

Shri Mani Ram Bagri a few days ago. How can the same matter be referred again and again?

MR. CHAIRMAN: I am sorry, I do not know, it has been allowed under Rule 377.

SHRI D. N. TIWARY: I do not think this should be allowed to be raised here again.

MR. CHAIRMAN: The Speaker has allowed it.

श्री कल्याण जैन : सभापति महोदय इस घटना के सम्बन्ध में इस सदन के माननीय सदस्यों द्वारा प्रधान मंत्री को भी जानकारी दे दी गई है। एसे समाचार प्रकाशित हुए हैं। संसद् सदस्य निडर रह कर अपना संसदीय कार्य करते रहे इसके लिये यह आवश्यक है कि प्रधान मंत्री, गृहमंत्री इन गारी घटना की उच्चस्तरीय जांच करा कर दोषी व्यक्ति को सजा दिलाये व संसद् सदस्यों को भय रहित करें।

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PRESS COUNCIL BILL—Contd.

Clause 5—(Composition of the Council)—Contd.

MR. CHAIRMAN: The House will now take up further clause-by-clause consideration of 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.

Shri Banatwalla to continue.

श्री राम ब्रजधेश सिंह (विक्रमगंज) : सभापति महोदय, हमारा भी नियम 377 के अन्तर्गत प्रस्ताव है।

सभापति महोदय : जब मैं ने नाम सुनास तब ध्राप नहीं थे।

श्री राम ब्रजधेश सिंह : मैंने कई बार लिख कर पूछा कि कब होगा। मुझे (2588 I.S.—12.

बहुत जल्दी बात कही है, ध्राप मुझे अनुमति दें :

सभापति महोदय : मैं नियम के विपरीत काम नहीं कर सकता पहले मैं तो कह नहीं सकता था कि कब ध्रापेगा।

श्री राम ब्रजधेश सिंह : सभापति जी, दो मिनट लवेंगे।

सभापति महोदय : प्रश्न दो मिनट का नहीं है। बल्कि नियम का है। एक बार जब नाम पुकारा गया और ध्राप उपस्थित नहीं थे तो मैं मजबूर हंडुकारा फिर नहीं ध्रापको बुला सकता क्योंकि यह प्रथा गलत पड़ जायगी। ध्रापने जैसे कहा मुझसे पूछा, मैंने कहा मैं नहीं बता सकता कि कब ध्रापेगा।

श्री राम ब्रजधेश सिंह : ध्रापने कहा 4 बजे तक हो सकता है, कभी भी हो सकता है।

सभापति महोदय : मैं प्रव झलाऊ नहीं कर सकता।

SHRI KRISHNA CHANDRA HALDER (Durgapur): Sir, I want to make a submission. I, Shri Somnath Chatterjee and Shri Dinen Bhattacharya have tabled one privilege motion against Shri Dhanna Singh Guishan, State Minister for Education....

MR. CHAIRMAN: How can it be raised now? You must cooperate with the chair. You must follow the rules. I cannot allow this.

SHRI KRISHNA CHANDRA HALDAR: I was directed to send another notice under Rule 115 and I have done that. Please allow me to make a mention here....

MR. CHAIRMAN: Under what rule? I am sorry. I cannot allow.

श्री राम ब्रजधेश सिंह : सभापति महोदय, मैं व्यवस्था का प्रश्न उठाना चाहता हूँ कि क्या ऐसी व्यवस्था है कि, केवल प्रश्न

[श्री रामधरबोध सिंह]

के बारे में, या भोगन या सूचना के बारे में है कि, नाम पुकारे जाने के बाद अगर आदमी तत्काल वह प्रक्रिया चालू हो गई, जैसे कि 377 की प्रक्रिया चल रही थी, खत्म भी नहीं हुई, मैं यहाँ बैठा था, जब आपने नाम पुकारा उस समय जरूर बाहर था, लेकिन दूसरे लोग नियम 377 पर बोल रहे थे और उसी समय मैं आ गया, तो क्या मुझे को भोगन नहीं दिया जायगा? मैं चाहता हूँ कि दो मिनट का अवसर आप मुझे दें जिसमें मैं अपना पढ़ूँ। दूसरे आइटम पर आप चले जाते तो बात भ्रमण थी। नियम 377 के अर्थात् दूसरे माननीय सदस्य पढ़ रही रहे थे, उसी समय मैं आ गया। अगर कोई आयरन करंट बनो हो कि उसके बाहर नहीं जायेंगे तब तो बात भ्रमण है। अन्यथा आप मुझे अपना प्रस्ताव पढ़ लेने दें, दो मिनट ही लगेयें।

