

THE
PARLIAMENTARY DEBATES

Date..... 26.11.201

(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

1717

1718

HOUSE OF THE PEOPLE

Wednesday, 10th March, 1954

The House met at Two of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

2-54 P.M.

TRANSFER OF EVACUEE DEPOSITS
BILL

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): I beg to move for leave to introduce a Bill to provide, in pursuance of an agreement with Pakistan, for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits belonging to displaced persons, and matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide, in pursuance of an agreement with Pakistan, for the transfer to that country of certain deposits belonging to evacuees, the reception in India of similar deposits belonging to displaced persons, and matters connected therewith."

The motion was adopted.

Shri J. K. Bhonsle: I introduce the Bill.

PRESS (OBJECTIONABLE MATTER)
AMENDMENT BILL.

Mr. Speaker: Before we go to the Press (Objectionable Matter) Amendment Bill, I want to invite the attention of the House to the fact that, as 780 P.S.D.

I announced yesterday we have made the allotment of time for it, but it is necessary to make a further allotment in regard to the time that will be taken up for the consideration stage, the time that will be taken up for the clause by clause consideration and the time that will be taken up for the third reading stage, so that all the three stages may be covered within the time allotted for this Bill.

Dr. Lanka Sundaram (Visakhapatnam): We had a discussion this morning. The sense on this side of the House seems to be that the first two days should be devoted to general discussion.

Mr. Speaker: There is no question of days; it is a question of hours.

Dr. Lanka Sundaram: I mean the first eight hours. The remaining time should be for the next stages, namely, clause by clause consideration and the third reading.

Mr. Speaker: But how much is the time for the clause by clause stage?

Dr. Lanka Sundaram: Half an hour.

Shri Frank Anthony (Nominated—Anglo-Indians): No, no.

Mr. Speaker: Are hon. Members agreeable to this time-limit?

Shri A. K. Gopalan (Cannanore): We should have one hour for the third reading and three hours for the clauses.

Mr. Speaker: Is that agreed?

Some Hon. Members: Yes.

Mr. Speaker: Is that agreeable to Government?

The Minister of Home Affairs and States (Dr. Katju): I am entirely in your hands.

Mr. Speaker: Then that is settled.

There is one more thing, and that is, that the situation will have to be considered in the light of the Bill just now introduced by the hon. Deputy Minister of Rehabilitation. I understand that it is a Bill which has to be put through very urgently.

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): Quite so.

Mr. Speaker: There is some time-limit about it.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Yes, Sir.

Mr. Speaker: If that is so, we shall have to take into consideration the time-limit and adjust the timings of the sittings of the House. If some time has to be provided for this Bill, there are two or three alternatives which the House will have to take into consideration. One is to sit for a longer time. Of course, the alternatives I am suggesting are not individually exclusive alternatives—all of them can be followed. The second alternative will be the dropping of the question hour. The third course is there, namely, the postponement of the taking up of the Demands for Grants. I do not know how far this third alternative may be possible.

Shri Satya Narayan Sinha: I think you had announced yesterday that the House will sit till 5 p.m. on Saturday. If necessary we can reassemble after that session on Saturday if we cannot find time.

Mr. Speaker: Any way, we shall consider that question not here but elsewhere. We shall not take up time on that here.

Shri Sarangadhar Das (Dhenkanal-West Cuttack) rose—

Mr. Speaker: Order, order. I am trying to save time. Any time taken in arguments will be counted within the twelve hours allotted for this Bill.

Shri Sarangadhar Das: I only wanted to ask why this Bill could not be brought before the Business Advisory Committee?

Mr. Speaker: The hon. Member should hear me first before he passes any remarks. With a view to save time, I have called an urgent meeting of the Business Advisory Committee today at 5 p.m. The matter will be thrashed out there, and if necessary and if the Committee so recommends, the House may sit longer today. Of course, there may be other recommendations of the Committee for subsequent days also—such recommendations as the Committee may make.

Dr. Lanka Sundaram: May I seek some clarification? Will this Bill just now introduced by the hon. Deputy Minister for Rehabilitation be taken up at once, or after the Press (Objectionable Matter) Amendment Bill is over?

Mr. Speaker: After the Press (Objectionable Matter) Amendment Bill is over; not immediately. Hon. Members must have time to go through it and table amendments. So, it will be taken up after the Press (Objectionable Matter) Amendment has been dealt with.

Shri H. N. Mukerjee (Calcutta North-East): Before the hon. Minister of Home Affairs proceeds with his Bill, may I raise a point of order?

Mr. Speaker: Let him first move his motion. The point of order will come later, if I mistake not. I know the hon. Member has been kind enough to write to me a letter. He wants to raise a point about the constitutional validity of the Bill. That is the first point that he wants to raise, but unless the hon. Minister moves his motion for consideration of the Bill, how can the point of order be raised? At present there is no motion before the House.

Shri H. N. Mukerjee: The Bill has been introduced and we have got a copy of it. My objections go to the root of the matter.

Mr. Speaker: I quite agree, but he will see that although the Bill may have been introduced, unless the hon. Minister makes a motion that the Bill be taken into consideration, there is no motion before the House on which

he can raise a point of order. Therefore, let the hon. Minister move his motion.

If the hon. Member thinks that after the hon. Minister's motion is moved, his right to raise a point of order is barred, that is a mistaken notion. Let the hon. Minister make his motion first. Then he can raise his point of order.

Shri H. N. Mukerjee: Even before he moves his motion, may I submit that we have certain documents here necessarily circulated to us after the introduction of the Bill.....

Mr. Speaker: He is going into the merits of it.

Shri H. N. Mukerjee:.....and on the basis of those documents there are certain points that arise.

Mr. Speaker: Whatever it may be, no point arises for consideration by way of a point of order, unless there is a motion before the House. At present there is no motion before the House.

3 P.M.

It is just possible, theoretically, that the hon. Home Minister may get up and simply say "I do not want to make any motion." If that happens, where is the point of order? Therefore, let him first make a motion and then, of course, the other thing will follow.

Dr. Katju: I beg to move:

"That the Bill to amend the Press (Objectionable Matter) Act, 1951, be taken into consideration."

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri H. N. Mukerjee: May I at this stage raise point of order?

Mr. Deputy-Speaker: The point of order seems to be about my sitting in the Chair! The hon. Member will kindly wait and let us hear the hon. Home Minister's speech. There is nothing lost.

Dr. Lanka Sundaram: When I make a submission on a point of order re-

lating to an objection to the introduction of the Bill itself, after the Minister makes his speech on it, there will be no point in the point of order.

