

[Shri Shyamnandan Mishra]

me after seeing the rifles of the gangsters that he would have been happier if the bullets pierced his heart instead of destroying democracy. The Election Commission was also informed of the ballot boxes having been taken out at an unauthorised place at the district headquarters and tampered with. The evidences supporting this were preserved for some time for inspection by the Election Commission but nobody turned up to look into the complaint. At one booth, Katari, in this very constituency the polling was completed by the gangsters of a local MLA by 7.30 A.M. when the polling starts and, ultimately, a repoll had to be ordered. Altogether, nearly 150 booths were captured in this Parliamentary Constituency. In the adjacent Ballia constituency the situation was so bad that six persons lost their lives as a result of shooting and bomb explosion.

Two candidates of the Jehanabad and Sitamarhi constituencies were arrested on the polling day because they were found terrorising the polling parties and voters with the help of unlicensed arms, bombs etc.

In Banka 15 to 20 booths were looted by the candidate opposed to the Janata Party. Trucks and vehicles were seized by the authorities in which were found unlicensed arms and bombs. One bomb manufactured by the supporters of a party candidate exploded and two of the supporters died, one instantly and the other in the hospital.

The other glaring instances are Dum Dum and Barrackpore in West Bengal, Amethi in Uttar Pradesh and many areas in Kerala. The situation in the Ferozpur Constituency of Punjab has figured in the press. But I will not refer to it as the matter is *sub judice*. There may be other pockets too.

All in all the malpractices included seizure of booths by antisocial gangs armed with lethal weapons, the ar-

rest of workers of opponents one or two days before poll, running away with the ballot boxes, the discrepancy between the votes polled as per records and the votes counted, the duplication of ballot papers on a large scale, taking out of ballot boxes at unauthorised places and tampering with them, and the making of major decisions and concessions to various interests by Governments which should function merely as a 'caretaker Government' during the elections.

It is necessary that the Government investigate these cases fully and take effective steps to prevent their recurrence in future.

12.45 hrs.

PARLIAMENTARY PROCEEDINGS  
 (PROTECTION OF PUBLICATION)  
 BILL

MR. SPEAKER: We will now proceed with Item No. 18.

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

"That the Bill to protect the publication of reports of proceedings of parliament, be taken into consideration".

At this stage, at the very outset, I have just a few remarks to make. During the period of Emergency there were three Statutes which curbed the freedom of the Press. The first one was the prevention of Publication of Objectional Matter Act; the second one was the repeal law repealing the publication of parliamentary proceedings immunity law, and the third one was the Press Council Act which was repealed. The first of these laws was repealed in this House yesterday, and today we are dealing with the second one. I would think there is no controversy whatsoever in this regard. In fact, the immunity in respect of coverage

of parliamentary proceedings was by virtue of the law enacted in 1956, which is one of the very few laws that have been sponsored by non-official Members. There are very few laws of this nature and the credit of sponsoring this law goes to late Shri Feroze Gandhi, who was a distinguished Member of this House. It was adopted by the Parliament in 1956. Up to 1976, for a period of about twenty years, I, personally, have known of not a single instance where this immunity was in any way abused by the members of the Press Corps. But a blanket allegation was made against them, against the entire Press community in the Statement of Objects and Reasons of the Bill that was moved by my predecessor Shri Vidyacharan Shukla. It was said at that time in the statement of Objects and Reasons:

"But actual experience proved that the privilege given by the Act was misused frequently and systematically. Many newspapers reported with impugny and often on the front page and with banner headlines such motivated and wrong charges levelled in the parliament against different persons as would have invoked the laws of the land. Because of the protection afforded by this law to the press the persons affected were deprived of the remedy the country's laws promised to vindicate their personal honour. The misuse of this privilege assumed extraordinary proportions during the last three years.

This was the rationale that was offered to parliament when this repeal Bill was mooted, which repeal Bill we now want to set aside and restore the original position. As I said yesterday, I totally disagree and my Government disagrees with the entire approach that if somebody from the opposite side makes an allegation against us . . .

SHRI K. LAKKAPPA (Turnkur): The previous Government also suggested that we should relax it because it was brought at the time of the Emergency.

SHRI L. K. ADVANI: I think I have made my point very clear. So far as the Emergency is concerned, the Defence of India Rules took complete consideration of what the press should do and there was no need for a Bill of this kind. There was no need for a Bill of the kind we repealed yesterday. These two Bills were intended to make the Emergency provisions a permanent part of our set-up. They were intended to institutionalise the draconian policies of the Executive during the Emergency and therefore I feel it imperative. . . .

SHRI K. LAKKAPPA: That was not the intention. The security of the country and the integrity of the country were the most important considerations at that time.

SHRI L. K. ADVANI: I may point out that even the earlier Bill as adopted by Parliament (i.e. Feroze Gandhi Bill) did not confer any blanket and absolute immunity on the press. There are limitations even on that privilege. We Members of Parliament in this House enjoy the privilege of making statements without fear of becoming liable for criminal and civil proceedings but, at the same time, if any statement made in the House is irresponsible or defamatory, the Chair has the right to expunge such phrases or to ask the Member concerned to withdraw his remarks. There are several provisions in the Rules of the House itself to act as an effective curb or check on any irresponsible and defamatory utterances.

Similarly, as I have said, this law itself provided, while bestowing immunity on the Press, for so many provisos—that the publication must be a substantially true and accurate report, that the publication must be

[Shri L. K. Advani]

for the public good, etc. It should not be with a view to blackmailing any one or with a view to seeking personal vendetta or anything of that kind. Thirdly, the publication must not be actuated by malice. These are specific phrases that the Feroze Gandhi Act provided for and which we, while moving this Bill, have put forth before you in their original form. There has been no change, there has been no departure of any kind from the original Bill.

Therefore, I commend it to the House with all the emphasis at my command, and I hope that, as the Bill which was adopted yesterday, this Bill also will be adopted unanimously.

MR. SPEAKER: Motion moved:

“That the Bill to protect the publication of reports of proceedings of Parliament, be taken into consideration.”

We have four more Bills. I do not know whether we will be able to finish them. Yesterday I prevented one or two Members from speaking, so that we could push through that Bill. Is Mr. Purnanarayan Sinha present in the House? I would like to give him a chance. Yesterday he was very unhappy: I could not call him, I would like to call him first.

SHRI PURNANARAYAN SINHA (Tezpur): Mr. Speaker, Sir, I come from a place on the India-China border, Tezpur which was threatened by Chinese aggression as far back as 1962. The then Prime Minister, Pandit Jawaharlal Nehru, said on the floor of this august House that his heart went out to the people of Assam at their hour of peril when on 20th November, 1962, Government had to evacuate the administration from Tezpur. The Local Government obeyed, but we refused and we tried to keep up the morale of the people. I come from that area.

(MR. DEPUTY-SPEAKER *in the Chair*).

I have the honour to say that I founded a newspaper 15 years ago, and I have been editing it—for the last 15 years. This is an independent paper; it is not affiliated to any political party . . .

AN HON MEMBER: You belong to a political party.

SHRI PURNANARAYAN SINHA: Of course, I do belong to the Janata Party, but I have never made my paper a party organ. It has been an independent paper. I have made a venture for self-employment of my two graduate sons; I asked them not to go in for a government job but to do a business of their own. I had started a small press and a small paper and have been running it for the last 15 years.

About 14 months back, I was detained by the Government for publishing a story about the pompous marriage of a Congressman. It was supposed to be an objectionable matter for the party in power and, therefore, I was put behind the bars. My sons were in charge of the press and were managing the paper in my absence. Never before have Government given any advertisement or newsprint quota to this paper. After 14 months of detention, I was released about the end of January when I contested the election and I have been fortunate enough to come to this House to put forward the difficulties of the people of Assam who have been neglected all these 25 or 30 years. There has been no development in that area. We have heard another hon. Member speaking about the difficulty in getting drinking water supply. For everything, for a bridge, for a university, for a refinery, for a road, for extension of the broad gauge railway line from Bongaigaon to Gauhati, for everything, the people of Assam have to organize agitations. Without agitation, the people of Assam have got nothing. For the refinery at Gauhati, the people of Assam agitated. We were

sent to jail for six months for making the demand before the Deputy Commissioner's office. Only thereafter we got a small refinery at Gauhati. The bigger one was given to Barauni in Bihar. Subsequently, one was however, installed at Bongaigaon.

Assam is connected to the rest of India by a forty mile corridor over the North Bengal area. For a broad gauge line, the people of Assam have been agitating for the last ten years. This is the position there. I come from such a backward area.

Now, I would tell you what happened about the press. For anything that we wanted to publish during the emergency, a Sub-Inspector of Police would be sitting in the press to censor that material. He may be barely a matriculate or who may not have any idea of the principles and science of censorship and national security, but all the same, he was there. I publish a story about the fact of a Congress MLA having celebrated a pompous marriage. My idea was to focus the attention of the people on the need of austerity. The result, however, was that I was detained because that was considered something objectionable. There has thus been a lot of repression of the press during the emergency. There are a few papers in our area and there are also a few lakhs of readers. We have not been able to bring about any development in this regard. On the top of that, there were so many restrictions.

I happened to see a small book published by DAVP about the freedom of press in India. It has been stated in that book that the freedom of press is ensured under Article 19 of the Constitution of India and that the Government have never interfered with the functioning of the press. Unfortunately, I have not brought that book with me today; I read it yesterday. As we know, during Emergency, there were a lot of restrictions on the press, but after the

elections were announced, the press has enjoyed a little freedom. Thus, during emergency, whatever is contained in Article 19 of the Constitution, was being violated.

Now, it is very good that the Janata Party Government has initiated action to repeal all those black laws. With these words, I support this Bill which is intended to restore the principles and objectives of the Feroze Gandhi Act.

SHRI J. RAMESHWAR RAO (Mah-boobnagar): Mr. Deputy-Speaker, Sir, I would like to make it clear at the outset that I am not opposing this Bill. But while protection is given for publication of parliamentary proceedings, this protection imposes an obligation and responsibility on the press of correct reporting. There should be no *suppressio veri* and *suggestio falsi*. While the Government should not censor press reporting of Parliament proceedings, the press or press owners should not censor or distort what is said by any member in the House. In reporting statements made by Members on the floor of the House, there should be no attempt to tear them out of context or deliberately to give a wrong twist or interpretation, otherwise it would be misusing this privilege.

