

[Sh. Janardan Yadav]

having a total population of six thousand have fallen under the Lal-matia Colliery Project.

They have been given neither compensation for their land nor employment. They are forced to live in the project area, due to which they are subjected to health hazard. I would like to submit that steps be taken to provide employment for them.

KUMARI MAYAWATI (Bijnore): Mr. Speaker, Sir, through you, I would like to draw the attention of the House and the Government in particular, towards the condition of women which constitute fifty per cent of the total population of the country. Today, is the last day of this session and eight or nine days ago our colleague Smt. Geeta Mukherjee raised a discussion under Rule 193 regarding atrocities on women but this discussion was not concluded and thereby nothing worthwhile could be achieved. Consequently I am to say with deep regret that the oppressed and depressed women living in every nook and corner of the country are the victims of injustices and atrocities. An eleven year old girl was molested in at a place named Sikandararahu in Aligarh district, due to which situation in the said area continues to be tense. Mr. Speaker, Sir, on one hand, the Government is passing Bills with a view to safeguarding the interest of the women and on the other an important subject in regard to atrocities on women being discussed Rule 193 is yet to be concluded. I would like to know why this is being kept pending? Today, is the last day of the session and the Home Minister and for that matter, the Government of India is shirking from their responsibility. Mr. Speaker, Sir, it is 3 O'Clock now but it is my earnest request to you that if matters pertaining to women are left half way like this, I understand that women will certainly raise their voice to attain their rights. Therefore, you should pay due attention to this.

14.50 hrs.

RULING BY HON. SPEAKER

Re. Question of Privilege

[English]

MR. SPEAKER: Sarvashri P. R. Kumaramangalam, Harish Rawat and Dinesh Singh, MPs gave separate notices of question of privilege on 20th August, 1990 against the Minister of Information and Broadcasting (Shri P. Upendra) alleging that the Minister misled the House on 17th August, 1990 and thereby committed a breach of privilege and contempt of the House. The members alleged that in spite of an assurance given in the House on 17th August, 1990 by the Minister of Information and Broadcasting that the Doordarshan programme 'Khula Manch' scheduled for telecast on 19th August, 1990 featuring the Minister of Railways (Shri George Fernandes) will not be censored, the programme telecast by Doordarshan on 19th August, 1990 was censored. The members contended that the Minister's assurance in the House on 17th August, 1990, therefore, amounted to a breach of privilege as the Minister had misled the House. Shri Dinesh Singh also sought to raise the matter in the House on 20th August, 1990 and stated that the programme was censored inasmuch as certain questions asked by a journalist-participant of the programme were deleted and kept out of the programme.

The Minister of Information and Broadcasting (Shri P. Upendra), while clarifying the position had stated *inter alia* as follows:—

"I did assure him that there would not be any censoring. I stand by that statement. But there is a difference between censoring and editing. Sir, when this programme was started, certain parameters were discussed and it was decided that this will be a programme in which the Minis-

ters will discuss about the functioning of their Ministries, answer to the queries of the selected audience.....Generally they are supposed to put questions which they have forwarded. But certain times it happens that questions which do not relate to that particular Ministry are also put. Though this programme is meant for half an hour, it is recorded, may be, for fifty minutes or one hour. After that, all the portions relating to that particular Ministry are retained and other irrelevant things not concerned with that Ministry are edited out... therefore, in this case also every word relating to Railways was retained, not a single word was removed, including all provocative statements. Even insulting remarks have been kept. I stand by that statement. No censoring has been done. The viewers and the questioners were reminded again that the questions should relate to that particular Ministry and all other things would be edited. That is the policy and that will continue to be followed."

Shri P. Chidambaram, M.P. in his notice of question of privilege given to me on 21st August, 1990, referred to a news-report published in the *Times of India* dated 21st August, 1990, wherein it was reported that two questions were removed from the recorded version of the programme prior to its telecast. As these questions reportedly related to Railways, Shri Chidambaram alleged that the Minister had misled the House on 20th August, 1990 that only questions not relevant to the subject of Railways were edited out and questions relevant to Railways were not left out.

On 22nd August, 1990, Shri M. J. Akbar gave notice of question of privilege alleging that the opening and closing remarks of one of the two presenters of the programme were censored out and the voice of an announcer was used with a different

script. Shri Akbar also sought to raise the matter in the House on that day.

