

MR. CHAIRMAN: The question is:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

MR. CHAIRMAN: We will now take up discussion on the Press Council Bill.

14.55 hrs.

PRESS COUNCIL BILL

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): Mr. Chairman, I beg to move*.

"That the Bill to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India, as passed by Rajya Sabha, be taken into consideration."

As the House is aware, the Press Council was set up in pursuance of a recommendation made by the Press Commission. It was set up in 1966 and thereafter there had been some amendments made in the Act as passed then. During the period of emergency, while the Press suffered many assaults, most of them of an executive and administrative nature, there were three enactments during that period which severely constricted the freedom of the Press. The first was the Prevention of Publication of Objectionable Matters Act. The second was the one that repealed the Feroze Gandhi Act and the third was the enactment repealing the Press Council Act. While this House as well as the other House have undone the first two anti-press laws which I mentioned, namely, the Prevention of Publication of Objectionable Matters Act and the Parliamentary Proceedings Immunity Act, the third one still remains to be undone. Government on its part had indicated

right at the outset that so far as it was concerned, it was committed to reviving the Press Council. The Press Council Bill was brought before the House and in its wisdom, Parliament referred it to a Joint Committee. The Joint Committee has done valuable work. It has tried to round off the edges to arrive at a broad consensus on the more important matters in the Press Council Bill and what has emerged, I think, is a very good piece of legislation which if enacted would go a long way in fulfilling the main purposes of the Press Council, namely, on the one hand performing the role of self-discipline in the press circles and on the other, protecting the press from various onslaughts and encroachments being made either by the Government or by any other agency—by big business, by industrialists or by any other sector.

I may mention one or two points that have emerged from the Joint Committee's deliberations. There has been a long debate as to how the Chairman of the Council should be nominated or whether he should be nominated at all. Two views have been there. One view has been, why not the Press Council elect its own Chairman? In this way, Press Council Members also would participate in selecting their own Chairman. The other view, which has dominated political thinking in this country in all sections, right from the beginning, from the time of the Press Commission right up to this day, and it has prevailed even in other democratic countries, where the Press Council had been there, has been that the kind of authority that we want to invest in the Press Council would be best ensured if the Chairman is a nominated Chairman and he is not in any way subject to the various pressures of politics that do come into operation in an election. This question was debated at length even in the Joint Select Committee and both viewpoints were ex-

*Moved with the recommendation of

the President.

[Shri L. K. Advani]

pressed. Ultimately, the solution that the Joint Committee has hammered out is, let there be a nominated Chairman, but instead of, as proposed in the Original Bill, the Chief Justice nominating the Chairman, let it be done by a nominating panel, which should comprise of three persons—Speaker of Lok Sabha, Chairman of Rajya Sabha and the third person being a member elected from among themselves by the members of the Press Council so that even though the principle of election by the Press Council has not been completely accepted, the participation of the Members of the Press Council in the selection of the President has been ensured. In this way, the two viewpoints have been sought to be accommodated.

There are other small points also that have emerged from the Joint Committee's deliberations, one of which is that there should be a larger representation for Members of Parliament, that instead of three, we may have five; three from this House and two from the other House.

It has also been ensured that majority from the working journalists who are to be included in the Press Council will be from the Language Presses, so that the English Press does not dominate.

The other amendments and changes that have been made by the Joint Committee in the Bill I am sure are going to enhance and augment the effectiveness of the Press Council.