To give only yesterday's example, I was quoted as having said that we would support all that the Prime Minister said in his broadcast. This gives a totally wrong impression. What I said was quite different. I said I agreed with what the Prime Minister said adding that there was nothing new he had said.

SHRI L. K ADVANI: Whose report was it?

SHRI J. RAMESHWAR RAO: All the papers.

We had all been saying the same things even when he was a member of the Congress Party and Deputy

[Shri J. Rameshwar Rao]

Prime Minister. Only implementation had been tardy. Now that he has changed his Congress Party label to Janata Party label, I hoped there would be implementation. Further I did say that freedom of the press was essential for survival of democracy. But I also said yellow journalism is a danger to democracy. The two do not go together. But the first part was reported and the second part omitted.

13 hrs.

I have sat here these ten days hearing the constant abuse of the Congress Party and my colleagues, from Government Benches. I know the hon. Members of the former Opposition who have been used to constantly abusing the Congress may find it difficult to adjust themselves to their new role of sitting on government Benches, but it is they who have to help maintain the dignity of the House. Surely, Mr. Deputy Speaker, we should not allow this House to degenerate into a House of Abuse. They are abusing us to their heart's content outside this House, and the Press is giving enough publicity to this abuse, but let us at least maintain the dignity and decorum of this House.

The other day there was a lecture by the hon. Prime Minister on 'non-violence, Satyagraha and the Gandhian Tradition.' He is not the only heir to the Gandhian Tradition. We are also heirs to the Gandhian tradition. My first interest in politics—I am sorry to be a little bit autobiographical—was roused in 1936, 1937 and 1938 through Netaji Subhas Chandra Bose and the controversy of his second election as Congress President and also by reading Jawaharlalji's autobiography. My Baptism of fire came during the 1942 movement under the inspiration of Jayaprakash Narayan. I consider him as one of the great men of this

country. Later I learnt practical political action at the feet of Mahatma Gandhi, and respect for human values like tolerance, freedom and liberalism working under Jawaharlal Nehru. Gandhi became real to me, in emotional and practical terms, in 1967 when I started organizing agricultural labour unions in my constituency when all the opposition parties, apart from my own Party, opposed my work. The only person who supported me was Shri Ram Manohar Lohia. Shri Ram Manohar Lohia published notes about my work in his journal *Mankind*.

The purpose of my saying all this is to emphasize that no one individual or group in this country can arrogate to himself or themselves the attitude of being the sole representative of the urges and aspirations of the people of India or the sole heir of any aspect of our complex national tradition. We are all heirs to a common tradition. We all represent the people of India.

The hon. Members of the Janata Party speak of their mandate. They are not yet a party. As of to-day they are still a coalition of parties. The Janata Party, I learn, is to be born on the 1st of May. I hope it will imbibe some of the traditions of the First of May. We too who have been elected also have a mandate from the people. If the mandate of those who occupy the Government benches comes from a region we also have a mandate from more than one region, in this large and diverse country. As to who has the real mandate of the people, only history will tell. But in a democracy one accepts the numbers as that is the only working arrangement possible.

The other day, the members opposite objected to my colleague, Shri Subramaniam, speaking of differences in the voting pattern in different part of the country. But when the Prime Minister gave an unasked for assurance to the south, I suppose we

are expected to be dutifully grateful. There must be some consistency somewhere.

So, Mr Deputy Speaker, let not the avalanche of abuse continue. I am surprised that an independent member like my friend Mr. Purushottam Mavalankar—he is not here at the moment—has also been infected with the contagion of abusing us. Let him think of his great father and the traditions set by him. Let him think of his great father's illustrious predecessor in office, Shri Vithalbai Patel, and the traditions laid down by him. I have great affection for Purushottam and it hurts me to find fault with him.

We, on this side of the House, have promised constructive co-operation and responsible functioning. We have not done so because we are weak or because we are defeated. We have done so because we want to set an example in functioning like a responsible and constructive opposition. But let me warn the members on the Government benches, please do not take us for granted. We can give constructive co-operation only when there is give and take from the Government benches also both in policies and programmes. I would like to request them not to try to drive us to the wall because we too can hit back. Let me also remind the members opposite—there are many amongst them who have skeletons in their cupboards—while Jayaprakash Narayan walks this country like a colossus, persons from Bihar had to come to terms with him for their very survival. Am I to believe that these actions were prompted by idealism?

Speaking about the Bill under discussion, there is just one lacuna. I wish to point out. I pointed this out to Shri Feroz Gandhi when he first introduced his Bill—I can say what I like in this House about anyone, even a person who is not a member of this House—things for which I may normally be sued for libel or defama-

tion, if I had said it outside this House—what I say in the House can be printed and published with impunity by the press under this Act and the person against whom things have been said has no remedy except to challenge me to come and say the same thing outside the House. In a country like India where what is reported in the press is generally considered true, especially if it is defamatory, great damage would have been done. How does Government propose to protect the innocent individual against his kind of blackmail? As I said earlier, I am not opposing this Bill. I wish to conclude by requesting the Government to give some thought on how best we can prevent the misuse of this privilege.

13.08 hrs.

*The Lok Sabha adjourned for Lunch till Fourteen of the Clock.*

*The Lok Sabha reassembled after Lunch at four minutes past Fourteen of the Clock.*

[MR. DEPUTY SPEAKER in the Chair]

PARLIAMENTARY PROCEEDINGS  
(PROTECTION OF PUBLICATION)  
BILL—Contd.

श्री लक्ष्मी नारायण नायक (खजुराहो) :  
माननीय उपाध्यक्ष महोदय, सूचना तथा प्रसारण मंत्री ने जो विधेयक यहां रखा है, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। इस देश में, जहां प्रजातन्त्र है, अपनी बाणी कहने की आजादी थी लेकिन इसी देश में कांग्रेसी हुकूमत द्वारा एक ऐसा काला कानून बनाया गया जिससे संसद में जो भी लोक सभा के सदस्य अपने विचार व्यक्त करते हैं, वह अखबारों में प्रकाशित नहीं हो सकते हैं। ऐसा काला कानून बनाकर देश के लिए बहुत ही आघात किया गया था।

उपाध्यक्ष महोदय, मैं आपके माध्यम से यह बात कहना चाहता हूँ कि इस सदन में जब भी कार्यवाही चलती है तो वैधानिक

[श्री लक्ष्मी नारायण नायक]

तरीके से जो भी सदस्य अपने विचार प्रकट करते हैं, अगर वह अनुचित होते हैं या गैर-वाजिब होते हैं तो आपके द्वारा और सदस्यों के द्वारा भी आपत्ति लगा दी जाती है। कभी-कभी सदस्यों को गलत और अशोभनीय बातें वापस भी लेनी पड़ती हैं, क्षमा याचना करनी पड़ती है या खेद प्रकट करना पड़ता है। यह लोक सभा की मर्यादा है।

लेकिन अपने शासन की रक्षा के लिए कांग्रेसी हुकूमत ने लोक सभा के सदस्यों द्वारा प्रकट किये गये विचारों के प्रकाशन पर भी पाबन्दी लगा दी। प्रजातन्त्र में ही अपने विचारों को व्यक्त करने की जो स्वतन्त्रता मिली थी, पिछले शासन ने उस स्वतन्त्रता को छीन लिया था। देश के सभी लोग यह जानना चाहते हैं कि लोक सभा में क्या कार्यवाही हो रही है और हमारे चुने हुए प्रतिनिधि किस तरह अपने विचार प्रकट करते हैं। समय-समय पर यहां कई महत्वपूर्ण प्रश्नों का निपटारा होता है और कई महत्वपूर्ण विधेयकों तथा संकल्पों पर विचार होता है, जिन का प्रकाशित होना बहुत जरूरी होता है। लेकिन कांग्रेसी हुकूमत ने यहां पर माननीय सदस्यों द्वारा व्यक्त किये गये विचारों को प्रकाशित करने पर पाबन्दी लगा दी। इस तरह उसने देश की जनता के अधिकारों पर एक कुठाराघात किया।

माननीय सदस्यों की भी यह आर्काक्षा होती है कि उनके द्वारा व्यक्त किये गये विचार न केवल देश में, बल्कि सारी दुनिया में, प्रसारित किये जायें, लेकिन पिछली सरकार ने इस पर पाबन्दी लगा दी। इसका स्पष्ट अर्थ यह है कि पिछली सरकार अपने कुकर्मों और अनुचित कार्यवाहियों पर पर्दा डालना चाहती थी। इमर्जेंसी के दौरान, जिसको लगाने की कोई आवश्यकता नहीं थी, अगर विरोधी पक्ष के नेता और माननीय सदस्य, या कांग्रेस के कुछ सदस्य, सरकार द्वारा की गई गलत कार्यवाहियों और दमन

की इस सदन में आलोचना करते थे, तो उन को समाचारपत्रों में प्रकाशित नहीं किया जा सकता था। इस प्रकार की बन्दिश लगा कर पिछली सरकार से समाचारपत्रों का मुंह बन्द कर दिया। यह बड़े सन्तोष की बात है कि अब जनता पार्टी की सरकार उस अनुचित पाबन्दी को समाप्त कर रही है।

मंत्री महोदय ने जो विधेयक पेश किया है, मैं उसका तहे दिल से स्वागत करता हूँ और सभी माननीय सदस्यों से निवेदन करता हूँ कि वे इस को अपना हार्दिक समर्थन देकर इस को पास करें।

SHRI VAYALAR RAVI (Chirayinkil): Mr. Deputy Speaker, Sir, I support this Bill. The Parliament is supreme. It is the supreme body of this country. It can not only define but also decide the fate of the nation. The people of this country must know what happens in Parliament so that they can judge the performance of their representative whom they have elected to Parliament.

The much lauded Bill introduced by the late veteran Feroze Gandhi had been moulded and the proceedings of this House had not been projected properly to the outside world. Now, who were helped in this process? It helped the monopoly houses, exploiters and the multi-nationals.

Mr. Deputy Speaker, Sir, this House has been constantly and all the time vigilant to see that such policies are followed as will encourage the public sector and restrict the growth of the monopolies. Sir, under the cover of the present law, which was introduced during the Emergency, the misdeeds or the offences committed by the monopoly houses could not be projected to the outside world although these issues were raised on the Floor of this House. As such, these monopoly houses could escape from the public criticism. I would like to admit that even questions sent to the

Parliament Secretariat in respect of monopoly houses had not been admitted all the time. I myself faced this difficulty.