सभापति महोदय : मैं आपके साथ सहानुभूति रखते हुए नियम के बाहर नहीं जा सकता। मैंने माननीय बनातवाला को बिल पर बोलने के लिये बुला लिया था, इसलिए मैं मजबूर हूँ।

श्री राम धरबोध सिंह : आप उसमें कुछ व्यवस्था दीजिए कि अगर आज हम इसे नहीं पढ़ पाये, तो आप इसमें आदेश दीजिये कि कल मैं इसे पढ़ सकूँ।

सभापति महोदय : आप बैठ जाइये।

श्री राम धरबोध सिंह : सभापति महोदय, आप यह बताइये कि किस नियम के अन्तर्गत आप यह कह रहे हैं। आप नियम 377 के अन्तर्गत लोगों का पढ़ना रहे थे। इसमें 4 सूचनाएँ थी, जब आपने पुकारा, मैं उस समय नहीं था, लेकिन जब यह सूचनाएँ चल रही थी, मैं आ गया। आप बताइये इसमें क्या हानि है अगर मैं इसे पढ़ देता हूँ। अभी कोई दूसरा विजनेस लिया नहीं गया है। (अव्यवधान)

सभापति महोदय : मैं कितनी बार कहूँगा कि आप बैठ जाइये। मैं कोई नई प्रथा नहीं डालना चाहता। मैंने दूसरे स्पीकर को बुलाया है।

श्री राम धरबोध सिंह : व्यवस्था व्यवस्था वैदा करने के लिये तो नहीं होगी। यह क्या तरीका हुआ? आप नियम का हवाला दीजिये कि किस नियम के आधार पर आप यह कह रहे हैं? मैं इस पर आपकी व्यवस्था चाहता हूँ।

सभापति महोदय : आप मेरी मुर्दे नहीं तो अव्यवस्था आप कर रहे हैं। मैंने मैक्स आदमी को काल कर लिया है। नियम नहीं है, दूसरा विषय होने के बाद इसे नहीं ले सकते हैं।

श्री राम धरबोध सिंह : आप हम को रुल ब्रीट कीजिये।

SHRI HARIKESH BAHADUR (Gorakhpur): It is to be discussed between the Chairman and the hon Member inside the Chamber.

श्री राम धरबोध सिंह : यह एडमिट हुआ था, विजेनेस में है। मैं यह व्यवस्था चाहता हूँ कि मैजिस्ट्रेटिव विजेनेस के बाहर बोलने का मौका दीजिए।

सभापति महोदय : इस तरीके से यह उचित नहीं है कि आप हाउस को टैनसम करें। आप बैठिए।

MR. CHAIRMAN: I cannot go beyond the rules.

SHRI G. M. BANATWALLA (Ponnani): Sir, the purpose of the amendments is to ensure that members are taken on the Press Council from all languages mentioned in the Eighth Schedule of the Constitution. I most respectfully submit to this House that non-inclusion of a member from any of the languages mentioned in the

Eighth Schedule of our Constitution will render the Press Council incomplete to that particular extent. Therefore, in order to see that the Press Council is complete in every respect, in order to see that the effectiveness of the Press Council is strengthened and in order to ensure full involvement of all the languages, I have moved this particular amendment. The amendment provides that in case the nominations made under clauses (a) and (b) do not include any member from any of the languages mentioned in the Eighth Schedule of our Constitution, then in that case, additional members be nominated so as to secure members from all languages mentioned in the Constitution.