There was considerable debate on the code of conduct and several of my colleagues in the Joint Committee, including our learned friend Mavalankarji, have put in notes of dissent on this point. I can appreciate that viewpoint, particularly because the code of conduct became a phrase which had a very specific connotation during the emergency period. It was thought to be something like a rod of discipline which the Government sought to use

to discipline the press. It was even contemplated that the code of discipline should be legislated by Parliament, and the Government was thinking in terms of bringing a Bill to that effect. I may make it clear that the choice of words in the provision which relates to the code of conduct is very deliberate. We have not asked the Press Council to formulate a code of conduct, but we have asked them to build up a code of conduct. The explanation of building up has been given even in 1966 and repeated thereafter by the Press Council, namely that the various adjudications that the Press Council makes in various matters add up to a body of case, law, and that case law provides the code of conduct which will govern the affairs of the press. Nothing else is meant. I know that our learned friend Mavalankarji, when he referred to this also said that if this is the intention of the Bill, then perhaps it is all right, but in regard to the other interpretation of which, because of the emergency experience, some friends are apprehensive, I would like to make it clear that that is not at all in our mind.

There may be some other points also arising out of the amendments that may be moved or in the course of the debate that is going to ensue. I would only say that the Press Council Bill as it has now been adopted by the Rajya Sabha is certainly a very great improvement on the earlier enactment, and when this is adopted, it will be another major pledge in the field of press freedom fulfilled by the new Government.

With these words, I commend this Bill to the House for adoption.

MR. CHAIRMAN: Motion moved:

"That the Bill to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India, as passed by Rajya Sabha, be taken into consideration."

SHRI B. K. NAIR (Mavelkara): I expected Mr. Advani to make even a claim that today marks a new chapter in the charter of the freedom of the press, but looking at the whole content of the Bill, I see why he himself is rather hesitant to make any such claim. Rather than making any new constitution to strengthen the freedom of the press, the whole document will show that it is to bring new constraints on the freedom of the press. And there may be two agencies by which the freedom of press has to be established and maintained. They are (1) the Government and (2) the big capitalists.

As regards Government, Madam, what is the type of freedom that the Press Council is going to enjoy? Again, you will find that the Press Council is to consist of a Chairman and 28 other Members. The Chairman is going to be a paid employee of the Government. Whatever Chairman is going to be there, he is going to be a paid officer of the Government. And look at the other constituent elements. Whoever is going to be there, is nominated by the Government. If you see the category of journalists to be on the Press Council, you will find that thirteen of them are going to be nominated, of whom six are going to be editors of newspapers. Six of the Members are put in the next category to be nominated and in the next category one Member again is to be nominated. All of them are going to be nominated. There is not even a reference to the panel from which nominations are going to be made. The Government has a free hand in the nomination of journalists, editors and everybody else. So the entire body is at the mercy of the Government and the Government which enjoys the power to nominate will certainly, in consequence, enjoy the power of removing them also. When the power to nominate is there, the power to eliminate or to remove is also there. It is a nominated body instead of a sovereign body. It is like a man in jail being authorised to maintain freedom outside. The Press Coun-

cil is a cage bird maintained by the Government at the cost of the Government. So, the responsibility to maintain the freedom of the press is tall talk and will not lead us anywhere.

The only place where the word 'elected' is used in the entire document is when it is said about the third man who has to constitute the Committee to select the Chairman. That is, from among the 28 nominated members, one person is to be elected, and that man will go along with the Chairman of the Rajya Sabha and the Speaker of the Lok Sabha to constitute the body which will elect the Chairman of the Council. So, there alone the word 'elected' is used.

Madam Chairman, you are also a party to listening all these days to the long speeches made by Mr. Shanti Bhushan about referendum, the entire people being vested with the authority the sovereignty being people and all that, but what happens to the freedom here? The press is supposed to be the fourth pillar of freedom. What happens to this freedom? The entire body to be entrusted with the maintenance of freedom of the press is a mere cage bird maintained by the Government, fed by the Government and paid by the Government. That is my point.