Sir, this House had the privilege to expose the misdeeds of the monopoly houses, for example, Mundhra deal. The name of Shri H. M. Patel, the present Finance Minister, had figured in the Chagla Commission report concerning Mundhra deal. This House had deliberated extensively on the Mundhra deal. This subject had been brought before this House by late Shri Feroze Gandhi and many Ministers as well as officers—of which Mr. Patel is one—were exposed. So, Sir, I would like to submit that whatever we say in Parliament should be known to the people at large and they be given an opportunity to decide and make their own judgement.

In this connection I would also like to submit that during the Emergency many officers might have done certain things. There should not be any witch-hunting against such officers. These officers might have done these things under a certain political direction. You should not hang these officers for that. They will obey you also as they have to obey the political authority. If you go on persecuting the officers on every minor point then, I think, it will be harmful to you also as you will be demoralising the Administration. Now, take the example of 1947. At that time we knew the ICS officers were the collaborators with the British Raj. They had persecuted the freedom fighters beyond their capacity. Mr. Patel was also one of such ICS officers. I am not blaming Shri H. M. Patel but let him examine his own old position under British Raj. Later on he was associated with Mundhra deal.

But let him make an examination as to what happened and I hope being a Minister of the Cabinet rank he will not agree for a witch-hunting of the officers who have done something during the emergency. It is a

political decision. Thus I will make an appeal to the hon. Minister.

In this connection, I may also point out that on the earlier occasion hon. Members on this side drew the attention of the Government regarding the railway accident. Mr. Madhu Dandavate is a friend of mine, I am not blaming him. After the accident, we found a name in the newspaper, one Mr. Balakrishnan. The brother of another Member of this House, Mr. Kadanapalli Ramachandran is Mr. Balakrishnan who was expected to come by that train. They were a little panicky because it was shown in the list as 'Balakrishnan Kannanore'. Then I rank up Mr. Dandavate's office. The Minister was not available. So I talked to his Private Secretary who was there. I said, "It is a very serious matter that the brother of the hon. Member, Mr. Balakrishnan appeared in the paper. Do you have any information?" The next day, I found, to my regret, there was no information, no addresses of the people who were involved in the accident, who were killed or injured. The Railway Minister must have the facts before him when such a serious accident occurred in the southern part of the country and the relatives of the people—some of them are from our constituency—may ask us about it. Of course, I know Mr. Madhu Dandavate may be new to the Cabinet. It may be his initial error, he may correct it later on. But to my surprise the hon. Minister....

SHRI S. KUNDU (Balasore): When did the accident occur?

SHRI VAYALAR RAVI: Last week.

DR. HENRY AUSTIN (Ernakulam): Even the hon. Members do not know about the accident. 30 people met with a very serious accident. It is a West Coast Railway accident.

SHRI VAYALAR RAVI: I am telling the importance of what I am speaking about in the House. I am only pointing out this kind of thing be-

[Shri Vayalar Ravi]

cause I have to bring this to the notice of the House. Let the Ministers correct themselves.

Sir, when the earlier accidents occurred Shri Mohd. Shafi Qureshi, the then Railway Minister, knew what was happening and he used to rush to the House and inform. I am sorry my friend, Mr. Madhu Dandavate could not find time to visit the people who were serious in the hospital. Of course, they have got a massive mandate.

SHRI MADHU LIMAYE (Banka): This is not very relevant to the subject...

SHRI VAYALAR RAVI: I am glad that senses came to Mr. Madhu Limaye. Lastly, I should say there is a proverb in Malayalam: '*Puthan achi theru perukum*'. That means, the new bride cleaning the house and also the surroundings. This government coming with all new proposals and all through with enthusiasm announcing every day, this is all like the new bride. But the thing is, they have got a massive mandate, yet there was rigging of the election. The whole purpose of my speaking in the House is because they think they get a good propaganda. But on rigging of election we never spoke of it. We accepted the defeat. We have been defeated in this part of the country. But we never said as a propaganda that there was rigging. (Interruptions)

I have got a paper with me. I am prepared to produce that paper. In my election I have seen a postal ballot sent by a military officer containing an appeal from the Marxist Communist Party's candidate. It has been sealed and sent and I sent a complaint to the Election Commissioner. I have got that Communist appeal with me. It is printed in red. In my constituency I had to ask two polling officers to get out. Two ballot papers were given—one was the Assembly one and the other was that of Parliament. In my constituency 7,000 blank ballot papers appeared and in Palghat where we

captured a seat of veteran leader, Mr. Gopalan....

SHRI JYOTIRMOY BOSU: On a point of order. It should have some relevance to the subject he is discussing.

SHRI VAYALAR RAVI: I am saying that this is relevant because the whole intention of the government was that this forum should not be used for political propaganda.

AN HON. MEMBER: What are you doing?

SHRI VAYALAR RAVI: You have done that; you are doing the same thing that is what I am saying. In this House itself there was a lot of criticism. I am not saying that it should be used for political propaganda. See the whole history of Parliament. It was welcomed by the people; it has been praised by the people and it has been useful to the people. They speak about Jayaprakash Narain. I have nothing personal against him. He said that the RSS should be banned immediately after the murder of Mahatma Gandhi.

SHRI GAURI SHANKAR RAI (Ghazipur): On a point of order.

Mr. Deputy-Speaker is this relevant to the Bill. There must be the remotest sense of proportion.

MR. DEPUTY-SPEAKER: I will take care of that. Most Members are not adhering to that principle; it cuts both ways.

SHRI S. KUNDU: On a point of order. You will be pleased to permit me to make a request to the hon. Minister Advani that he could move an amendment to the Bill that only relevant portions of the speech can be published.... (Interruptions).

MR. DEPUTY-SPEAKER: Order, order. It is not a point of order.

SHRI VAYALAR RAVI: When the hon. Member there was speaking he was abusing the former Prime Minister Indira Gandhi and the former government... (Interruptions) I agree; I am only sorry that J. P. has changed his stand on the banning of the RSS; he is absolving those people now, who are now in the Janata Party. One of the constituents of the Janata Party, the Jan Sangh has not expressed any regret for what happened in 1948 namely, the murder of Mahatma Gandhi. J. P. wanted to ban the RSS in 1948; he has changed and he is now defending the RSS.... (Interruptions).

I am saying that this Bill is good for the country and people must know what is happening in the House. I welcome the Hon-Minister's attitude to this matter and I congratulate him on that.

श्री केशवराय धोंडगे (भा.रे.ड.) : जनता डिप्टी स्पीकर साहब, यह बिल जो यहां पर पेश हुआ है, उसके बारे में मैं मिनिस्टर साहब का शुक्रिया अदा करने के लिए खड़ा हुआ हूं। हिन्दुस्तान के अन्दर हम जम्हूरियत की बात करते हैं, लेकिन 30 साल की आजादी के बाद जम्हूरियत को जिस तरह से जिवह किया गया है, मैं समझता हूं दुनिया में ऐसी मिसाल नहीं मिलेगी। लिहाजा जो बिल इस वक्त आपके सामने पेश है, वह जम्हूरियत की इज्जत है, आम पब्लिक की शान है और जनता पार्टी और दूसरी सारी पार्टियों की कामयाबी का तोहफा है—अगर मैं ऐसा कहूँ तो यह गलत नहीं होगा। हम लोग जो यहां पर आये हैं, कोई गलत बात कहने के लिए नहीं आये हैं और अगर कोई गलत बात कहते हैं तो आप हीं मौजूद हैं और पार्लियामेंट के कानून है। पिछले दिनों में पार्लियामेंट के सुप्रिम होने के बजूद भी पार्लियामेंट का मुंह बन्द किया जा रहा था। हम लोगों के नूमाइन्दे यहां होने के बावजूद भी हमको खुल्लम-

खुल्ला नुक्ताचीनी करने का हक नहीं था, हमको गुंगा बना दिया गया था। लिहाजा, इस दुनिया के अन्दर, इस राज के अन्दर, इस मुल्क के अन्दर असेम्बली गुंगी की जाती है। जेरे ख्याल से यह जम्हूरियत नहीं है, यह जम्हूरियत का मुर्दा है। उस मुर्दे को जिन्दा बना कर यह बिल लाया गया है। मैं इसका अनुमोदन करता हूं। सदर साहब, इस बात के लिए हम गवर्नमेंट की जितनी तारीफ करें कम है।

मैं बीस साल तक असेम्बली का मैम्बर रह चुका हूं। अगर हम कुछ छपवाना चाहते हैं तो छपवा नहीं सकते थे। अगर इसकी कोशिश की जाती थी तो हम पर जुर्मा लग दिया जाता था, हम पर जुर्माना कर दिया जाता था। मैं "जनक्रांति" साप्ताहिक का एडीटर हूं। मुझे भी डिटेन किया गया। दस-बारह महीने तक मैं जेल में रहा। उसके बाद जब मैं असेम्बली में हाजिर हुआ। मैं अपनी हाजिरी के बारे में कहना चाहता था, यह कहना चाहता था कि मैं छूट गया हूं वह भी मैं नहीं कह सका। हम लोगों की मुश्किल बात बयान करना चाहते थे लेकिन हुकूमत ने हमें वह भी बयान करने की इजाजत नहीं दी। हमें यह नहीं कहने दिया गया कि हम मर चुके हैं कि जिन्दा हैं। लेकिन हम जिन्दा रहे। हम में आजादी की लगन लगी हुई थी लेकिन हम इस आजाद मुल्क की खिदमत नहीं कर सकते थे, सदर साहब, यह कौन-सा जनतंत्र है ?