Mr. Deputy-Speaker: Hon. Members will recollect that with respect to all motions, the person who has given notice of the motion will stand first of all, support the motion and before I place it before the House, I will hear the point of order. If I agree with the point of order, I will not place it before the House.

Dr. Katju: It will be idle for me not to concede that this motion of mine has raised some controversies and great excitement. I think it is desirable that before you go into the merits of the Bill, you should look at the background of what the Act is. I do not propose to take any long time, but I think it is completely wrong to say that the Act, which was passed by Parliament in 1951, is in any way a sort of a blank cheque to the executive. It is not so. The Act now in force, which I seek to extend for another two years, is nothing but judicial process from beginning to end. The Press Acts with which we were familiar were Acts which authorised the executive government of their own volition to take some action against a particular newspaper or keeper of a printing press. That was executive action and it was left to the person to whom notice had been given, if the Act allowed it, to seek some judicial redress or go to the court. In the Act, however, which is now in force, no authority has been given to the executive at all. In the case of an ordinary crime, the process, with which we are familiar, is a process known as the police submitting a charge-sheet against an accused person, a private complainant filing a complaint before a magistrate of some crime having been committed against him, and thereupon that charge-sheet is entertained or the complaint is entertained and the judicial process begins, and then there is the magistrate's enquiry. You are all familiar with this process. In this particular case, the Act defines as to what is an objectionable matter, and I am convinced

[Dr. Katju.]

that every single hon. Member of the House will agree with me that each one of the details as to what constitutes an objectionable matter is a criminal action—"inciting or encouraging any person to resort to violence, inciting or encouraging any person to commit murder, sabotage or any offence involving violence, inciting any person to interfere with the supply and distribution of food, seducing any member of the armed forces from their loyalty, promoting feelings of enmity or hatred between different sections of the people" and "publishing publications which are grossly indecent or are scurrilous or obscene or intended for blackmail."

I think, as a matter of law, every Member of the House will agree with me that all these constitute offences for which by normal process a prosecution can be launched. Now, what does the Act prescribe? Instead of the police submitting a charge-sheet, it is the Government which submits a charge-sheet in another form. The form is, Government says: "Well, here are our allegations and what we propose to do. In the case of a keeper of the press, or in the case of a publisher, all that we want to have is a security from him." That is the allegation. Just as in a civil suit the plaintiff sets out his complaint and says, "I want a decree for Rs. 10,000," similarly, here in the complaint the Government sets out the foundation for action, the commission of certain crimes and says—"We want a security of Rs. 2,000 or Rs. 3,000." That complaint is made before a Sessions Judge. The Act has prescribed the procedure. Notice is given to the parties concerned, to the keeper of the press, or to the publisher, and he is at liberty to file his answer. He is at liberty to give evidence, produce witnesses. If he prefers a jury trial, there is a procedure about the selection of juries and then—please remember, I wish to emphasise this—it is a Judge, a Sessions Judge, who passes order saying: "The complaint is right and therefore, I make an order in the terms prayed for." Or, he may reduce the

amount of security, or he may say; "The complaint is not justified, or the offence is trivial." He may dismiss the complaint, or administer a warning. Against that order, Mr. Deputy-Speaker, I emphasise once again, there is an appeal to the High Court.

Now I wonder, as I said, how can anybody say that here is an executive order or action, here is an arbitrary action of a despotic Government? It is all judicial process. My submission, therefore, to the House is this. Let us have our mind free from passion; let us look at this matter in a dispassionate manner. If the House is of opinion that in this free India there is a fundamental right under the relevant article for anybody to incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law, or to incite people to murder, and so on, I concede this is an obnoxious measure. But the whole of it, as I said, is a judicial process. What more do you want?

Do you want (*Interruptions*)....I will not be interrupted in this fashion. Do you want that there should be no security taking? The Government fines, the magistrate fines Rs. 2,000 or Rs. 3,000—unlimited fines! I ask the hon. Members to keep this background in mind. When the Act was passed, it was limited to a few years. I had not the good fortune of being there. I do not exactly know what led to this limitation. It may be the then Home Minister was under the impression that conditions may improve in two years' time and that the Press people may evolve a code of professional checks or something like that. As the poet has said, 'Hope springs eternal in human breast'. But, I had to submit to you again with great confidence that that hope has not been realised. It is not a pleasure to me (*Interruptions*).

Mr. Deputy-Speaker: Hon. Members will hear with patience.

Several Hon. Members: We are asking for an answer.

Dr. Katju: I cannot allow hon. Members to interrupt like this. (*Interruptions*).

Mr. Deputy-Speaker: Order, order. Let not the hon. Members interrupt every word and go on asking questions. (*Interruptions*). Order, order. I would take this opportunity of impressing upon the hon. Members on this side or any side whatsoever not to interrupt the hon. Minister. (*Interruptions*). Two or three full days have been allotted to this and hon. Members need not interject and lose the strength of their opposition.

Dr. Katju: I submit with great respect that I am determined to have my say. If hon. Members are determined in this, it will only prolong the time. I will not allow this to go on. It is a very serious matter and they will get the information they require—the number of cases and other things—before I sit down.

Dr. Lanka Snadaram: Why do you not circulate it?

Dr. Katju: Why should I?

Dr. N. B. Khare (Gwalior): Is this cross-questioning allowed?

An Hon. Member: This is again interruption.

Mr. Deputy-Speaker: Is there no end to this? I am afraid hon. Members are not taking to this seriously; if they consider it really a serious measure on both sides, they will just hear with patience.

Shri H. N. Mukerjee: Sir, the hon. Minister was pleased to say that he will not allow something being said in this House. My submission is that it is only for the Chair to allow or not to allow something being said in the House.

Mr. Deputy-Speaker: He only persuades; he intends persuading the Chair that it should not allow.

Dr. Katju: When the House considers the merits of this Bill, there is a danger that we might concentrate our attention on some leading newspapers and say 'look at them; they are the paragons of decency and—what shall I say?—sobriety and all that'. But in this country, the number of newspapers published is enormous. There are newspapers in the English language, there are newspapers in all the regional languages and I believe hon. Members know that in practically every district headquarters there are newspapers published—sheets, weeklies, bi-weeklies, four pages, eight pages and we have got to—the Government has got to—consider all of them as to what is published. I submit for your consideration that the material which is published in these newspapers and sometimes in the English newspapers also—not in small towns but in big cities, big cities which we are proud of, Bombay, Calcutta and elsewhere—is something very depressing reading, I say, absolutely unjustifiable.