Mr. Chairman, it is absolutely necessary that all the languages mentioned in the Eighth Schedule have representation in the Press Council. This particular point comes out clearly when we study the pattern of the language-wise spread of the Press in our country. When we look at the number of newspapers language-wise, we find that in the year 1975, the number of Hindi papers was 3,149 English—2559, Urdu—929, Bengali—771, Marathi—748, Gujarati—567, Tamil—556, Malayalam—498, Telugu—418, Kannada—348 and so on.

I must also emphasise here that Urdu stands third in the list. Further, I quote from page 3 of the Press in India 1976. It says:

"In respect of circulation, however, English language papers had the highest, 79.38 lakhs or 23.5 per cent of the total. Hindi was a close second with 76.02 lakhs or 22.5 per cent. Newspapers in eight Indian languages had a circulation of more than a million copies each, and three of them had more than two millions. These included Tamil 34.19 lakhs, Malayalam 26.64 lakhs, Marathi 20.15 lakhs, Gujarati 19.98 lakhs, Bengali 18.77 lakhs, Urdu 15.82 lakhs, Telugu 12.66 lakhs and Kannada 11.38 lakhs."

The point I am submitting is that a study of the pattern of the language-wise spread of the Press will make it very clear that every language mentioned in the Eighth Schedule of the Constitution should have a member in the Press Council. This and this alone can give a sense of full participation and involvement to the language press. I, of course, congratulate the Government for coming forward with the Bill. Emphasis is not being laid on English alone, taking into account the language press. This is a very welcome feature for which every credit is due and I congratulate the Government for the same. However, the dedication that the hon. Minister has shown for the language press is partial in character. I have moved this amendment only to emphasise that this dedication should cover all the languages mentioned in the Eighth Schedule. The logic of the clause by granting representation to the language press should be carried to its proper conclusion. That can only be done if my amendment is accepted to ensure that each and every language mentioned in the Eighth Schedule of the Constitution has a representation and an opportunity to be in the Press Council. I very seriously command this amendment of mine for the consideration of the House. I urge upon the Treasury Benches and I urge upon this House to extend its approval to the amendment in order to see that the Press Council is made more effective and its effectiveness is strengthened and in order to see that all the languages mentioned in the Indian Constitution have a proper representation in the Press Council.

SHRI B. C. KAMBLE (Bombay South-Central): So far as my amendment is concerned, it has two fold purpose. One is to replace the principle of nomination by the principle of election. All the hon. members will agree with me that the principle of nomination is inconsistent with the maintenance of freedom. A nominated press council will not be competent

(Shri B. C. Kamble)

to maintain that freedom because those members owe allegiance to the authority who nominates, and, therefore, my submission is that if you want to maintain the freedom of the press, replace this principle of nomination and adopt the principle of election. Therefore, I have suggested a substitute Press Council.

Another purpose of my amendment is that the very composition of the proposed Council is also not a good one. It looks as if the members mean certain owners, certain editors and certain working journalists. That is all. This looks like a class composition. It looks like aristocratic body. It has no place for others—so far as subscribers are concerned, readers are concerned, or the public is concerned. If the purpose of the Bill is to serve the public and the public interests, I am asking this Government where is the place for others—for those subscribers for the members of the public? Even amongst aristocratic body, among this nominated body, it looks as if separate quotas are given. Then amongst the working journalists there is a further sub-division of language papers as also amongst the owners. Owner as a class is not taken. There are big owners and there are small owners. Therefore, my submission is that this is not going to serve the purpose. Instead of that, let there be a certain place for the readers or for the public. The Parliament has an insignificant place so far as the proposed Council is concerned. Only two or three members are to be nominated. What I have proposed is that 15 members from out of the owners, working journalists and the specialists should be there. There should be 15 members—10 from within the Lok Sabha to be elected by the Lok Sabha members and five from the Rajya Sabha. Until such provision is made for the subscribers or members of the public, the representatives of the people in both the Houses should be able to represent them. That is the

main purpose for which I have moved my amendment.

15.25 hrs.