सदर साहब, जयप्रकाश नारायण को बदनाम किया जाता है कि वह अधिनायक-शाही की बात बोलता है, वह मिलिट्री के बारे में बोलता है, इस देश से देश में एमर्जेंसी आयी है। मैंने असेम्बली में कहा था कि कौन कहता है कि जयप्रकाश जी को बजह से एमर्जेंसी आयी, इसके लिए जयप्रकाश जी जिम्मेदार नहीं है। कोई कहता है कि इसने

[श्री केशवराव धोंडगे]

लिए हमारे हिन्दुस्तानी जिम्मेदार है, गुजरात के सारे लोग जिम्मेदार हैं। वे ऐसा फैसला नहीं करते तो एमरजेंसी नहीं आती। सिन्हा साहब की वजह से हम एमरजेंसी लाए हैं। कोई कहता है कि हम पब्लिक के लोग, आर०एस०एस० के लोग, किसान मजदूर पार्टी के लोग इसके लिए जिम्मेदार हैं। इस के लिए राजनारायण जी जिम्मेदार हैं। अगर वे इलैक्शन पिटीशन नहीं करते तो उनकी जीत नहीं हानी। सिन्हा साहब ने कहा कि इस के लिए प्राइम मिनिस्टर जिम्मेदार हैं, अगर वे चुनाव में खड़ी नहीं होतीं तो ऐसा नहीं होता। इसके लिए जयप्रकाश जी जिम्मेदार नहीं हैं, राजनारायण जी जिम्मेदार नहीं हैं। मैंने असेम्बली में कहा कि इसके लिए राजा राममोहन राय जिम्मेदार हैं। . . . मुझ से कहा गया कि एमरजेंसी का राजा मोहन राय से क्या ताल्लुक है, उन्हें तो मरे हुए सौ साल हो गए? अगर वह नहीं होते तो यह सती की रस्म बन्द नहीं होती। अगर सती की रस्म बन्द नहीं होती तो यह एमरजेंसी नहीं आती।

जो चीज मैंने असेम्बली में कही, वह बाहर नहीं आ सकती थी। यह कौनसी आजादी है? आप आजादी के खास पैगम्बर बनते हैं, जम्हूरियत के खास पैगम्बर बनते हैं। इसके बावजूद जो हम इस पार्लियामेंट में, असेम्बली में बात करते हैं वह शायी नहीं हो सकती। आप महिलाओं को बात करते हैं और उनके लिए आव्रज उठाने वालों को आप जेल में डालते हैं। इस चीज के लिए तो आपका आजादी थी, मगर जम्हूरियत को बचाने के लिए अगर कोई नुमाइन्दा कुछ कहता था तो उसको शाय करने की उसको आजादी नहीं थी।

लिहाजा मैं हिन्दुस्तान की जनता का और बहादुर मतदाताओं का शुक्रिया अदा करता

हूँ कि उसने चुनाव के अन्दर बता दिया कि दुनिया की कोई ताकत लोगों को गुलाम नहीं कर सकती, दुनिया की कोई ताकत, दुनिया का कोई डिक्टेटर हमको आजाद रहने से नहीं रोक सकता। हम इंसान हैं, इंसानों की हैसियत से जिन्दा रहना चाहते हैं। जनता ने जनता पार्टी को जिता कर उन सारे कलेकानूनों को ठुकरा दिया। इसके बावजूद आप कहते हैं यह कानून ठीक था। दूसरी तरफ आप जनता की बात करते हैं, जम्हूरियत की बात करते हैं। पार्लियामेंट जनता की सुप्रीम बाडी है। लिहाजा यहां पर हम जो बात कहते हैं वह बात जनता को मालूम होनी चाहिए। जनता को बेवकूफ समझ कर राज करने का अब जमाना नहीं रहा। लिहाजा जो बिल लाया गया है उसका ताईद करके मैं आपका शुक्रिया अदा करता हूँ।

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, we heard with interest the speech of Shri Vayalar Ravi who has got back his freedom to speak, though of course, he was talking with his tongue in his cheek. The only thing he has not explained is why he supported so strongly the Bill which was brought to commit an outrage on parliamentary democracy in this country. We are glad that another atrocity which was committed against the democratic set-up in this country is being nullified today, like the Bill we passed yesterday.

The previous Government, being afraid of exposure of their misdeeds and being sensitive to even constructive criticism made in this House tried to create a hiatus between the Parliament and the people. They wanted to ring down a curtain between the people's representatives and the people so that what was done here would not reach the people. All the cherished principles were repudiated with a vengeance to consolidate the position of an individual and a family. All norms of a democratic way of life were polluted in this country to

bolster up a make-believe situation to justify their perversion, namely, the so-called emergency. They repudiated Jawaharlal Nehru when they took away the freedom of the press and brought forward the most Draconian preventive detention law in this country. No wonder they repudiated Feroze Gandhi by nullifying his greatest contribution towards the development of parliamentary democracy in this country and sustenance of the freedom of speech. When the Bill was considered in this House in 1956, the then Law Minister, Mr. Pataskar, said:

"I think this is a very good Bill with a very good objective. I commend the effort of my friend, Shri Feroze Gandhi, who has so ably put forward the Bill of such an important nature. I commend this to the acceptance of this House and I really appreciate the efforts he has put into a very right and important Bill."

That support which was given to Feroze Gandhi's Bill was withdrawn, not surprisingly because the Congress of 1976 was much different from the Congress of 1956. They had strayed from the path of democratic process and devalued all norms of democratic life in this country. One thing we used to hear so many times during the last House was that the Parliament was supreme. Parliamentary supremacy was sought to be made clear by the way they were exercising the powers which the people had given to them. They justified all the Draconian laws on the basis of the 'massive mandate' which they always reminded us during the last House, they had received. But how they misused the powers which they had received from the people! This Parliament was made a rubber-stamp Parliament, I repeat. They came back to the House in 1971 with the slogan of 'garibi hatao'. The first thing they removed in 1971 was the personal liberty of this country by passing that

black law called MISA. The Parliament became their hand-maid. All sorts of Draconian laws like the Election Law Amendment Act, 42nd Constitution Amendment, Additional Enrolments Act, Press Laws etc. were put in the Ninth Schedule, knowing that they were unconstitutional and would be struck down if challenged before the courts. This was all done in the name of maintaining parliamentary supremacy in this country! Parliamentary supremacy according to them was the supremacy of an individual whose election must be upheld at all costs! When everything was sought to be done in the name of the people, they really hoodwinked the people because the people were their real target. The people lost their freedom and liberty. The people's representatives lost their freedom to speak. That was the way they gave lip sympathy to the concept of parliamentary supremacy. Today we have seen the Leader of the Opposition who has said openly that they will oppose the Constitution (Amendment) Bill which has been introduced in the House today. They want to perpetuate their illegal rule in different States by extending the mandate which the people had given them in 1971. From five years, they have raised it to six years. Now, they are afraid of facing the people. Today, they want to take shelter under that illegal, unconstitutional bill which was bulldozed through this House taking the advantage of people like Mr. Vayalar Ravi, our good friend, who is now talking so much eloquently about the freedom of the press and the Feroze Gandhi Act. The only thing they have not explained is that why they have shown cowardice during that period. If they had any sense of loyalty to the Constitution and any sense of loyalty to the people who had elected them, they would have opposed that. They had lost their sense and they had lost their conscience to a person who had acted as a political marauder in this country during the last 20 months.

[Shri Somnath Chatterjee]

Feroze Gandhi while piloting the Bill had said that the people have a right to know what their chosen representatives say and do. The people of the country have the minimum right to know what their representatives are doing, whether they are justifying the confidence reposed in them, whether they are putting forth before the Government the real issues before the country and whether their hopes and aspirations are reflected through their representatives or not. That dialogue was stopped and that source of information was dried up by the previous Government which have no courage to face the people now. They repudiated Jawaharlal Nehru; to them Feroze Gandhi was much lesser a man. The public conduct of every public man in a matter of public concern. Therefore, we are accountable to the people and how do we make the people know except through newspapers and mass media?

One thing ought to be remembered that the Feroze Gandhi Act did not give immunity or unwarranted liberty to the press. There has been complete misapprehension when they say that by this Act the press people are getting complete immunity; they are getting a free licence to print whatever they like, this is absolutely misleading. The statute only extended to publishers of parliamentary proceedings a qualified privilege and not an absolute privilege. The report must be substantially true and publication must be for the public good and made without malice. To claim immunity a report must satisfy all these three tests which have been laid in the law. But see the anomaly that was created. Under Article 105(2) of the Constitution what we say in this House is our privilege but what we say, if that is published, is not a privilege. Therefore, what was the necessary corollary of 105(2) of the Constitution, namely, immunity given to Members of the House, was not being

extended in a practical sense to make it effective privilege and effective immunity.

During the last debate, Shri Shukla, guilty of dishonourable conduct tried to justify that draconian law, the repealing Act by saying: "This Bill is meant to uphold the honour of this House and the honour of the Members of this House and also the honour of the citizens of the country by removing unwarranted immunity and privilege given to editors, printers, publishers of newspapers who can malign you in any manner they like." Persons guilty of dishonourable conduct who had perverted all notions of honour in this country were talking of the honour of the citizens and honour of the Members of this House. The immunity was not necessary for the Press or the Members as such. What they wanted was an immunity from the exposure of the misdeeds of the last Government and its Ministers. They wanted that those thing should not go to the people and reach the people. The immunity was sought for corrupt, inefficient and sycophant Ministers and the Queen Empress. That was the immunity which they wanted. They deliberately misled and gave a wrong and misleading picture to the people of this country and bulldozed that black law through this House, with the active support of friends like Mr. Vayalar Ravi. This is a House of the people. We are here because of the people. We cannot operate in isolation, cut away from the people. We are thought to be the people's mouth-piece, whether Mr. Lakkappa likes it or not. By gagging the proper publication of the parliamentary proceeding, the previous government really gagged the people of this country. The dialogue was lost. That is why we feel that the present repealing bill which has been brought to revive the Feroze Gandhi Act is a very welcome bill. And we always knew, we believe and we have found that generally, the Press in this

country has behaved with responsibility. Mr. Ravi has not been able to point out, nor the Members on the other side have been able to point out, any act or any publication which was protected as a result of the Feroze Gandhi Act. The laws of this country are sufficient to deal with any erring journals or any erring reporter. Certainly, such draconian laws are not necessary to deal with the publication of that kind. I support the bill. I only wish that the support from the other side was a sincere one. For the time being, they have realized that it is necessary to support this repealing bill. But the performance today of the Leader of the Opposition shows that they have not changed very much. They are out to declare a war on the people.

MR. DEPUTY-SPEAKER: There is no time allowed for this Bill. I suppose we have to finish this Bill today. There are 4 Bills, 2 Resolutions and 2 Discussions. I do not see how we can go through all of them, with people going on sending chits that they want to speak. I have received at least a dozen names, apart from those submitted by the Whips. I think we can fix a time for this Bill.

SHRI K. RAGHU RAMAIAH (Guntur): You can fix any time; we will cooperate. But we are not sitting beyond 6 p.m.