For instance, I will give you one thing. The House is aware of what was known as the tram-fare agitation in Calcutta in July last year. What has been there? I have got some pages which were published—I am not naming any newspaper. It was said that the 'high officials from the Chief Secretary to Government downwards were all bastards', bastards of what was called 'Andersonian age'; is that a good thing? Is that decent language? 'A disgrace to their mothers' wombs who deserve to have their tails chopped'; they are all monkeys! I do not know how my hon. friends will characterise this language or whether they approve of it.

Shri S. S. More (Sholapur): Why not circulate specimens?

Mr. Deputy-Speaker: What is all this? It is very wrong. I have been noticing the hon. Member interrupting. How often have I to call him to order?

Shri S. S. More: May I make a submission? We are expected to apply our minds to the proposition that is

[Shri S. S. More.]

placed before the House. Is it not the duty and responsibility of Government to supply us with all the relevant material?

Mr. Deputy-Speaker: I do not think so. There is no such provision at all. Occasionally, here and there, when some figures have to be supplied, I have been suggesting to the Ministers to supply them. Barring that, this is the occasion. They have three days. And they are watching things from time to time. This is a matter agitating all people. They want particular days, and extension of days. Now, this cannot be an objection at all. The hon. Minister may go on.

Dr. Katju: Sir, I have been reading newspapers, and when the Ordinance was issued there were articles published and the action of the Government in promulgating.....

Shri S. S. More: Sir, may I rise again to a point of order? He has referred to certain portion of that article. Will that be laid on the Table of the House?

Mr. Deputy-Speaker: There is no point of order. Whatever any hon. Minister refers to as being contained in a particular paper, that will be placed. Otherwise those things will not be placed.

Shri K. K. Basu (Diamond Harbour):
The House is entitled.

Mr. Deputy-Speaker: Shall I allow only interruptions and nothing of a speech?

Dr. Katju: Now, Sir, when this Ordinance was promulgated, papers, respectable papers came out with criticism of this action, namely the promulgation of an Ordinance. I shall give the name. *The Hindu* said:

"While a few prosecutions have been successfully launched, gutter press remains practically untouched by the thunders of the press law."

Newspapers that do not come into the category are perfectly safe from this judicial trial. I ask hon. Members in all seriousness to consider it. It is not a party question. It is no pleasure to bring this. I ask hon. Members to study and read these papers. I want Mr. More, who is rising over and over again, to study the papers published in his own State, that is Bombay.

Shri S. S. More: Supply me with all the material.

Dr. Katju: Why should I? You are a Member of Parliament and you are supposed to read the papers—and not simply to go on interrupting me.

Now, this is an instance. I imagine hon. Members will laugh. But it is a matter of some importance. On the 15th of February something was published about me personally. I came to know of it when I saw a cutting from a Hindi newspaper about two weeks back. I went to Kalyani to attend the Congress session, as a delegate to the Congress. All the delegates lived in the Kaiyani Congress Nagar. I spent literally six nights and five days there. I reached there on the 19th and was informed that my daughter who lived in Calcutta was seriously ill.

So, I said to the Chief Minister, Dr. Roy, who was going to Calcutta at about eight o'clock in the night, to take me and drop me at my daughter's house, so that I could see how she was, and to bring me back the next day morning. My daughter continued to be unwell. Then I asked the Law Minister who was going at nine o'clock on the twenty-first night to take me to Calcutta and bring me back the next morning. Thus for two nights I went to Calcutta and for four nights and five days I was at Kalyani doing Congress work and attending the session. This is what is published and I want the House to hear it:

"Our Home Minister, Dr. Kailas Nath Katju;—he is a man of no importance—'is worthy of special

mention. Everything was provided for his convenience in the Congress Nagar—a well built house, electric heater, hot water, etc. etc.,—but despite all these facilities he was put to great inconvenience and used to motor down to Calcutta every day and stay at the Raj Bhawan there."

Now, please listen to the next sentence:

"People say that though there were all facilities at Congress Nagar, still there was one special convenience which was not provided, for which Dr. Katju was forced to go to Calcutta."

Shri Frank Anthony: Liquor?

What is the suggestion?

Dr. Katju: Now, as a matter of fact, I never went to Raj Bhawan at all. I did not enter there for a single minute, nor did I meet anyone from there. (Interruption). Now, I ask you,—this is not a matter for joking—what would people think when they read such news? This may appear against Dr. Khare. He was the Chief Minister of Madhya Pradesh.

Dr. N. B. Khare: I was never the Chief Minister of Bihar.

Dr. Katju: On another occasion a gross foul statement was made against the Prime Minister. I have got cuttings here in which every Minister of Centre and State has been attacked and most foul imputations have been made against their personal character. How are we going to tolerate this kind of scurrilous and indecent statements? It is not a matter of your being in the opposition and my being on this side. You are all trying to change sides. Of course, in a democratic institution it happens. But, please remember that we must have some decency in the House and in our Press. If the Press becomes indecent and scurrilous there is no end to it. I have got another cutting with the caption "बुन के ने" The foul language used here makes it

impossible for me to read. There must be a limit. (Interruption).

Mr. Deputy-Speaker: If hon. Members want to have a holiday I will close this chapter for this day. I am very sorry to make this observation, but if hon. Members again interrupt I will take more serious action against individuals.

Dr. Katju: This article is called "The story of sins". In this the behaviour of a college girl, what happened to her in a cinema house and so on are described. I do not want to read it. It is shameful for anyone to write an article like this. We must stop this nonsense. Hon. Members are parents; they have daughters and sons, and it is their country. As I said, what is this prosecution? I call the proceedings under this Press Act a prosecution. Instead of sending a man to jail, you say, well, this publisher or this editor of the Press is continually sending out into the world horrible stuff and therefore he may be asked to deposit a sum of two, three, four or five hundred rupees. What is wrong with that? The Sessions Judge looks into it and gives you ample opportunity to defend yourself. You can argue that it is not horrible stuff and that it is very delicate perfumery. You can also prove all these facts. I do not know as to where the arbitrariness comes in.

