the 11th December 1956.