MR. DEPUTY-SPEAKER: It is up to the House. Shall we fix a time for this bill? We have already spent 40 minutes on this.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I think we should complete this by 3 p.m.

SHRI SOUGATA ROY (Barrackpore): Yesterday we from the Opposition raised a demand that the bill be passed yesterday itself. The Minister of information and Broadcasting then was particular that the discussion may be continued, so that the Opposition party can be castigated.

SHRI L. K. ADVANI: I said so yesterday, because some Members were insisting that they would speak.

MR. DEPUTY SPEAKER: Now I feel that with chits coming from so many Members that they would like to speak, it will be difficult. I think we can conclude at 3-30 p.m.

SHRI C. M. STEPHEN (Idukki): Mr. Deputy-Speaker, if I am joining in this debate, it is purely to put in focus certain important aspects concerning parliamentary proceedings. It appears there is a feeling, or there is an impression, that conventionally it has been a part of the privilege of the House of Commons, or of this Parliament, that the publication of whatever has taken place in Parliament has immunity. I would like to emphasize for whatever purpose it be that that is not the case. If you go through the history of the development of privilege and the publication of parliamentary proceedings, you will find that in the initial stages, coming up to the beginning of the 20th century, the early part of the 20th century, the stand of the House of Commons has always been that the publication of the speeches and the proceedings of the House is a breach of privilege, not the non-publication. The House of Commons has been repeatedly passing resolution forbidding the publication and warning that the publication of the proceedings would be a breach of privilege. It was only in 1909 by an Act of Parliament the position was changed... (Interruptions) What I am saying is a historical fact which Shri Advani is corroborating. It is only later, finding that this prohibition of the publication of parliamentary proceedings will not be in the interest of the public good, may be, that the Parliament came out with an Act, permitting its publication, apart from the further law which protected such publication. What I am saying is, from the parliamentary point of view, the Mother of Parliament has been taking this view for

[Shri C. M. Stephen]

several years, may be for reasons obtaining at that time, that the publication of proceedings is not a privilege. Anyway, that was the old position which has no relevance today, when the publication is freely allowed, it is even televised. So, we have now come to that particular stage. What I am saying is the old story. I am only saying that let us not get away with the idea that it is an elementary principle. It is one thing that is good and it is another thing whether it is a matter of privilege. I am only saying that it is not a part of the parliamentary privilege that the proceedings be published. It may be that from the point of view of the common good it must be published; may, or may not be, opinions can differ.

Now, coming to this Bill, it seeks to protect certain things which previously, had it not been for this Bill, would be actionable. Let us see what exactly is that area where this protection is required. It comes under the law of libel, slander and all that, it comes under the law of defamation. What exactly is that category of things which need special protection?

Let us look to the penal law, the Penal Code. What are the items of defamation? Section 499 is there. There are many sections and some exceptions have also been mentioned. For instance, it is not a defamation to impute anything which is true concerning any person, if it be for the public good. Now the Bill before us says that even if it is not true, whatever it be, it can have protection only if it is for public good; not otherwise. Even if you pass this Bill, not any publication gets protection; you get protection only if it is for public good. So, the first exception is that it must be true and it must be for public good, in which case it is no defamation. The second exception is that it is no defamation to express in

good faith any opinion whatever about a public servant, in his conduct as a public servant. You can attack any public servant. It need not necessarily be true, it will still not be defamatory. For the publication of that no special protection is necessary. Thirdly, it is not defamation to express in good faith any opinion whatever in the conduct of any person touching any public question. Therefore, so far as a public servant is concerned, you can criticise him and no special protection is necessary. It is not defamatory, even if your criticism happens to be untrue. So far as a non-public servant is concerned, you can criticise him on his behaviour with respect to public questions. There also it is not defamation. It may be defamatory in the literal sense, but not in the legal sense, and no special protection is necessary.

Again, according to section 499, you can criticise a public judgment, it is not defamatory.

So, what exactly is the class of cases which needs special protection? This is the point that I want to emphasize, to which I want to draw the attention of the House.

The class of cases which needs special protection is not attack against a public servant, is not attack on a politician on a question of public importance, but on a person who does not come under any of these classes, an unfortunate fellow against whom you may be making some statement. If that statement is true then also it is protected. If it is untrue, then alone special protection becomes necessary.

Therefore, the point is; is it to be a part of the privilege of this House that you attack a private citizen who has nothing to do with public conduct, who is not a public servant at all and attack him with allegations which are untrue, which are proved to be untrue, and you carry on that attack?

**SHRI S. KUNDU:** Who proved it?

**SHRI C. M. STEPHEN:** Which is substantially untrue. If it is true, you are safe, it is not defamatory. If it is untrue, then alone it becomes defamatory.

**SHRI S. KUNDU:** It cannot be.

**SHRI C. M. STEPHEN:** If the attack is against a non-politician, a non-public man, if the attack is against a non-Government servant, non-public servant, if the attack is against a private individual and the allegation is not true, then the publication becomes actionable, coming within the definition of section 499. That alone needs protection.

The simple question I am putting before the House is; is that sort of allegation to be encouraged? I would beseech Mr. Advani to point out a case other than that which I have mentioned for the publication of which special protection is necessary. This is the only case as far as my information goes.

Therefore, because there is a Parliament here, because we have immunity here, you can make an attack, nobody stands in the way, and that can go into the publication of this Parliament, but if it goes into the newspapers, what is the protection of that individual? That individual has absolutely no protection, there is no action which he can take. Is that the state of affairs to be permitted? Is that to be encouraged? Is that contributory to the common weal? That is the simple question that I am putting forward. I am inviting your attention to rule 353 of our Rules of Procedure.

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply."

In my experience, and I hope I will be sustained by the other Members of this House this provision is as good as dead. If you want to make an attack against a non-entity who does not come under the categories I have mentioned, the rule says that you should give notice to the Speaker and the Minister concerned about the allegation that you are going to make about that non-entity. What is the investigation that the Minister is going to make, how is he interested in replying to it, how is the individual to be protected? The only protection is the Petitions Committee. The Committee investigates, the thing is filed, nobody cares to publish it because it is after a year or so, and no further proceedings are available to us. When we pass this Bill, I want to urge the feelings of a large number of people who may come in for malignment. We are 542 Members here. How many of us are indulging in that sort of thing? I can point out one or two; not more than that, who are specialising in this sort of blackmail and you want to give him protection. You are not concerned about the common man, the public man, the public concern maligned on the Floor of this House and that malignment campaign getting round with the result that that man is 'murdered' in the public. What I wish to emphasise is that you pass this Bill in all good faith, but I do not understand what public interest is served.

You should take care about other cases also. You should think of certain provisions to protect the other persons also, and if necessary, the Rules of Procedure may be amended. If a petition comes before the Committee on Petitions, that matter may be published and that may get much publication than the previous one. Let us protect the common man and the simple man of this country who is now being brought under malignment campaign for no fault of his own. For another purpose, *prima*

[Shri C. M. Stephen]

*facie*, there is nothing objectionable thing about this Bill. But, according to me, this is a mischief that can creep in against him behind the cover for which some protective measures are called for.

डा० राम जी सिंह (भागलपुर) :

उपाध्यक्ष महोदय, हमारे प्रतिपक्ष के मित्रगण भी यह साहस नहीं कर सके कि जो हमारी स्वतंत्रता के सम्बन्ध में आघात हुआ था उसका वे विरोध करते। जिस विधेयक का प्रावधान और जिसकी प्रेरणा श्री फीरोज गांधी द्वारा हुई थी उसको न्यस्त कर दिया गया। उसका इमर्जेंसी से कोई सम्बन्ध नहीं था। वह संविधान की एक स्वतंत्र धारा में अनुबन्ध हो गया था। यह बिल जिसको हमारे सामने न्यस्त किया जा रहा है, अगर वह रहता तो उससे केवल समाचार पत्र की स्वतंत्रता पर ही आघात नहीं होता बल्कि सदन के सां दों की स्वतंत्रता पर भी आघात होता। सबसे बड़ा आघात जो होता वह यह कि सत्य प्रकट नहीं हो सकता था। यह सदन न तो आप का है और न मेरा है बल्कि यह सदन भारत वर्ष की 62 करोड़ जनता का है और इसलिए हम यहां जो बोलते हैं वह जनता के सामने जाना चाहिए। इस बीच जनता और सदन के बीच में जो दीवार खड़ी करने का दुष्कर और षडयंत्र किया गया, आज बहुत खुशी है कि आपके सहयोग से उसको हम न्यस्त कर रहे हैं। अभी आपके सामने कहा गया कि ब्रिटिश पार्लियामेंट में भी ऐसी बात नहीं थी। यह सौभाग्य की बात है कि ब्रिटिश पार्लियामेंट में भी एक स्वतंत्र सदस्य ने ही यह प्रश्न उठाया था और भारतीय संसद में भी एक स्वतंत्र सदस्य श्री फीरोज गांधी—ने इस प्रश्न को उठाया था। इस के सम्बन्ध में कई आरोप लगाये जाते हैं—यह कहा जाता है कि यहां हम लोग जो कुछ बोलते हैं उसको सही-सही अखबारों में नहीं छापा जाता है। हमारे दो मित्रों

ने कुछ उद्धरण भी दिये। लेकिन अभी हमारे मित्र चैटर्जी साहब ने बतलाया कि इस की धारा 3, उपधारा 2 में तीन बातों का उल्लेख है—जो भी रिपोर्ट पब्लिश की जाय वह सन्सटेंशली ट्रू हो। यहां पर हम देखते हैं कि एक शब्द भी गलत नहीं होता है और उस के बाद शुद्धि करने के लिये भी दिया जाता है। इस लिये इस में कोई गलत बात होने की गुंजाइश ही नहीं है। इस में एक बात यह भी है कि किसी प्रकार का पूर्वाग्रह नहीं है। जब इतनी बात है तब इस सदन की कार्यवाही हमारे अखबारों में न आये—यह उचित नहीं है। उपाध्यक्ष महोदय, हम जो भारतवर्ष के प्रतिनिधि यहां पर बैठे हैं और जो सोचते हैं कि हमारा जो चिन्तन होता है, वह हमारी जनता के पास जाना चाहिये—पिछले कानून से वह सम्भव नहीं हो पा रहा था। अब जनता के पास सही स्थिति पहुंच सकेगी।

15 hrs.