This Act has been there for two years. From 1st February, 1952 to 31st October, 1953, the prosecutions launched for obscene writings under this Act were 53 in number and for other writings 33: total 86 throughout India. As a matter of fact, I might mention for the information of the House that every single State Government has complained that the Act is so stubbornly worded and it is so cautious,—(Some Hon. Members: Oh!),—that the proceedings are dilatory and cumbersome, that the proceedings take months and months, which is generally the consequence of judicial proceedings, and therefore in sheer disgust, they do not take action. Otherwise, if you have wretched stuff like these newspapers,

[Dr. Katju]

just ask them to give some security and there in an end of the matter. Even then, the Act has been most carefully used. See the total number of these cases. My submission is this. We are acting in a responsible manner. The State Governments are responsible for the maintenance of law and order. Times are critical. The House knows that. There is communal feeling; there is provincial feeling. The Commission for re-organisation of States is sitting. There are sometimes moments of great excitement, provincial disputes. I may remind hon. Members of what was published recently in the newspapers about some disturbances in Seraikela and Kharswan. We have got to take all this: communal feelings etc. I have got cuttings here both ways. Exciting great commotion against the Muslims, charges are made that they are repaying in their own coin. We cannot take any action. We cannot allow these papers to be published: papers who, just merely for the sake of building up circulation, write the most irresponsible articles. I would ask hon. Members from Bengal, for God's sake, to think of what happened when the tramway strike was going on. I have got sheets here; banner headlines in Bengali newspapers. Then, we had the teachers' strike. Every strike becomes a civil war, guerilla warfare, struggle for liberty, struggle for national liberation; I read in today's papers another national liberation in Calcutta, when students went about after examination for a day and half and said: this paper is very stiff; two questions have been placed from outside the course. What did they do? They smashed window panes, glasses; they broke the chairs. This thing and that thing. I am sure that if any action were taken, that would again be interference with the fundamental right of pure, innocent students! The examination had to be adjourned. Sometimes, I think we are living on the top of a volcano. Different parties are working, agitating, building up their various fronts, the students' front, farmers' front, pea-

sants' front, recruitment front, I do not know how many fronts there are. We also know that pursuing their campaign, they are not very careful about the methods that they employ. It is a part of the political game. My hon. friend Mr. Gopalan, whom I am very glad to see here, sent great telegrams from Travancore-Cochin saying "this thing has happened".

Shri A. K. Gopalan: I have sent telegrams.

Dr. Katju: They are all quite correct, I know.

Shri A. K. Gopalan: When there is great disturbance. I have to send telegrams.

Dr. Katju: I am not saying the telegram was not sent. I am only saying that this is happening in the country.

Shri A. K. Gopalan: rose—

Mr. Deputy-Speaker: The telegram is true, and he refers to it. There is no implication.

Shri A. K. Gopalan: The telegram has nothing to do with the Bill.

Mr. Deputy-Speaker: The hon. Member will wait and see how he develops.

Dr. Katju: I am only saying that the atmosphere is surcharged with excitement, and therefore it is very desirable that we should move cautiously.

Now, Sir, what is this Bill? This is a very short—I was almost going to say—harmless Bill.

Shri K. K. Basu: Innocuous.

Mr. Deputy-Speaker: I ask Mr. Basu that he ought not to interrupt like this. If he cannot hold himself in patience, I will have to ask him to withdraw from the House. (*Interruption*).

Shri H. N. Mukerjee: We are not charity boys, we are not Oliver Twists. We have been sent by our people to this House. This is not the kind of treatment we expect from the Chair.

Mr. Deputy-Speaker: I will now name Mr. H. N. Mukerjee. He may withdraw for the day. (*Interruption*).

Shri K. K. Basu: We are not school boys.

Mr. Deputy-Speaker: If any hon. Member obstructs, he will have to go out of the House.

Shri K. K. Basu: Yes, we are going out. (*Interruption*).

Mr. Deputy-Speaker: I cannot allow this interruption endlessly.

An Hon. Member: Why should you allow?

Shri S. S. More: May I know under what rule or procedure this has been done?

Mr. Deputy-Speaker: I am not going to say. I know the rule.

Shri S. S. More: Can we not enquire of the Chair?

Mr. Deputy-Speaker: I know. It is my duty to preserve order. I have asked them to withdraw.

Shri S. S. More: With due respect may I submit you should keep order according to rules?

Mr. Deputy-Speaker: I know. I have kept order according to rules. I am not bound to explain it to the hon. Member.

Dr. Katju: This Bill contains only two provisions. One is an extension of the Bill for two years. It was due to expire on the 31st January, and I ask for extension for two years. The Press Commission is sitting and I do not know when it is likely to submit its report. Maybe four months, maybe six months. The ordinary procedure is that when such important Commissions submit their reports, those reports are published and circulated to State Governments for their opinion and also published for public comment and criticism. If in the light of the recommendations made by the Press Commission it becomes necessary, we will introduce legislation, and if necessary, we will either modify it

or make the necessary changes. But I can say this with confidence that I am not prepared—Government is not prepared—to give up this method of seeing that order is kept, and that opinion is expressed in newspapers in a responsible manner. We cannot allow different papers, magazines and weeklies publishing all sorts of wretched stuff and trying to interfere or tamper with the morale of the people. That is one thing.

I have noticed certain amendments on the Order Paper saying that this Bill may be circulated for eliciting public opinion. That I submit is a purely dilatory thing in order to kill the Bill. The Ordinance will expire in a few weeks and the object of that motion for circulation is that the Act may go and there may be perfect freedom. Similarly there are amendments suggesting the appointment of a Select Committee. Select Committee for what purpose? This is a short Bill. It does not contain any very complicated provisions. The House can pronounce here and now whether it favours extension or it does not favour extension. The House can say one way or the other.

Therefore, the only suggestion that we have made in this Bill which I consider to be a minor one and which, I submit, is really an improvement on the original Act, is this. Throughout the world, wherever the jury system prevails, it is understood that the jury has got the right to pronounce upon the guilt or innocence of the accused. That is all. It can pronounce its verdict upon that. If it pronounces a verdict of not guilty, the matter ends so far as the criminal procedure is concerned. If it pronounces a verdict of guilty, the jury walks out. As to what the sentence should be under the circumstances of the case is always considered to be a judicial function. The Act is worded in such a way that it looks as if the jury were given both the powers, viz. the power to pronounce a verdict of guilty or not guilty, and the power for the pronouncement of a sentence. I submit this was wholly

[Dr. Katju.]

not in consonance with precedent, and well-established practice governing jury trials. Therefore, one of the amendments in the Bill seeks to provide that the jury should have its own sphere, and the judge his own sphere.

The second thing is that there is a right of appeal given to the accused under the Act. It is not a question of murder trial. Even in murder trials and jury trials, there is a right of appeal given to both parties, the prosecution and the defence. I have suggested here in this Bill that the right of appeal should be given to both parties viz. the State as well as the keeper of the press or the publisher. It does not mean that if the sessions judge—God forbid—pronounces a wrong judgement in favour of the publisher, it is valid and it stands. If the sessions judge pronounces a wrong judgement in favour of the publisher, there is the right of appeal. That is the gist of the whole Bill.