On 23rd August, 1990, Sarvashri Janardhana Poojary and Dinesh Singh gave notices of question of privilege against Shri P. Upendra with reference to a news-report appearing in the *Indian Express* of that day wherein the Minister of Railways (Shri George Fernandes) was reported to have stated in an interview that he had told the Minister of Information and Broadcasting that the programme should be shown without cuts and the people could come to their own conclusions about it. The Minister of Railways was also reported to have said that "the editing of the programme was not necessary" and that he did not make any distinction between "editing" and "censoring". Sarvashri Dinesh Singh, Janardhana Poojary and some other members also sought to raise the matter in the House.

Copies of all the notices of question of privilege were forwarded under my direction to the Minister of Information and Broadcasting for furnishing his comments. Shri Dinesh Singh gave another notice in the meantime on 29th August, 1990 alleging that the stand taken by the Minister that the questions not relevant to the portfolio of the Minister of Railways were edited out of the programme, has been belied by a letter (a copy of which Shri Dinesh Singh enclosed with his notice) written by one of the participants—a journalist—to the Minister. According to this letter the producer of the programme in a meeting with the presenters of the programme and some of the participants decided that the format of the programme should include questions other than those relating to Railways to make the programme interesting.

I have since received the comments of the Minister of Information and Broadcasting. He has admitted that the Minister of Railways had spoken to him and requested that the programme should be telecast in its

entirety. The Minister of Information and Broadcasting, however, maintains that 'Khula Manch' is a programme produced by Doordarshan and it is for Doordarshan to decide what portions of a programme ought to be edited on grounds of relevance as well as on other grounds. The final version in which a programme is telecast depends, according to the Minister, not on the person who figures in the programme but on programme requirements. Irrespective of the view of the participating Minister regarding the retention of portions not relating to his portfolio, Doordarshan is entirely within its right in editing such portions on grounds of lack of relevance.

As regards the allegations that several questions—some of them pertaining to Railways—had been "censored", the Minister has stated as follows:—

"Some journalists, who were present in the audience, not only raised questions on matters not relating to the portfolio of the Railway Minister but continued to persist in putting supplementary questions on those subjects. This had the effect of diverting attention from the problems relating to the railways which should have been the field for questions. The two presenters also did not seem to make any attempt to bring the discussion back to railways. If this programme had been telecast without its being edited, the entire focus would have been lost and the viewing public would have been deprived of an appropriately presented programme on the Indian Railways. In order to ensure that the programme did not lose focus, Doordarshan edited those portions not relating to the railways...Shri Chidambaram, in his notice seeking permission to move a motion of privilege, has placed on record a report in the *Times of India* dated 21st August, 1990. The report states

that I had told in both the Houses of Parliament that everything pertaining to the railways had been kept in the programme. However, according to the report relied on by Shri Chidambaram, two questions relating to the railways had been removed. The first question is whether Shri Fernandes would allow Pepsi to be served in the railways. The report states that Mr. Fernandes had stated that if it was upto him, he would not have allowed Pepsi to be served on the railways. It is a fact that such a question was asked and was also answered by Shri Fernandes. This question, however, was among a series of questions relating to the entry of Pepsi Cola into the Indian market...This question, which had more to do with the sale of Pepsi than with the Indian Railways, could not have been retained in the edited version since it would have made no sense in isolation, in the absence of the other questions solely relating to Pepsi. It would have been extremely disjointed if this question in isolation had remained at the beginning of the programme since the entire portion relating to Pepsi was at the beginning of the discussion which was meant to be on the Indian Railways."

The allegation that the voice of an announcer was used in place of the voice of one of the presenters has been denied by the Minister and it has been stated that since a large number of irrelevant questions were put during the 'Khula Manch' featuring the Minister of Railways, it was decided to make it abundantly clear to the viewers that for future programmes questions relating to the portfolio of the concerned Minister only will be entertained. This announcement was made at the end of the programme by an announcer and it could not have been made by the presenter as the programme was recorded a few days prior to the telecast.

The limited point for decision before me is whether the Minister of Information and Broadcasting misled the House and committed a breach of privilege by stating that the programme 'Khula Manch' telecast on 19th August, 1990 was "edited" and not "censored".

A lot of confusion has been created by the use of the words "edited" and "censored". The Chambers 20th Century Dictionary defines these two words as follows:—

"Censor" means an official who examines books, papers, telegrams, letters, films, etc., with powers to delete material or to forbid publication, delivery or showing.