हमारे प्रतिपक्ष के एक मित्र ने बतलाया कि जो अनुपस्थित लोग हैं, उनके विषय में जो आरोप लगाये जाते हैं, उनका डिफेन्स लेने वाला यहां कोई नहीं होता है। उपाध्यक्ष महोदय, हमें सोचना चाहिये कि प्रत्येक व्यक्ति का सार्वजनिक जीवन में अपना व्यक्तित्व होता है, उसका व्यक्तित्व एक दर्पण के समान होता है। सार्वजनिक जीवन का कोई भी व्यक्ति अगर यह सोचे कि हम घटाटोप में रहे तो ऐसा नहीं हो सकता है। उस का जीवन पारदर्शी-दर्पण के समान चमकना चाहिये। इस लिये सचमुच में हमारे सामने ऐसी कोई बात नहीं है।

जब पुराने बिल पर पिछली लोक सभा में विचार हो रहा था, उस समय हमारे पिछले मंत्री ने कहा था कि हमारे मौदी साहब सी. आई. ए. के एजेंट है या

के० जी० बी० के एजेन्ट हैं—मैं ऐसा समझता हूँ कि ऐसी भ्रामक बातें कहने से जनता पर कोई असर नहीं पड़ता है। जब भारतवर्ष का जनतन्त्र इतना परिपक्व हो रहा है कि वह इस तानाशाही को हटा सकता है तो वह इस प्रकार के भ्रामक सत्य और झूठ में भी विभेद कर सकता है कि मोदी साहब सी आई ए० के एजेन्ट हैं या के जी बी० के एजेन्ट हैं।

अध्यक्ष महोदय, हिन्दुस्तान के प्रैस के सम्बन्ध में कहा गया है कि गैर-जवाबदेह हैं। मैं कहना चाहता हूँ कि आप थोड़ा प्रैस कमीशन की एन्क्वायरी रिपोर्ट को पढ़िये—उस से आप को सब कुछ स्पष्ट हो जायगा। उस में बताया गया है कि सचमुच में भारत वर्ष का प्रैस समूची दुनिया में अधिक-से अधिक उत्तरदायी प्रैस रहा है। इस लिये प्रैस की स्वतंत्रता पर आघात करना देश की स्वतंत्रता पर आघात करना होगा। यहां पर कहा गया कि यह बिल तुरन्त नहीं आया था। लेकिन अभी एक माननीय सदस्य ने कहा कि ब्रिटिश पार्लियामेंट में भी बहुत दिनों के बाद आया था। यहां भी यह बिल एकाएक नहीं आया था, इस के पीछे कुछ पृष्ठभूमि है—1956 में पी० टी० आई० ने मोदीनगर की बेज के बारे में बहुत कुछ लिखा था, नेहरू जी ने सावरकर के विषय में बहुत कुछ कहा था, फीरोजगांधी जी ने आर० के० डालमिया पर बहुत से आरोप लगाये थे—लेकिन इन सब बातों को छापने की अखबारों की हिम्मत नहीं हुई थी। अभी चन्द प्यारे लाल के बारे में बहुत सी बातें रिपोर्ट में आईं लेकिन वे भी अखबारों में पूरी तरह से छप नहीं सकीं इस लिये इस कानून की जरूरत पड़ी। उपाध्यक्ष महोदय, अगर इस सदन की कार्यवाही अखबारों में नहीं छपी जा सकती तो सत्य ढका हुआ रहेगा। इस लिये यह बिल सचमुच में सत्य का उपभाग है।

उपाध्यक्ष महोदय, हमें बहुत खुशी है कि हमारे प्रतिपक्ष के मित्रों ने इस का समर्थन किया, लेकिन थोड़ा दबी हुई जवान में। मेरी इतनी ही प्रार्थना थी, अगर दिल खोल कर समर्थन करते तो उन का पुण्य हम लोगों के साथ होता। इस तरह के समर्थन से तो उन के हृदय की काली-भावना प्रकट हो रही है। जो कुछ भी कहा जाय, उन्मुक्त हृदय से कहा जाय। इतना ही कह कर मैं आप को बहुत धन्यवाद देता हूँ।

SHRI C. K. CHANDRAPPAN (Cannanore): I rise to support this Bill. Immediately after Emergency was declared, the Government had brought forward two obnoxious Bills. One was the repeal of the Feroze Gandhi Act and the other was the Prevention of publication of Objectionable Matter Act. At that time also we made it clear that our Party was opposed to this measure and we made it clear because of the very fact that in a democracy the functioning of Parliament should not be kept a secret from the people. The people should come to know what is happening in Parliament and the Press should be able to report without fear what are the demands voiced by the representatives of the people in Parliament. We feel that this Act prevented the Press from discharging its responsibility.

Now, it was stated by my Hon. friend Shri Stephen that even in the British Parliament, in the ancient days, reporting of Parliamentary proceedings was considered to be a matter of breach of privilege. In those days perhaps democracy as we understand it today was not existing. Today, if the representatives of the people who are elected to Parliament come here and misbehave, then I am sure that the greatest guarantee is that the people will not elect them again bill

[Shri C. K. Chandrappan]

send them back to Parliament. So, if the representatives of the people are unworthy of becoming representatives of the people, that fact should also be reported to the people—that there are certain Members behaving in a manner which is not worthy of the position they are enjoying.

While supporting this Bill I would like to make one thing clear, that in a democratic system it is absolutely essential that the people should know what is happening in the Parliament and the Press should be able to convey this information to the people. That was prevented when the former Government repealed the Feroze Gandhi Act. Today, I must say that if the Congress is forced to sit in the Opposition, one of the greatest contributory factors is these two Bills; because, in the name of protecting the dignity of Parliament and in the name of protecting the dignity of Members of Parliament, what was done was to keep the country in darkness as to what was happening in the Parliament. This was not a thing which was expected when Emergency was declared. While misusing the powers bestowed under the Emergency, with a kind of arrogans, they tried to arrogate themselves to a position of being protected from everything. The people rejected this and that rejection should come as a lesson to those who are in power and those who are in the Opposition. In this country our people are mature enough to understand how the Parliament should function in a democratic set-up and what should be the responsibility of the Members of Parliament. This Bill, in my opinion offers a proper balance so that the representatives of the people who come to this House will speak freely whatever opinions they would like to voice in this Parliament on behalf of the people while the Press will be free from fear in reporting it. That is the greatest contribution of this Bill. The press will be free from fear to report back to the people that this is what

their representatives are doing in Parliament.

Mr. Stephen was saying that there are other laws by which the freedom of the press could be protected. They are not enough. In a democracy, if the press has to report and then all the time they have to keep themselves under fear whether there will be a defamation case, I do not think that the press will be able to discharge its duties. This was exactly the argument the Member was advancing when the Bill was introduced during Emergency; this was exactly the defence put forward by the then Minister, Shri V. C. Shukla, that the press could report and then face the proceedings in the court if they violated the law of the land. That should not be the case of the press in a democracy. That is why, we support this Bill. This is the greatest guarantee that what we are doing in this House will be reported to the people fearlessly by the press.

Another point I would like to make in this connection is this. Now the press will be free—after we have enacted this legislation. I do not know whether it is a fact, but I hear from some pressmen that the Lok Sabha Secretariat is often imposing several restrictions on the press when they are reporting matters about the proceedings of the House. I request the hon. Minister to look into that, because, that would be some kind of a harassment of the press. If it is not true, he may make it clear....

MR. DEPUTY-SPEAKER: As far as the Lok Sabha Secretariat is concerned, it is for the Speaker to look into it.

SHRI C. K. CHANDRAPPAN: You may kindly look into it, Sir. It is not that I am making a complaint, but if such a thing is happening, it will not help fair reporting of the proceedings of the House.

MR. DEPUTY-SPEAKER: I do not think there are any restrictions.

SHRI C. K. CHANDRAPPAN: With these words, I would like to support this Bill. I once again extend my congratulations to the hon. Minister, Shri L. K. Advani, for having brought forward this Bill.

PROF. P. G. MAVALANKAR (Gandhinagar): Mr. Deputy-Speaker, Sir, I wish to congratulate the hon. Minister doubly; I had done it yesterday and I wish to do so today also with great pleasure, and in doing so, may I take the opportunity to pay my tribute to late Shri Feroze Gandhi for the manner in which he fought for this right of the press which is really the right of Parliament, because we sitting in this House have a right to reach our voters, and we reach the voters only through the press. It was late Shri Feroze Gandhi who, with his very characteristic outlook of independence and his characteristic sense of understanding of democracy at the grass-root level and at the national level, was responsible for bringing the original Bill in 1956, and I must pay my tribute to him once again. I had the privilege of knowing him closely, and I am sure, his spirit and soul will rejoice on our having brought this measure back on the Statute Book.

The great tragedy was that the previous Government brought their Bill and got it rushed through in such a mad hurry that, although some of us on this side of the House, i.e. the Opposition, opposed it, they were not mindful of any opposition; they were completely drowned, I would say, in the arrogance of power; they were more than drunken in that mentality of absolute power. Their Bill meant a kind of barrier between Parliament and the people, because the press was being gagged; it was an unbearable, unpardonable and unjustifiable wrong. I am glad that that wrong has now

been righted by the present Minister of Information and Broadcasting.

The word 'Parliament' has come from parley which means 'to talk'. I remember, the late Deputy Prime Minister of Britain, Herbert Morrison, —under the Labour Government of Prime Minister Clement Attlee—once described the British Parliament as a talking shop, not in the sense that we talk shop here. We do not just talk shop; we talk here business, meaning people's interests and welfare, so that the business goes back to the people, and people bring their own business back to us which we bring to the notice of the Government. We talk here so that it is reported there in the homes and huts of the countless people of our country, and that work is done through the press media. We are the spokesmen, we are the *vachaspatis*, of our voters, of our masters, and if what the *vachaspatis* or the spokesmen talk here is not reported back to the masters in their huts and homes, then what is the point in having this sovereign Parliament?

I would conclude by saying that the Members of Parliament and their constituencies, and the Members of Parliament and our country, can be combined only by a process of communication and contact and this communication and contact between the rulers and the ruled is possible only if full and continuous courtesy and consideration are extended to the citizens of our Republic, who are both our voters and masters.