Then there is a minor provision about the settlement of the jury list. Inasmuch as the jury should be a specialised jury consisting of people who have got special experience, we have suggested that instead of having a district-wise jury list, there should be a jury list for the entire State.

This is really all that I have got to say. I can assure the House that the Act has been very cautiously used. Indeed I am tempted to say that I am astonished at the moderation of the State Governments in this matter, because it is a part of my duty to read the newspapers from the different presses in India, and they are sometimes—I deliberately use the word—horrible, and one feels ashamed of what is written in the magazines, weeklies etc. for blackmailing purposes. Actually the State Governments should really be much more energetic about it, but that is a different story altogether.

Mr. Deputy-Speaker: Motion moved.

"That the Bill to amend the Press (Objectionable Matter) Act, 1951, be taken into consideration."

Shri Frank Anthony: May I rise to a point of order, arising from what the hon. Home Minister has said? He referred to Section 3 which defines objectionable matter, and said, look at the items under objectionable matter, they are all very exemplary, and very harmless. My respectful submission is that in part, at any rate, this definition clearly offends and is therefore *ultra vires* of the Constitution, and I am seeking your ruling on that point.

Mr. Deputy-Speaker: Section 3 is *ultra vires*?

Shri Frank Anthony: Parts of it, at any rate, are. I am not going to analyse it very closely at this stage, but parts of it clearly and truly offend the Constitution.

Mr. Deputy-Speaker: The hon. Member knows that points of order need only be stated.

Shri Frank Anthony: I am only stating the point of order, and saying what the objectionable matters are.

Mr. Deputy-Speaker: What are the items under "objectionable matter"?

Shri Frank Anthony: Let me explain it. If you will see article 19 (2) of the Constitution you will find.....

Mr. Deputy-Speaker: Which is the portion to which the hon. Member takes exception?

Shri Frank Anthony: If you will allow me to develop my case logically, Sir, it would be easier to understand. My first objection is to the word with which the provisions have been prefaced 'likely'.

"In this Act, the expression 'objectionable matter' means any words, signs or visible representations which are likely....."

Now, this preface, I submit, takes all these various parts of the definition above and beyond the permissible limits to freedom of speech and expression. I will give you an example: "likely to incite or encourage any person to commit murder, sabotage or any offence involving violence". The Constitution is very clear. All that the Constitution permits is a restriction against actual incitement. If you will see article 19(2), it refers to 'incitement to an offence'. We have gone beyond that permissible limit and by using the word 'likely' we now make punishable something which the Constitution does not permit us. We make something which was likely to incite to an offence punishable; this something is very much larger than and beyond the permissible limit.

Then, Sir, you will also see under (vi):

"which are grossly indecent"
—I am not objecting to it—"or are scurrilous....."

Now, I respectfully submit that the word 'scurrilous' is very clearly something which goes beyond the gamut of permissible restrictions under article 19(2). Article 19(2) exhausts every gamut of permissible restriction and you will find there 'public order', 'decency', 'morality', 'contempt of court' and 'defamation'. Now, here we have added some word which is completely alien to the court, something which has not been subjected to any conventional or legal interpretation. What is 'scurrilous'? I may say that a Minister is incompetent. I say that that is perfectly justifiable. The Sessions Judge may say it is scurrilous—something which has not been judicially interpreted upon, and leave the whole penal clause at large. Anyone can suddenly have his paper shut down or his security forfeited because the Sessions Judge may say that it is scurrilous.

Mr. Deputy-Speaker: State the point.

Shri Frank Anthony: These are the two points—about the word 'likely' and the word 'scurrilous'.

Pandit Thakur Das Bhargava (Gurgaon): May I also rise to a point of order?

Mr. Deputy-Speaker: On this?

Pandit Thakur Das Bhargava: Yes

Mr. Deputy-Speaker: No, no. Let me finish

Pandit Thakur Das Bhargava: I want to raise a point of order in regard to the point of order raised by the hon. Member. The point of order is this. Now we have got an Act before us here which was passed by this House. All these objections—and perhaps many more—were stated at the time when this Bill was passed—in these very words. But this House passed the Bill into an Act. Now the Act is sought to be extended. In extending the Act, an Act which is only before us for the purpose of elongating its life, can all these objections be gone into again? Ordinarily, in an Act of this nature, we do not allow extraneous matters to come in. Even the original provisions of the Act are not allowed to be touched. Therefore, I submit that this point of order cannot be gone into at this stage.

Shri Venkataraman (Tanjore): On the point of order raised by Mr. Anthony, I want to submit the following. Sir, there are precedents in this House where we have held that a particular Act or legislation, whether it offends the Constitution or not, whether it is *intra vires* or *ultra vires* of the Constitution, is within the realm of the Supreme Court or the High Courts to decide. The House will not decide that question. Wherever a matter is a question as to interpretation of the Constitution or with regard to a question whether it is within the competence of the House or not, this House does not decide. It always allows the court to exercise its judicial mind. Therefore.....

Some Hon. Members rose—

Mr. Deputy-Speaker: I do not think it is necessary to continue.

Shri Venkataraman: This is a matter which cannot be decided by the Chair at all.

Shri Bansal: Does it mean that the House binds itself to such a point? Not at all.

Shri N. C. Chatterjee (Hooghly)
rose—

Mr. Deputy-Speaker: Is it necessary to hear any more on the point?

Shri N. C. Chatterjee: Article 19(1) (a) makes freedom of speech and expression a guaranteed fundamental right, and under article 13 of the Constitution the State shall not make any law abridging or curtailing any fundamental right. The Supreme Court in its ruling in the case *Ramesh Thapar*. AIR Supreme Court 124, 1950, Justice Patanjali Sastri, has clearly laid down that article 19 not only conferred certain rights on the citizens of India but put a conscious fetter or a deliberate limitation upon the legislative competence of Parliament.

Mr. Deputy-Speaker: Is there any judgment of the Supreme Court regarding these two points of order that have been raised with respect to this particular Bill?

Shri N. C. Chatterjee: I have not made myself clear to you, Sir. Article 19(1) was the article which was being invoked in *Ramesh Thapar* case and the late Chief Justice declared *ultra vires* an order imposing pre-censorship on the Press on the ground that any kind of law made by any legislative authority in India imposing such a restriction abridged the freedom of the Press.

Mr. Deputy-Speaker: But this is not pre-censorship.

Shri N. C. Chatterjee: It is not a question of pre-censorship here, but then the question is that the ratio of that judgment is applicable here.

Mr. Deputy-Speaker: I have followed him. I only want to know whether there is a ruling of the Supreme Court in a case that is on all fours with the present issue.