The other agency which is entrusted with the freedom of the press is the big capitalists the tycoons of the industry. Maintaining a press or running a journal is just like running a jute mill or running a liquor shop. It is a source of income and it is a money-making enterprise. What do they care? How do they come to the Press Council? The place given to the owners of the press in the Press Council is just like shepherds in the whole thing. They get the entire thing in their own hands. It is my view that the newspapers should be run as trusts. It should not be used as a means of making profit. The entire

[Shri L. K. Advani]

emphasis should be on public trust. Particular industrialists should not be allowed to run these journals or newspapers in their own interest. That is not right or proper. The press should be run for the service of the people and journalism should be a mission, not a means of making money. The system of nominating members in a Council like this is scandalous. I think the entire lot of them should be driven out of the temple of freedom if you want the Press Council to be really free.

If you look at the pattern of the newspapers in India, you will notice that all of them have the same pattern even in the matter of coverage of news or the composition of the news. All the papers will give importance first to ministerial pronouncements by the various Ministers who come and go. Then comes the news about the various political parties. All of them follow the same standard. Then there will be some reference to law and order situation in the cities. So, if you take any newspaper, you will notice that 90 per cent of the population who live in the countryside are not even mentioned in the newspapers. They confine themselves to news about the metropolis. They cover only news about cities and towns. Unfortunately the journalists are also happy living in towns. They do not want to go to the countryside, just like the doctors. The result is that the entire countryside of India is completely forgotten. For them India only means the cities, whose news they cover.

Since the entire countryside is kept out, the entire lot of the poor people and their news is also kept out. It applies to the harijans also. The other day there was some news about the harijans only because there was some law and order problem and some people were shot down. It is only when there is law and order problem or some crime that we see in the newspapers reference to the poor people

and harijans. Otherwise, news about the poor people in the countryside never appears in the newspapers.

The same thing applies to the constructional activities. There is not even a mention of that in the newspapers, the temples of freedom. But if there is an accident or some sensational news, something unusual, then only the newspapers given importance to the countryside.

Another aspect is that only rich and middle class people read the newspapers. The poor people do not read the newspapers. For that rural newspapers should be encouraged and they should be given greater weightage in the Press Council. Do not go only by circulation, because that is not the proper criterion. Any newspapers published in the towns will have naturally a wider circulation because they cater to a homogenous population. So, circulation should not be made the only criterion for making selection to the Press Council. So, I would say that papers published in the countryside, which give proper importance to the rural development and constructional activities in the rural areas, that should be the criterion for including representatives in the Press Council. Then I should also say something about the powers and functions of the Council. The powers are somewhat defined properly. But I am inclined to agree with what has been said by the hon. Members who have given the minute of dissent about the code of conduct being drawn. The Code of Conduct is something which has to be worked out by natural process. Now it has been drawn, but somebody may flout it. What is the use in having a code, which anybody can flout?.....

SHRI R. VENKATARAMAN (Madras South): This is very unfair except the next speaker, there is nobody else on the other side. It tempts us to raise the point of quorum. But we will not.

SHRI L. K. ADVANI: I had to come from the other House for this Bill....

MR. CHAIRMAN: The criticism is not directed towards you. He appreciates your sense of responsibility. He is only sorry that your back-benchers are not here....

SHRI L. K. ADVANI: It only shows that there is no controversy in this Bill.

SHRI R. VENKATARAMAN: This is unfair for such a Bill as this. But we are not raising the point of quorum.

MR. CHAIRMAN: You only wanted it to be on record that there is no quorum.

SHRI R. VENKATARAMAN: Yes, Madam.

SHRI B. P. MANDAL (Madhepura): I raise the point of quorum.

MR. CHAIRMAN: Let the quorum bell be rung.

Now, there is quorum. Mr. Nair, you may continue your speech.

SHRI B. K. NAIR: I was referring to the quality of our newspapers. The Council should also take up the question of improving the quality of our newspapers. In all humility, I say that there should be a little more adherence to neutrality, objectively and also truthfulness in their reporting. I know, I am touching a very dangerous ground. The newspapers always talk about how other people should conduct themselves but they do not like to be told how they should conduct themselves. The newspapers should make a conscious effort in adhering to neutrality, objectivity and truthfulness in offering their comments. That is not being done. They take one particular side.