"edit" means to prepare for publication, broadcasting, etc. to revise, to censor, to make up the final version....."

It would thus be seen that editing includes censoring. However, the word 'censor' has come to acquire odium because the job of a censor is, more often than not, to shut out expression of an opinion which is considered distasteful by the authorities that be. Editing too requires expurgating or censoring of material not germane to the subject. The present case has, therefore, to be viewed in this context.

As Members are aware, Doordarshan is a Government-owned medium. I cannot, therefore, but agree with the Minister of Information & Broadcasting that it is for the Government to lay down policies and guidelines regarding quality and contents of the programmes telecast on Doordarshan and to edit the programmes in pursuance of those policies or guidelines.

In the instant case, the Minister has categorically stated that nothing relating to Railways was edited out. For anyone to expect, much less insist, that matters other than railways on which questions were asked and replied to by the Minister of Railways should have been telecast, would have,

in my view, 'derailed' the programme itself. The Minister's contention that Doordarshan were well within their rights to exclude such questions and answers from the programme, cannot, therefore, be faulted.

15.00 hrs.

It is well established that if any statement is made on the floor of the House by a Member or a Minister which another Member believes to be untrue, incomplete or incorrect, it does not constitute a breach of privilege. In order to constitute a breach of privilege or contempt of the House, it has to be proved that the statement as not only wrong or misleading but it was made deliberately to mislead the House. A breach of privilege can arise only when the Member or the Minister makes a false statement or an incorrect statement wilfully, deliberately and knowingly.

Keeping in view the facts stated above, I am of the view that the Minister cannot be said to have misled the House, much less deliberately about the editing/censoring of the programme 'Khula Manch' telecast on 19th August, 1990. Accordingly, I disallow the notices of question of privilege given by S/Shri P. R. Kumaramangalam, Harish Rawat, M. J. Akbar, Janardhana Poojary and Dinesh Singh and do not give my consent to the raising of the matter in the House as a question of privilege.

I had also received another notice of question of privilege from Shri M. J. Akbar against the Minister of Information & Broadcasting alleging that the Minister misled the House on 10th August, 1990 by stating that a participant of the 'Khula Manch' telecast on 5th August, 1990 was not—as alleged by Shri Akbar—an actor but was a farmer and that to give credibility to the programme, Doordarshan had associated an independent producer, the Hindustan Times TV, and all the names selected for the said independent producer. Shri Akbar

contended that inquiries made by him revealed that the participants of the programme were "handpicked by the Doordarshan authorities" and all the the questions had been cleared by Doordarshan.

The Minister, in his comments furnished to me, has stated as follows:

"In the initial stages, when the idea of this programme was conceived, it was decided to entrust the production to an outside agency. Thereafter, it was decided that Doordarshan, in view of the facilities being readily available with it, would produce the programme and would involve the Hindustan Times TV to assist them in some aspects relating to the production of the programme, as consultants. When this matter was discussed with the representatives of Doordarshan and Hindustan Times TV, instructions were given to the effect that the selection of participants for the programme may be finalised by Hindustan Times TV. Thereafter, the programme details had been worked out by Doordarshan and HTV and, in the process, it appears that Doordarshan finalised the list of participants. However, this matter did not come to my notice and, therefore, on the basis of my understanding of the responsibilities assigned to the Hindustan Times TV and Doordarshan, I had mentioned in the House that the selection of participants was made by Hindustan Times TV. There was no attempt, much less a deliberate attempt, on my part to mislead the House."

The Minister has also stated that he has verified the position regarding the allegation that an actor was attempted to be presented as a farmer on the programme and it was found that the person selected is a farmer who is also a part-time actor.

In view of the foregoing, the Minister cannot be said to have misled the House. No question of privilege is, therefore, involved in the matter. I do not give my consent to Shri M.J. Akbar to raise the matter on the floor of the House as a question of privilege.

(Interruptions)

SHRI GIRIDHAR GOMANGO (Koraput): Sir, what happened to my privilege notice?

MR. SPEAKER: I told you that your application is under consideration. *(Interruptions)*

15.04 hrs.

CONSTITUTION (SEVENTY-FOURTH AMENDMENT) BILL*

(Insertion of new Part IX)

[English]

MR. SPEAKER: Now Mr. Dinesh Goswami.

THE MINISTER OF STEEL AND MINES AND MINISTER OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI DINESH GOSWAMI: I introduce the Bill.