Shri N. C. Chatterjee: Yes, it is on all fours. The language is: "The Constitution has formulated varying criteria for permissible legislation imposing restrictions on the fundamental rights, namely, in article 19...."

Mr. Deputy-Speaker: But is there a ruling regarding this Act?

Shri N. C. Chatterjee: No. But the ruling is applicable here. It is not a question of whether the ruling is regarding this Act or that Act. The ruling is that this particular subject of freedom of Press has been put in a special category, at a higher level. Freedom of speech and expression can only be abridged provided such abridgement comes within the four corners of article 19(2). That subsection enumerates certain contingencies and categories beyond which you cannot possibly legislate and take away the fundamental right. I think there is considerable force in Mr. Anthony's contention that when you go beyond the scope of sub-section (2) of article 19, you are doing something which is *ultra vires*, which is outside the purview of Parliament's authority, because you are doing something wholly repugnant to article 19.

Shri T. N. Singh (Banaras Dist.—East): We have not heard your ruling, Sir, on Pandit Thakur Das Bhargava's point of order.

Mr. Deputy-Speaker: I have heard both the point of order and the point of order on the point of order. As regards the points of order raised by Mr. Anthony, he contends that under article 19(2) of the Constitution, likelihood to incite is not one of the matters contemplated, or one of the manners contemplated, whereby freedom of speech and expression can be restricted. Secondly, he contends that the word "scurrilous" in this Bill is not anywhere to be found

in article 19. Now, so far as this matter is concerned, these two points are not points that are raised as a first impression. These were dealt with when this Bill was originally brought forward and passed in 1951 into an Act. Shri Venkataraman has referred to the previous practice of this hon. House whereby the Speaker does not take the responsibility of ruling out any particular thing as out of order in such matters, but leaves it to the House to decide. The House has had the opportunity of hearing both the points of order raised by Mr. Anthony and also the objections raised on it by Pandit Thakur Das Bhargava. In passing this Bill or rejecting this Bill, the House may take all these matters into consideration.

Shri S. S. More: As you are leaving the matter to the House, we should like to be enlightened on the legal points. Will it be possible for Government to requisition the aid of the Attorney-General to clarify the whole legal position?

Mr. Deputy-Speaker: It is not necessary. It is left to every hon. Member to bring as much of his legal knowledge as possible to bear upon the discussions here, and if the hon. Minister feels that he is not able to support his own Bill or convince the House, and he is afraid, he will take the step of bringing or not bringing the Attorney-General. I do not intend to call the Attorney-General.

Dr. Lanka Sundaram: Before you place these two points of order for the decision of the House.....

Mr. Deputy-Speaker: I am not placing any motion.

Dr. Lanka Sundaram: Are you not placing them before the House for its determination?

Mr. Deputy-Speaker: No.

Dr. Lanka Sundaram: In what case, I would seek your permission to make a very brief submission as regards the counter point of order by my hon. friend, Shri Thakur Das

Bhargava.

Mr. Deputy-Speaker: There is no need for it. The hon. Member will have a chance to participate in the discussions.

Dr. Lanka Sundaram: My submission is very important. It will be very brief indeed.

Mr. Deputy-Speaker: He has not followed me. Pandit Thakur Das Bhargava's counter point of order was that the point of order of Mr. Anthony was too late, because this matter was considered earlier. We are now merely trying to continue an Act which is already there. I am not addressing myself to that particular point at all. All that I am saying is that the Chair does not take the responsibility of refusing to allow a Bill to get through merely because of or merely on account of its own opinion by accepting or rejecting the point of order. It leaves it to the House to decide. This implies that hon. Members who want to oppose the Bill may submit to the House that it is opposed, on the ground of curtailment of freedom, to the constitutional provisions. They may develop this point in the course of their speech. They can show how it is opposed to the constitutional provisions. That is point number one. Point number two is they may argue that the Bill on its merits ought not to be allowed. That is another matter. On these points, the Chair has nothing to say. Hon. Members will have ample opportunities to speak. After the debate, it is open to the House to accept or reject this Bill. Other hon. Members may urge that this Bill is merely to continue an old Act. These are the points.

Now, I have already placed the motion before the House.

Dr. Krishnaswami (Kancheepuram): I have another point of order, to raise and this relates to the Statement of Objects and Reasons. The Statement of Objects and Reasons appended to the Bill does not contain any reason at all. The argument for extension or continuation

[Dr. Krishnaswami] should flow from a consideration of the facts and circumstances that necessitate this amending Bill. I looked forward with great interest to the speech of the hon. Home Minister, but he has given us no arguments as to why government contemplate this extension. The only reason that he has furnished in the Statement of Objects and Reasons is that Government have appointed a Press Commission; they do not know when or what it will recommend; therefore, we are called upon to vote for the continuance of this Act. Equally, we on this side can say that since a Press Commission has been appointed and we do not know what and when it will recommend, therefore we need not vote for extension. There is nothing which operates on our minds as regards the necessity or otherwise for extension. We are asked to await the findings of an extraneous body—the Press Commission. There is a further point. This is only a continuation measure. As regards continuation measures there are specific rules. One of them is that the House has got liberty only to vote for extension or against it. We are not at liberty to re-open the provisions of the parent Act at all. We are not at liberty to suggest amendments to the various clauses of the parent Act. Unless the hon. Minister is able to furnish us with the reasons that make it necessary for this amending Bill to be proceeded with, it is not fair to this House. We have also insisted in our rules that every Bill should be accompanied by a Statement of Objects and Reasons. We must not reduce this condition to a mockery or a farce. May I also add that since in most Bills nowadays the preamble is omitted, there is all the more reason for our insisting upon government appending proper Statement of Objects and Reasons. Government should, after all, understand....

Mr. Deputy-Speaker: I cannot allow an argument to go on over a point of order. An hon. Member

who rises to a point of order must state what is the point involved in the point of order. Now, so far as this point of order is concerned, let me deal with it straightaway.

Dr. Lanka Sundaram: With reference to Pandit Thakur Das Bhargava's point of order, may I make a submission?

Mr. Deputy-Speaker: I have already disposed of it. He raised an objection that Mr. Anthony's point of order could not be raised at this stage. I have already ruled that it is a matter for the House to decide when the motion about the Bill is pressed. There is no ruling called for now.

So far as Dr. Krishnaswami's point is concerned, he says that the Statement of Objects and Reasons is cryptic.

Dr. Krishnaswami: No. I said that no reasons have been given.

