

PROF. MADHU DANDAVATE (Rajapur): Provided it is not dropped.

MR. SPEAKER: It will never be dropped. If No. 7 is taken up at 5 that one hour.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): May I take it that the second discussion fixed for today is postponed?

MR. SPEAKER: The discussion on the IA lockout is postponed to 5 p.m. today. The other discussion is postponed to another day

12.07 hrs.

#### MATTER UNDER RULE 377

##### FAILURE OF GOVERNMENT TO PRESENT ADMINISTRATIVE REPORT OF THE MRTP COMMISSION FOR 1972

PROF. MADHU DANDAVATE (Rajapur): Mr. Speaker, with your permission, I am raising an important issue under rule 377

The House may recall that that on 15 May 1973 I had sought the permission of the House to raise a privilege issue against the Minister of Company Affairs for the failure of Government to present all the reports of the Monopolies and Restrictive Trade Practices Commission as required by the mandatory provisions of S. 62 of the MRTP Act, 1969. When I raised that issue, I had also placed before you the categorical wording of the section which said:

"The Central Government shall caused to be laid before both Houses of Parliament an annual report and every report which may be submitted to it by the Commission from time to time pertaining to the execution of provisions of the Act."

Since these reports were not submitted to us, I sought your permission

to raise the privilege issue. On that occasion, the hon. Minister told us after consulting legal opinion from the Attorney-General that even the Attorney-General had told them that Government had violated the provisions of the Act.

Therefore, in this House, an unqualified apology was offered by the Minister of Company Affairs for the failure of the Government to present the MRTP report. Since my only object was to ensure that in the future these reports will come to the House. I did not insist on the privilege issue, and the issue was dropped on the categorical assurance by the Minister that in the future all the reports will be presented before both the Houses.

Again, we find today that the administrative report of the MRTP Commission for the year 1972 has already been submitted by the Commission to the Government but that the Government has slept over the report and the report has still not been presented to both the House. In addition to the administrative report for 1972 there are a number of reports in individual cases which are of a very important character and which are related to the policy matters regarding monopolies in this country. Even those reports have not come before the House. If this is so, the unqualified apology of the Minister given on the 15th May, 1973 becomes meaningless. Therefore, I would seek your protection to intervene in the matter, pull up the Government and reprimand the Minister concerned that in the future this is not going to be tolerated.

I may point out in the end that if these reports were not to come before us, there might be difficulties. Concrete cases are there, as in the case of the Hindustan Lever, where the policies regarding monopolies were sought to be violated by the recommendations of the MRTP Commission, and had they not been placed before the House, they would not have come before the House, and there

would not have been any discussion. Therefore, it is very likely that all these individual reports have been kept away from Parliament because probably there might be violations of policy. Therefore, I request you to ask the Minister to make a categorical statement and let us know the position why these reports, administrative as well as individual, have not been placed before Parliament.

SHRI N. K. SANGHI (Jalore): I have also sent a notice under rule 377.

MR. SPEAKER: Anyway, I have already given my observations on this point a number of times. He will personally look into it again.

PROF. MADHU DANDAVATE: He is present in the House.

SHRI INDRAJIT GUPTA (Alipore): We would like to know why the reports are not being laid before the House.

श्री मधु लिम्बये (वांका) : अध्यक्ष महोदय, मेरा प्वाइन्ट आफ आर्डर है। टैरिफ कमीशन का मामला भी यहाँ उठा था, उस की भी 5-6 रिपोर्ट थी और आप ने कहा था कि इनको सभा के सामने न रखा यह गलत हुआ है, उस के बाद मंत्री ने माफी मांगी थी। पिछले बजट सत्र में गोखले साहब ने भी माफी मांगी थी। अब कितनी दफा, अध्यक्ष महोदय, ऐसा होगा ? आप कहते हैं यह इम्प्रोप्राइटी का मामला है, इस को कब तक प्रिवलेज का मामला बनाया जायगा। एक दफा हो गया दो दफा हो गया, पचास दफा हो गया, 100 दफा हो गया, शिशुपाल के जब सौ अपराध हो गया तो कृष्ण भगवान ने सुदर्शन चक्र चलाया था, अब आप भी सुदर्शन चक्र चलाइये व्यवधान

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): It is no

doubt true that after the legal position was clarified, I did come and make a statement in this House saying that there was an obligation on the Government to place the reports of the Commission before the two Houses of Parliament, and at that time, I said that if we were guilty of anything, we are sorry. But the position is, in the past this was not done because there was a backlog of a number of years where the reports have not been placed. But, after I gave the assurance,--although I got notice of this matter being raised today only just now I do not have the figures--quite a number of reports have already been placed on the Table of the House. After I gave the assurance, seven or eight other reports which are being cyclostyled and are being prepared for being placed on the Table of the House will be placed on the Table of the House on Tuesday, next week.