[SHRIMATI PARVATEE KRISHNAN in the Chair]

SHRI R. VENKATARAMAN (Madras South): In my amendment No. 120, I have suggested that the Chairman shall be one who is or has been a judge of a High Court or Supreme Court. My object in moving it is that the functions of the Chairman of the Press Council are quasi-judicial. He is called upon to exercise the functions of a quasi-judicial authority. In fact, in clause 14 there is a proviso which says that the Chairman shall decide in the first instance whether any complaint should be investigated by the Press Council or not. To ascertain whether there is a *prima facie* case or not, it requires a certain judicial process and unless the person who is chosen as Chairman has that judicial background and judicial experience, it will be very difficult for him to function effectively as Chairman. Mr. Borole has given another amendment in which he has said, instead of being a judge of a High Court, he must be a person with a background of judicial experience. The point is not whether he should be a judge or not. The point really is that the Chairman must have some legal judicial background, without which he cannot function effectively as the Chairman of the Press Council. Even if the Minister says this will be borne in mind in the selection of the Chairman, I would not press my amendment.

SHRI YESHWANT BOROLE (Jalgaon): Shri Venkataraman has mentioned about the necessity of the Chairman being a person who is or has been a judge or having some judicial experience. The functions which the Press Council is going to perform are not of an administrative type but will be of a quasi-judicial nature. Once they are of a quasi-judicial nature, it is necessary that proper inferences have to be drawn from the facts which

have come on record. There has to be proper assimilation of facts and a proper perspective to be adopted, which is possible only by a judicial person having a judicial background or judicial service. Therefore, without taking much time of the House, I would like the Minister to consider seriously this particular amendment which I have tabled demanding that the Chairman should be a person with a judicial background.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I have listened very carefully to the arguments advanced by hon. members who have moved amendments to clause 5 which relates to the size and composition of the Press Council. I may mention that all the view points stressed have their own importance, because there is a case for everything. In fact, when we were discussing it in the Select Committee or when earlier I had discussions with various bodies of journalists and others the size of the Council has been a major constraint. Originally it used to be 27. Now it has become 29. Two M.P.s. have been added. There has been a demand from all sections—language press, editors and working journalists—all of them pressing for greater representation. We felt that on the whole this size of 29 should be maintained. It should not exceed. Otherwise it would become too unwieldy. For example, the suggestion given by Mr. Banatwala. So far as the last point made by Mr. Venkataraman and Mr. Borole is concerned, I would only say that the functions of this Council are in a large measure quasi-judicial and therefore, this point had to be borne in mind. But the Select Committee felt that it would not be proper to write this down into the law and make it possible for a choice of the Chairman who may not be a judge, but who is an outstanding man and who can be expected to perform his role properly. So without ruling out anything, the point that has been made will be borne in mind.

15.30 hrs.

MOTION RE: INCREASING PLAY OF MONEY POWER IN ELECTIONS
—Contd.

MR. CHAIRMAN: Now we will take up further consideration of the motion moved by Mr. Unnikrishnan on 29th August. Mr. Stephen, the Leader of the Opposition, may speak.

SHRI C. M. STEPHEN (Idukki): Madam Chairman, going through this motion and the contents of this motion, initially I want to make one or two observations.

It makes an assertion that the money power in elections poses a grave threat to the future of parliamentary democracy. I do not entirely agree with that postulation. Of course, it is some danger to the proper functioning of democracy, but I would like to point out that as emphasised by Mr. Samar Mukherjee yesterday, our people and our democracy have come up to a particular stage in which they have repeatedly proved that attempts to influence election by money need not always be successful, mostly it is unsuccessful. There is that measure of maturity among our people. An analysis of the election results would certainly indicate that. But much more than that, the danger of democracy is the ineffectiveness of the institutions that are created by the parliamentary processes. If the Parliament is not able to discharge its functions fully, if the Government is not redeeming its pledges to the people and if the Parliament as representative of the people fails to get the Government account for its failures and if, cumulatively, a measure of frustration results among the people, then the confidence of the people in the integrity and effectiveness of the institutions will go, and there lies the danger to parliamentary democracy. It is, therefore, necessary whenever the Parliament meets that the Parliament gets concerned with the vital issues