Mr. Deputy-Speaker: He states that the Statement of Objects and Reasons does not give any reasons on account of which the hon. Minister wants to persuade the House to continue this Bill. The hon. Minister thinks it is enough; the hon. Member thinks it is not enough. It is open to the House to accept the Statement of Objects and Reasons or throw out the Bill. There is no point of order in this. In spite of all that the hon. Minister has said, Dr. Krishnaswami does not find any argument in support of this Bill. Under those circumstances, we shall proceed with the rest of the work. There are a number of amendments tabled to this motion for consideration. There is one amendment of Shri Vallatharas for circulating the Bill. Is he moving it?

Shri Vallatharas (Pudukkottai): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th March, 1954."

Mr. Deputy-Speaker: He will be given an opportunity to speak. Motion moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th March, 1954."

The Act expired on the 31st January, but the Ordinance is there. I wanted to know whether this is a dilatory one or not. The Ordinance does not expire before that date. Therefore, this is not a dilatory motion.

Then there is the amendment of Shri Gurupadaswamy; it is similar but the date is 30th April instead of 30th March. There is a similar motion in the names of Shri H. N. Mukerjee and Shri Sadhan Chandra Gupta. They are not here.

Shri S. S. More: On a point of information, Sir.

Mr. Deputy-Speaker: What is the hurry about it. The hon. Members may choose any one of these motions. I leave it to them; or I will choose myself.

Shri S. S. More: Shri H. N. Mukerjee has been named and asked to withdraw from the House. What will happen to his amendment? His absence is not voluntary.

Mr. Deputy-Speaker: We are not concerned whether the absence is voluntary or not; the consequences are there.

I will place the other motions also before the House in order to avoid them being discussed at different times. There is one amendment by Shri Gurupadaswamy for reference of the Bill to a Select Committee. There is another by Shri V. G. Deshpande. Mr. Deshpande is not here. Is Mr. Gurupadaswamy moving his amendment?

Shri M. S. Gurupadaswamy (Mysore): Sir, I wish to move that the Bill be referred to a Select Committee consisting of... I shall give the names in a minute.

Mr. Deputy-Speaker: The names are not given. I am not going to allow this amendment.

Shri M. S. Gurupadaswamy: I may submit, Sir, that I am getting the consent of persons. I will just pass on the names.

Mr. Deputy-Speaker: Hon. Members are fully aware that they must give the names at the time of making the motion. He must have taken the consent of the Members before. How long am I to wait? I will not allow this.

Now, there is the original motion that the Bill be taken into consideration and amendment of Shri Vallatharas that it may be circulated for eliciting opinion.

4 P.M.

Shri Vallatharas: Very few matters are of greater concern for the present generation than the matter of the Press. It is really deplorable that the attitude of the Government had been so reactionary that no progress has been made by them in examining or analysing the situation during the last two years of the life of this Act. In the course of the observations made by the hon. Minister, he was foaming and fretting at these motions for circulation for eliciting public opinion or for reference to Select Committee, because the Ordinance is to expire very shortly and within that period the Bill has to be carried through, and so these motions are somewhat unpalatable. What was the Government doing during the last two years? Is there any justification that can be advanced, with any responsibility, for having remained idle for full two years, without the least attempt or attention being devoted to this matter? They might have brought this Bill sufficiently earlier—after the lapse of 15 months or 18 months—and they should have given an opportunity for this House to consider. All of a sudden, in December, 1953, they woke up and found that this act is going to expire. Just as a resourceless client seeks to file a plaint with inadequate court-fee

[Shri Vallatharas]

just to save limitation, the Government has come forward with this Bill. The matter was taken to the notice of the Leader of the House also by an hon. Member and he was asked what would be the fate of this Bill in view of the fact that there were only a few days remaining. But, somehow or other, the Ordinance was passed. A cryptic remark was made—“I am speaking subject to correction —“that the heavens would not fall if the Ordinance is passed.” I ask: What! Will the heavens fall if the Ordinance is not passed? Will the heavens fall down if these laws are non-existent? What is going to happen in this country? We had seen worse circumstances—very great and critical moments we had seen during and after the World War. Those things had not brought down the heavens. It shows the mentality of the Government in these things. Even though sufficient leisure was there, they had not brought this Bill in time. Even after the Ordinance was passed, they had not taken sufficient care to see that this House may have sufficient leisure to consider it. I am not advocating the cause of the Press, but, I am very much interested in the sensible interpretation of our own responsibilities. We have got sufficient materials before us either for criticism or for acceptance. The debate of 1951 was of a classic type. I take pride that the standard of debate in this House had risen so high and noble that the matter was not only thrashed out, but, on the other hand, it was left in a pitiable condition at the end. The statute book need not be swelled by unwanted and undesirable embryos. It must have some substantial legislation.

I will not enter into the merits of the sections here except stating two instances to which I take objection. My first business in this connection will be to state in a precise form the objections which I have against the passing of this Bill. In conclusion, I would say that the main Act must abate or it must be made a permanent

feature of the common law of the land, and that there is no justification in having it suspended in the air for years together. The national government of an independent country does betray itself and its unhealthy trends, not because of a bad Constitution, but because of those in the administration who are weak and who lack foresight. There is no initiative at all. Now, a further extension of two years is sought simply because there was nothing done by the Government in attending to this matter. Why should this Bill come? If the House is convinced that even the original Act itself cannot be sustained—it was allowed for some reasons—it will be competent to consider that this further extension is totally out of order. I will confine my remarks to this particular aspect.

The most relevant, important and vital aspect of it was touched upon by one of our hon. Members, for whom I have got very great regard in legal matters,—I am glad to refer to the name of Pandit Thakur Das Bhargava. I read very carefully all the discussions that were raised on this great and important matter in 1951. The lion that roared against this legislation afterwards withdrew in due deference to the then hon. Home Minister, Mr. C. Rajagopalachari. But for the delicate sense of respect, I do not feel that the withdrawal of the opposition was a proper one. But, whatever that might be, I am not going to harp upon that point. Now, so many constitutional objections are going to be raised and we are going to see what they are. I am not going to travel this phase. I will confine myself to this one position. Article 19(1) of the Constitution clearly provides equal status for oral speeches and expressions in writing. The first question that arises is, are we within the constitutional limits if we deviate from this, and single out the Press for a different, vindictive treatment and then dub the Press either as a fool or as a knave or as a man who always goes out of order, or at times out of order. Whatever freedom you have