Lastly, I cannot resist the temptation of paying tribute to many of those journals, both underground and on the surface, which carried the message of several of us in Parliament, even though it was a truncated Parliament, even though it was a subservient Parliament, to the people. Some of us, may I say in all humility, had the privilege even in that kind of Parliament to say things fearlessly, without any fear or favour, openly and fully, and our message was sent out

[Prof. P. G. Mavalankar]

during those blackest, most difficult and dangerous days of the long period of emergency of 19 months. At that time, the mass media for us were absent and silent, and this job was done continuously and well by the invisible and visible media of persons and certain journals. People were fed by the open and underground journals which were kept vigorously alive. I mentioned some papers yesterday and I would like to mention today a few more, like *The Statesman* from Delhi and Calcutta, *Mainstream Weekly*, *Freedom First*, edited by our old friend and colleague Shri Minoo Masani, *Janata Weekly* from Bombay, edited by, another of our old and esteemed colleagues, Shri N. G. Goray, and Gujarati papers like *Bhumiputra*, *Nirikshak* and *Prabudhha Jeevan*, and in Marathi the *Manus weekly*, *Kartavya*, an occasional miscellany and many others, which carried on the work of reporting Parliamentary speeches in spite of the repeal of the Feroze Gandhi Act. I want to pay my tribute to all these underground and surface agencies and journals who did such a good job.

Sir, we would be very happy as long as this country and this House has the guarantee that the debate continues in Parliament and outside. When I say this, I am reminded of a BBC programme under the title "Debate Continues"! Perhaps, Shri Advani could do something on those lines. Years ago, I remember listening regularly to that programme, Princess Indira of Kapurthala giving an account of what happened in the House of Commons and the House of Lords back to British people and the world at large through the overseas service of BBC. A debate should continue in the Parliament as also through the press media outside Parliament.

We are grateful to Shri Advani and the present Janata Government, who have sought a repeal of the bad Act and have brought in this Bill to revive the Feroze Gandhi Act. I wish to

congratulate Shri Advani once again for that.

SHRI SOUGATA ROY (Barrackpore): Mr. Deputy-Speaker, Sir, as Yesterday, today also I rise not in opposition of the Bill. As we have said a number of times from this side, our job is not to defend the indefensible. Our leader, Shri Chavan has admitted that the verdict of the people against the Congress was due to some excesses committed during Emergency. We shall not, therefore, speak about that. The hon. members from the ruling party in these few days of Parliament session have spoken *ad nauseum* about their bravado and courage during Emergency. There is no need to go back to all those things; let us think together constructively of a new India, in which we will have better future for all the citizens. I am very glad that today in this House we have heard such eulogising remarks about Shri Feroze Gandhi and today Shri Advani by this enactment is going to put again into operation the Feroze Gandhi Act. That Act was, in fact, a great Act in order to defend the fourth Estate of democracy, namely the press. That will also complete the privileges of Parliament given under Article 105 (2) of the Constitution. I do not know whether it is out of real respect for Shri Feroze Gandhi or in an effort to denigrate his spouse, Shrimati Indira Gandhi, our former Prime Minister that all this eulogy has been placed here. But the relation of the ruling benches to Feroze Gandhi does not end with again putting into operation the Feroze Gandhi Act. If I remember right, it was in this House that Shri Feroze Gandhi made an impassioned appeal for an inquiry into the Mundhra affair and on his appeal, the Chagla Commission was appointed and among the various persons which that Chagla Commission named was Mr. H. M. Patel, the present Finance Minister and here, the present Government relates itself to Feroze Gandhi in various ways, not only in the Press Act but also with regard to his efforts to unveil the Mundhra mystery.

I have just heard Mr. Chatterjee also, our eminent colleague from Bengal, doyen of Bengal lawyers and son of one of the topmost lawyers in the country, speak about Shri Feroze Gandhi. I think his Marxist colleagues will not agree with every thing he has said. Possibly they will say that he has not properly declassified himself and that is why he went out so much to praise the Congress in 1956. If Mr. Somnath Chatterjee will take the care of going into what the Marxists used to say in 1956 about Pandit Jawaharlal Nehru, I think he would have said differently from what he has said to-day. But I will not go into what the Marxists said in 1956 about Jawaharlal Nehru. But what I want to remind Mr. Chatterjee is that he has so eloquently spoken about the responsibility of the Press in this country. If my memory serves me right, in 1969 when the United Front Government was in power in West Bengal and Mr. Jyoti Bosu of Mr. Chatterjee's Party was the Home Minister, crowds of CPM Youth organisation went and ransacked the *Ananda Bazar Patrika's* office and then they offered no apologies for what was done at that time. It is good that Mr. Chatterjee's attitude towards the Press and the *Patrikas* has changed in the meantime. . . . (*Interruptions*).

You attacked *Ananda Bazar Patrika's* office. Don't forget. You are talking about democracy. Mr. Somnath Chatterjee is talking about democracy. He is speaking so eloquently about releasing the Naxalite prisoners. If my memory serves me right, Mr. Jyoti Bosu, the then CPM Home Minister of West Bengal, sent the Eastern Frontier Rifles to Gobi-ballabhpur and Debra to quell the Naxalites' revolt there. And, to-day, suddenly they have become democratic and are speaking in eulogy of the democratic processes. If this great country has succeeded in making the Marxists democratic, once again we bow our heads to this great country.

It is not so much due to Somnath Babu's great flexibility and malleability but due to the pressurising effect of the great democratic people of this country that this has been done.

I again submit, as I said Yesterday, this Bill like the Yesterday's Bill was a corollary of the emergency and when the emergency has been lifted, this Bill should be repealed along with that and, besides, there is no necessity of this Bill to-day because all the members in fear of whom this law had to be enacted, are all sitting on the ruling benches. If my memory serves me right, I was not a member of Parliament at that time. You were in the Rajya Sabha at that time. How many times did it happen that you found Mr. Raj Narain lying on the floor of the Rajya Sabha and being carried by the Marshals of the House outside? How many times did it happen that here in the Lok Sabha the proceedings were interrupted by Mr. Jyotirmoy Bosu, such an eloquent supporter of the ruling benches and Mr. Madhu Limaye who is such an eloquent supporter of the ruling benches? For three months the session of Parliament could not go on on a single scandal of Rs. 70,000. You know yourself one day's session of Parliament costs the State Exchequer more than Rs. 1 lakh and for three months it was held up because they wanted to find out about some scandals. If the Congress Opposition which is bigger than what the Opposition was at that time takes the same attitude, what will happen? I am Younger than either Shri Madhu Limaye or Shri Jyotirmoy Bosu. If I use my lung power at the same level, the Government cannot go on. All legislative business will come to a stop. Even on the floor of the House if I make vituperative things against the Minister, if I find out skeleton from the cover of every Minister, what will happen?

While I support the Bill, I want to remind the Members that it should be the effort of all of us whether in

[Shri Sougata Roy]

the ruling party or in the Opposition to enhance the honour and the dignity of this august House which is the true representative of the people of this great country. It is in this channel that our efforts should be directed.

For the last two days I have been hearing too much about the BBC and the praise of the American Press. I beg of every member with folded hands, let us not model the White Hall or the White House democracy. Ours is a poor country, but country with a great past and with a great heritage. Let us not imitate the White Hall democracy which Prof. Mavalankar or Mr. Subramaniam Swamy or anybody of the ruling benches want to emulate. Let us build up Indian model of democracy with our great tradition of tolerance, with great tradition of listening to other people and have respect for the feelings of other persons. Whatever has happened in the past... . (*Interruptions*) . . .

Mr. Kundu, I was not there. Let us bring a good future.

SHRI S. KUNDU: The wounds are still raw. (*Interruptions*)

MR. DEPUTY-SPEAKER: Please take your seat now. This is not the way to interrupt. I have been hearing so many interruptions. But this is not the way to interrupt. (*Interruptions*).

SHRI SOUGATA ROY: In all humility I may say that it is good that the ban on the press has been lifted and that the press can publish anything that will be spoken in the Parliament. But, as I said yesterday, there is no real freedom possible under capitalism. If I speak today against some owner, some business magnate who happens to give advertisements stating facts to big newspapers, it will not be printed in the paper. I spoke the other day on the floor of this House

about the need to nationalise all jute mills, none of the papers printed it. The reason is simple. It is because the big monopoly house papers get advertisement from big jute mill owners. Not only that, the jute mill owners themselves are the owners of the press and publications.

While I support the Bill, I will again implore Shri Advani to think over this matter. There will be no real freedom of the press unless you diffuse the ownership of the press, unless the working journalists have a share in the ownership of the press, unless real socialist ownership takes part in the press and the press is freed out of the clutches of the new jute mill owners, landlords and monopolists in this country.

SHRI S. KUNDU: When shall I get the chance to speak?

MR. DEPUTY-SPEAKER: Mr. Kundu, I must remind you now. You must give your name to the whip. I have called all the persons whose names were given. About others, if time permitted, I could have called.

SHRI S. KUNDU: We have to take all the whips, including your whip.

The point I am urging is that at about 3 O'clock, you said it will conclude at 15.40 and you will give each speaker not more than five minutes.

But the speaker who just concluded his speech, spoke for more than 11 minutes or 12 minutes. We are waiting and some speaker whose name is not in the list has been called.

MR. DEPUTY-SPEAKER: You must know there are very few speakers from the Congress benches and the time consumed by the entire Congress benches is less.

SHRI S. KUNDU: You have your discretion. I am not disputing your discretion. But the discretion should always be judicious.

MR. DEPUTY-SPEAKER: I have been very judicious, Mr. Kundu. Just because you could not get a chance, I cannot help. I have been very judicious. I have tried to accommodate as many groups as possible and I have tried to accommodate as many speakers from the Janta Party as possible. So, you should have no complaint on that account.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I deem it a singular good fortune that both the legislative measures that I have had to pilot in this session have received unanimous support from the House. From a majority of the members the support has been enthusiastic and unreserved. But by some members—yesterday there was one person today perhaps, two—there have been some reservations expressed and even though they have supported the Bill, they have voiced certain misgivings about what would happen if the Bill is passed. First of all I would like to refer to two speeches, one, that of Mr. Stephen and the other that of Mr. Songata Roy. While Mr. Stephen said that this kind of immunity will work against people who are not public servants, not members of this House, who are outside this House, and it is essentially for them that this immunity was sought to be given, my friend Mr. Songata Roy raised a contrary point and said that if he or any member speaks against the jute press etc. or against capitalists, that is not reported. He was more concerned with seeing what he says in the House about non-members being reported, saying, it should not be left to them to report or not to report.

15.31 hrs.