So far as the administrative report is concerned, to which the hon. Member specifically referred, it is a bigger report and it is in the press. It will be placed before the House in the current session of Parliament. There is no intention to keep back any report from the House. That was the assurance given by me: because of the backlog which had accumulated over the years, as and when the reports are got ready, we place them before the House, and we will do so as quickly as possible.

PROF. MADHU DANDAVATE: Are you satisfied, Sir? We would like to know from you whether you are satisfied with the explanation.

MR. SPEAKER: When once I have made my observation and since then the matter is already being expedited, what else do you want? Do you want that every day I should come with this observation?

श्री मधु लिम्बये : मैंने कहा है कि आप सुदर्शन चक्र चलाइये।

**अध्यक्ष महोदय :** आप के कहने के मुताबिक मुझे और कोई काम नहीं है, सारा दिन सुदर्शन चक्र चलाया करूँ ।

**श्री मधु लिमये :** यह कोई मेरा व्यक्तिगत मामला नहीं है, निजी मामला नहीं है, यह सदन की गरिमा का, लोकतन्त्र की गरिमा का मामला है । आप कुछ ऐसा आभास पैदा करते हैं कि मेरे बीच में और आप के बीच में कोई मामला है । न इस में आप दोषी हैं और न हम दोषी हैं ।

**श्री शंकर दयाल सिंह (चतरा) :** अध्यक्ष महोदय, ये तो खुद शिशुपाल का पाटं कर रहे हैं, । अगर सुदर्शन चक्र चला तो इन्हें बत्र होगा ।

12.16 hrs.

PRESS COUNCIL (AMENDMENT)  
 BILL—contd.

**SHRI P. G. MAVALANKAR** (Ahmedabad): I was saying yesterday that the hon. Minister, Shri Gujral thought that this Bill was a simple measure and that it did not merit much further discussion. The entire debate that has gone on has shown that a number of important and serious implications of the functioning of the Press Council and the larger concept of the freedom of the Press in this country are involved. I was somewhat surprised when the hon. Minister said: "Unfortunately there was some criticism about the appointment of the nominating committee about the members of the committee themselves." I do not think that the criticism that was levelled against the appointments was in any way a reflection on the three distinguished citizens of our Republic: the Chief Justice, the Chairman of the Council of States and you, Mr. Speaker. But if we say that because a particular individual was being criticised in the newspapers, therefore suddenly you change the

whole system—is it right for us to accept that? We have a free and independent Press. It cannot be a respecter of some individuals and therefore would not criticise some individuals when those individuals are involved in the performance of their duties. For the benefit of my friend, the Hon. Minister, and of the House, I shall quote a para from the Foreward to a book, edited by Vivian Brodzky and entitled "Fleet Street—The inside story of journalism," by the Duke of Edinburgh. The Duke says there:

"Exasperating as I sometimes found the newspapers—and I do not think I am alone in that—our society would be less diverse and much poorer without the great range of papers and periodicals which we are still lucky enough to enjoy in this country. Genuine democracy can only flourish if it is exposed to the scrutiny of a free and uncensored Press."

You will see that it is within the legitimate rights of a free and independent Press to criticise the actions of any individual howsoever high placed he might be. The three gentlemen of this Committee are important officers, holding very dignified positions in the democratic set-up. If they did something which is part of their function as members of the Committee, their actions are liable to criticism. That being so, the point to consider is whether such high offices should be brought into public debate and public controversy.

How is it that the Government did not think about this point at that time? Did they not envisage this possibility? Inevitably to some extent their actions will also be criticised. I should have thought that if criticism was fair, it should have been accepted. Anyway it is no use crying over spilt milk. The Minister tells us that the three gentlemen had resigned and the nominating committee is not functioning; that the term of office of the Press