What happens? There was a change of Government. There was a Government before and everything used to be said in praise of that Government. Now there is another Government, the Janata Government. They go on

praising this Government. Even the present Government are under pressure to fulfil their commitments. I know, they are in difficulty. They are not able to fulfil their commitments and policies to the satisfaction of the people. Why should the newspapers suppress the truth? There was an incident of GT train being looted. No newspaper reported the incident except the *Hindu* of Madras. That incident took place in Bhopal, the capital of Madhya Pradesh. So many *goondas* attacked the train and so many *goondas* in uniform were defending them. No newspaper here published this incident. This incident should have been brought to the notice of the people by all the newspapers. Somebody must have told them that this was a sensitive incident involving Hindi and non-Hindi issue. So, they did not publish it. There is a sort of censorship even now in operation. I feel that the newspapers should not only evolve their own code of conduct but they should also adhere to neutrality, objectivity and truthfulness in their comments also.

The various functions of the Council are mentioned here. I am surprised to see one item, particularly, item (i) where it says:

"to concern itself with developments such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press;"

What does "to concern itself" mean? To spend sleepless nights? What should they do about it? They do not have much powers. With respect to everybody else, they have got unrestricted powers. With regard to owners and capitalists of the press, they say, they should concern themselves to such developments. After that, what do they do? I am suggesting that appropriate action should be taken against the ty-

[Shri B. K. Nehru]

coons. The concentration of ownership of newspapers should be restricted. No one should be allowed to own more than two or three newspapers. If it comes about, an appropriate action should be taken.

Then, there is clause 14 in regard to complaints, how to deal with complaints. A complaint is brought to the Council and it will be discussed in the Council. What do they do about it? They express in writing that a warning may be issued. But no action is being taken against them. So, this sort of an imbalance as regards the owners on one side and the newspapers on the other side should be removed. The owners of newspapers should also be restrained in their operations. The newspapers should expand their activities that will help the nation.

*SHRI GOVINDA MUNDA (Keonjhar): Madam Chairman, I am grateful to you that you have given me an opportunity to speak in my mother tongue.

This Press Council Bill has been passed by the Rajya Sabha. The hon. Minister for Information and Broadcasting has presented this Bill in the House which I welcome. After it is passed by Lok Sabha it will become an Act.

Madam Chairman, I am glad that our Government is fulfilling the promises they had made during the elections. They have already passed the Constitution Fortyfifth (Amendment) Bill and the present Bill is another legislation in the same direction. While supporting this Bill I remember the days of emergency. Madam, I was a press reporter. One night at 12.00 p.m. the policemen knocked at my door and when I appeared before them they forced me to sign on a paper. I am really happy that this Bill make an end to that black period.

Madam Chairman, you will agree that atrocities are still being perpetrated on persons belonging to the weaker sections of our society and it is the responsibility of the press correspondents to highlight the truth.

MR. CHAIRMAN: If you require more time you can continue on Monday because we have to take up Private Members Business now. The House will now take up Private Members Business.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS—
Contd.

TWENTY-THIRD REPORT

श्री राम विलास पासवान (हाजीपुर): मैं निम्नलिखित प्रस्ताव करता हूँ: "कि यह सभा गैर सरकारी सदस्यों के विधेयकों तथा संकल्पों सम्बन्धी समिति के 23वें प्रतिवेदन से, जो 23 अगस्त, 1978 को सभा में प्रस्तुत किया गया था, सहमत है।"

MR. CHAIRMAN: The question is:

"That this House do agree with the Twenty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23rd August, 1978."

The motion was adopted.

15.29 hrs.

RESOLUTION RE: PUBLIC DISTRIBUTION SYSTEM TO CHECK RISING PRICES—Contd.

MR. CHAIRMAN: We shall now take up further discussion on the resolution moved by Shrimati Ahilya P. Rangnekar.

Mr. Mohan Dharia.

*The original speech was delivered in Oriya.