[SHRI S. D. PATIL *in the Chair*]

I find myself unable to accept these arguments so far as this Bill is concerned. It is a simple Bill as the Statement of Objects and Reasons indicates. Going through the entire debate that took place on the last Bill and this one, I am not able to find an

iota of justification to show how the original immunity was in any way abused. The allegations which used to be made on the floor of the House against the Ministers were all published. It may be Mr. Madhu Limaye or Mr. Jyotirmoy Bosu or Mr. Raj Narain. They were published. They wanted to see that this should not be published. Mr. Songata Roy says that this was because during the emergency this was necessary. The same argument which was made yesterday was repeated today also. I would again repeat that neither of these Bills had anything to do with emergency.

As I said while moving the previous Bill. I regard it as the previous Government's attempt to institutionalise the press curbs which could normally be imposed only during the emergency. It was an attempt to perpetuate this control. If this had continued on the statute book the Indian Press would have been fettered, the Indian Press would have been a shackled press, they would never be able to express the voice of the people. The other Bill that repealed the Feroze Gandhi Bill had nothing to do with emergency. During the emergency the proceedings of Parliament were censored and blacked-out. This was something unheard of in the history of democracy. My friend was eloquent and objected to references being made to BBC and American experience. I am ready to benefit by the experience of everyone. I am proud of the fact that India has tried to build up a tradition of its own. It has got a heritage of its own in the field of functioning of Parliamentary Democracy. But, I am certainly not at all proud of it. I feel ashamed when I find that during this period of thirty years, there is a period of dark and dismal phase that started on 26th of June, 1975 and that ended only with the installation of this new Government. I cannot think that, that is also going to be a part of my Indian democratic heritage.

I would like to forget it altogether. But, if my friends on the opposite

[Shri L. K. Advani]

side, continue to swear by it and continue to hold that all that took place during that time was necessary, was good, was beneficial for the country, and was beneficial for democracy, then, I am sorry to say that the report that I am keen to build up will not be built up. We have to move away from this dark past; we have to forget that and you can help to make us forget it. There had been several friends on that side who are conscious of it and some are rather hesitant to express freely. But, I would appeal to them to be frank and forthright. So far as Mr. Stephen's arguments were concerned, as like yesterday, they were painfully laboured. He himself said that there had been perhaps two or three instances. He named a couple of names and, lesser instances may be found out, where, because of the immunity given to the press, non-members have been seriously affected and, on the basis of that, you want to put the whole press in situation where for every single line or word that he writes, he has to wait to see if it is going to land him in trouble or not? Democracy is based upon public opinion and the highest forum for the ventilation of public opinion is this Lok Sabha. The representatives of the people are here and the opinion expressed here can be regarded in a way, as representative public opinion. And this has to guide us. And if we were to talk amongst ourselves and only a few in the press gallery or in the visitors' gallery are to listen to us and not the entire world outside, then the democracy cannot function in a healthy manner. If some of us say: something wrong, whether on this side or that side, I would say that it is the right of the people to know what wrong do we say. It is only after listening to what wrong that we say that they will be able to judge how our representatives here are functioning.

Sir, yesterday my esteemed friend, Shri Mavalankar, reminded me of a phrase of Jefferson. He said that when Jefferson was once asked whether, if he had a choice between a

government without a free press and a free press without a government, what would he choose, he said that he would choose the latter—a free press without Government. I regard it is remarkable. This kind of statement was made by a person who had been the subject of what is known as vilification and character assassination of the worst kind from the American Press. It was his experience when he was in Government. When he became the president or even before that, he had to face a barrage of criticisms and even vilifications from the press. Even then he maintained it because he held that, by and large, political parties can be of two kinds, broadly speaking, one which trusts the people and the other that distrusts the people.

This Janata Government that has come into being, if I were to identify an important characteristic of it, is this. I would say that the basic characteristic of this Government will be that it starts from the position of trust. It trusts the people; it trusts every single institution of democracy; it trusts the press; it trusts the judiciary; it trusts the Parliament. You have a brief glance at the number of laws and the constitutional amendments that were enacted during the last twenty months by the previous Government. You will find that they betrayed distrust of the press. And this is one of the Bills that is sought to restore now this trust of Parliament.

Some of the provisions of the Forty-Second (Amendment) Act betrayed distrust even of Parliament and of the judiciary. Almost a series of laws can be cited where the judiciary powers are sought to be shut out. They should not be justiciable. All told, they added to our distrust of the people as a whole and, I would say that, if today, the Congress has been rejected or if the Congress has come to the present pass, one of the reasons was that the Government in office distrusted even its own party; even the

Congress Party was distrusted by the government in office. So, this distrust has been the main reason for the debacle of the party in opposition today which was in government till yesterday. So, we start from the position of trust. This Bill that I have commended to you believes that the press can be fully trusted to perform its role.

Sir, here I would also like to say that it is an earnest of our faith that we for the first time in the 30 years started with saying that the Prime Minister should address the nation and on the next day the leader of the Opposition should address the nation. This is a measure of our earnest.

Sir, as Mr. Mavalankar was pointing out, it is not sufficient to pass laws. Something more is needed and what more needed is this kind of trust. Because of this trust we will be able to gradually shed the powers that you have accumulated. Look at these bills? What do they amount to? They amount to entrusting the government with lot of power. When we pass these laws we are shedding the power that has been concentrated in this government. We think by doing this we are strengthening democracy: we are strengthening the people; we are strengthening the Parliament and thereby strengthening the government. With these words I thank you again for having given unanimous support to this Bill.

MR. CHAIRMAN: The question is:

"That the Bill to protect the publication of reports of proceedings of Parliament, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: Now, we take up clause-by-clause consideration of the Bill. There are no amendments.

The question is:

"That clauses 2 to 4 stand part of the Bill".

*The motion was adopted.*

*Clauses 2 to 4 were added to the Bill.*

Clause 1—(Short title, extent and Commencement).

MR. CHAIRMAN: Now, I will take up clause 1. There is one amendment in the name of Shri Samar Guha. He is absent. The second amendment is in the name of Shri Lakhan Lal Kapoor.

श्री लखनलाल कपूर (पूर्णिमा) : सभा-पति महोदय, मैं कलाज 1 में अपना निम्नलिखित संशोधन पेश करना चाहता हूँ --

"Page 1, lines 7 and 8.—

for "25th day of March, 1977"  
substitute "8th day of December, 1975" (2)

मेरे इस संशोधन का तात्पर्य यह है कि आप ने इस बिल में 25 मार्च, 1975 को जिक्र किया है, जब कि मैं चाहता हूँ कि इस 8 दिसम्बर, 1975 से लागू किया जाए। इस की वजह यह है कि बहुत से प्रैस या लोगों के ऊपर पिछले कानून का असर हुआ होगा, कुछ लोगों को दण्ड भी मिले होगा, उन को नुकसान भी हुए होंगे। इस लिए यदि इस में 8 दिसम्बर, 1975 रख दिया जाए तो ऐसे बहुत से लोगों को जो इस से प्रभावित हुए हैं, उन को मुक्ति मिल सकती है। मैं समझता हूँ कि मंत्री महोदय को इसे स्वीकार करने में कोई उज्र नहीं होना चाहिए—यह बहुत ही साधारण सी बात है।

श्री लाल कृष्ण अडवानी : इस सम्बन्ध में मेरा निवेदन है—आप इस क उपयोग रिट्रास्पेक्टिव करना चाहते हैं, 25 मार्च, 1977 की बजाय 8 दिसम्बर, 1975 से कराना चाहते हैं। लेकिन उस समय सेन्सरशिप लागू थी, इस लिए कोई भी व्यक्ति उस से प्रभावित नहीं हुआ है। यह केवल भावना की बात है। अभी हम जो कर रहे हैं वह व्यावहारिक रूप से कर रहे हैं—25 मार्च से, जब से कि मंसद का अधिवेशन शुरू हुआ तब

[श्री लाल कृष्ण अडवानी]

से लेकर आज तक जो कार्यवाही हुई है, उस  
के लिए एमनेस्टी रहेगी—यह एक व्यावहारिक  
कदम हम ने लिया है। इस लिए मैं आप से  
अनुरोध करूंगा कि आप अपने संशोधन को  
वापस ले लें।

MR. CHAIRMAN: Do you press  
your amendment?

SHRI LAKHAN LAL KAPOOR: I  
seek leave of the House to withdraw  
my amendment.

*The amendment was, by leave, with-  
drawn.*

MR. CHAIRMAN: The question is:

“That clause 1, the Enacting  
Formula and the Title stand part  
of the Bill.”

*The motion was adopted.*

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

SHRI L. K. ADVANI: I beg to  
move:

“That the Bill be passed.”

MR. CHAIRMAN: The question is:

“That the Bill be passed.”

*The motion was adopted.*

5.45 hrs.

STATEMENT RE. ENQUIRIES  
AGAINST 'AVARD' AND SOME  
OTHER ORGANISATIONS

THE MINISTER OF HOME AF-  
FAIRS (CHAUDHURI CHARAN  
SINGH): Sir, on receipt of

certain complaints, enqui-  
ries were initiated by the Income  
Tax Department against the Associa-  
tion of Voluntary Agencies for Rural  
Development, the Gandhi Peace  
Foundation and the Gandhian Insti-  
tute of Studies, Varanasi. Pending  
completion of these enquiries, instruc-  
tions were issued on 31st July, 1976  
to all State Governments and Union  
Territory Administrations as well as  
all Ministries and Departments of the  
Central Government prohibiting grant  
of any financial assistance to these  
organisations. Although the enqui-  
ries have not yet been completed, we  
have received interim reports from  
the income tax authorities which seem  
to indicate that appropriate action for  
violations of income tax laws can be  
taken under the relevant law and  
there is no need to continue the res-  
trictions on financial assistance im-  
posed earlier. In view of this posi-  
tion, the instructions issued in this  
regard are being withdrawn and the  
income tax authorities are being ad-  
vised to take such action under law  
as may be found necessary as a result  
of their investigations.

I would add that the interim reports  
that have been received by Govern-  
ment so far indicate that there was  
no diversion of funds for political  
purposes.

PROF. P. G. MAVALANKAR  
(Gandhinagar): I suppose, Chaudhuri  
Charan Singhji was replying to Shri  
Jyotirmoy Bosu's point raised earlier.

MR. CHAIRMAN: He is making  
a *suo moto* statement. It is not in  
reply to that.