granted to the speech, you are expected to give for the expression by the Press. We have no business to go and single out one out of the two and say that one is inferior to or superior to the other. Panditji's argument on that point was very lucid and scientific. He said that the only argument of the then Home Minister was that the Press was potent, either for good or for bad, and so it must have a different treatment. The Home Minister really responded, and the observation of that hon. Member was: "So far I have been believing that the two have got an equal status in connection with fundamental rights." After the exposition of the hon. Home Minister and of some others, he began to see that there was a difference between the speech and the written matter. If I am able to convince on this position, I will have succeeded a great way. I am not pleading that the Press should be absolutely free to go its own way. Interests of the State, interests of the society and of morals have to be taken into serious consideration, but I am one who will say that public-spirited men must be thick-skinned. I do not like a thin-skinned politician like the hon. Dr. Katju, who feels that something has taken place as soon as a paper remarks that he lacks something. Why should he take it into account? If I go and make a speech in a public platform—certainly I have done so many—I certainly criticise my opponents and I am let loose and free; but when a Press writes something, why should it be taken note of, and why should it be banned by some method or other? Why should the Press suffer? Thick-skinned people alone are required either to be lawyers or politicians. Only from that angle I am viewing the position. Concentrating on that point, there was no further elucidation of the principle. I will, at a later stage, categorically state the reasons of the then Home Minister for bringing the main Bill. In regard to this point, I have a feeling that when the Home Minister and also our Deputy-Speaker, who was then occupying the Chair,

expressed the view that there was a difference between a speech and a writing, of course, no further argument was made out. It is not within the ambit of one person or the other to finalise this matter. That is a very great proposition, and no discussion was concentrated upon the equality of the status, the denial of a particular equal status to one and the singling out of one for a separate treatment. The Press is potent, I understand; but how is it different in any way, for good or for bad, from oral speeches? Pandit Jawaharlal Nehru goes to a meeting and his speech goes to five, ten or fifteen lakhs of people. Can you tell me of any newspaper in the country which has got a circulation of ten lakhs? A newspaper is in a particular language, confined to a particular area, confined to literary people who are only very few—the percentage of literacy has not risen from its position of 12 per cent. in 1949 to any appreciable or substantial degree. Again, there are many literate persons who do not read the newspapers, but have their heads and legs on the table and go on discussion irresponsibly. Therefore, there are only a very few people who read newspapers with a sense of responsibility of the greatness of their country or its status. If you take an oral speech—take for instance myself, I can convert ten lakhs of people to my own view so long as they are before me. When I feel so confident myself, of course, with regard to Mr. Deputy-Speaker, Dr. Katju, and Pandit Jawaharlal Nehru, the position is totally different. Do you feel that a paper having 10,000 or 20,000 circulation in a vernacular language is more dangerous than the speech of a particular person which goes to fifteen lakhs of people, while he is using all possible external and visible demonstrations, with a tasteful manipulation of the language in a way in which he can attract the eye to the eye and the heart to the heart of the audience? Some people think that the paper is more potent for bad than the speech, but I am at

[Shri Vallatharas]

a loss to understand the reason behind it. Further, the speaker goes to illiterate people, that is, the masses. The masses do not know anything except the person who speaks before them. He incites a mass of villagers in a rural area which aggregates to ten or fifteen lakhs. Take for instance, the All-India Congress or the Praja-Socialist Party or the Communist Party, which are all all-India parties. In every village you have got a member or a worker. You issue a circular at a particular moment to tell the people that something must be done. In these five lakhs of villages, somebody or other goes to the people and at once approaches them. This advertisement is given out in the papers that a circular has been issued. Do you feel that the worker's lot is not more dangerous than the paper's advertisement of the situation? Further, some illiterate people are approached and there is every likelihood of mischief being completed. It is in that way we politicians have been exploiting the villagers during these years. You and I have been working for two decades in the villages. What are the newspapers? They are nowhere as compared to the speeches on a public platform. May I ask this question? Is it the newspaper that was responsible for the reverse or the advantage at Travancore-Cochin? It is only the speeches of the respective workers and leaders. So, the distinction between the speech and the written matter is not different—either they may be equal, or if I can say, the oral speech is more dangerous than the written matter. Even in writing, what has been there hitherto? When a man purposely wants to slander another, he writes a matter, or rather a defamatory matter that incites anybody to violence or any such thing—this has been the subject matter of life-long legislation. Many a mind of great ability has been devoted to the understanding and interpretation of the circumstances or the situation. When a written matter

comes to the knowledge of the people, what is there in it? It is read either in English or in some vernacular language, and the reader keeps it with himself. Even for defamation, when I write a letter to A, alleging so many things, unless it goes to another person, it is not defamation. Even then, simply because a few people have read it, it is not fully defamation—it is limited by the circulation. But in a speech, the limit of circulation is very wide, country-wide and even nation-wide. So, the argument that the Press is a more potent factor than the speech or a more dangerous element than the speech is, of course, out of tune. Developing on that point, all the arguments that were advanced for the Act of 1951, of course, lose colour when we take this position. Supposing the Home Minister feels that the Press is not so dangerous as the speech, then the entire situation will change. If the situation changes, I would see Mr. Thakur Das Bhargava stand on his legs and see that he maintains his stand in opposition to the principle of the legislation.

Then, let me come to my second point. We are not living isolated in this crowded country. We are surrounded not only by the environments of the various sections of the people but by the various factors of the world outside. We have got a standard of society. We are now beginning to think in terms of one citizenship—members of the international forum—and we have brought in line all the different elements and conceptions of health, politics, etc., on a common thinking and there is the United Nations Assembly which looks after the protection of the rights of the people all over the world. Now, we differ from the entire world in one matter. There is a high democratic country of America. There is another high democratic country of the United Kingdom and there are so many other countries; for instance, equality rose out of France. If

in those civilised and democratic countries there is no such obnoxious and horrible Act as our Press Act of 1951, why should we alone persist in having it here? How are you entitled to cling to a condemned measure—a measure which is condemned by the whole world? There may be one or two obscure nations somewhere in the world who may not have developed their sense of nationalism or freedom. In the world there are a few unfeeling countries, as in society there are a few unfeeling individuals. We are only concerned with the feeling people, and we as a nation are feeling people. I would put a straight question to Government: on what basis do you want to differ from the United Kingdom or the United States, or any other civilised country, in framing these provisions for demanding security? The Home Minister gave a repetition of the grounds given in 1951. It is a disappointing statement. We expected him to tell us new things; we want him to develop his interpretation; we want him to give us an insight into better things. On the other hand, he began to repeat the arguments of 1951 in another form.

He began by saying; there is a judicial enquiry. What is the use of your judicial enquiry? You may be clad in silk, or adorned in ornaments, but your *thalavidhi* may be absolutely bad. That is the fate of this Press. You have singled out the Press for certain peculiar treatment, purposely, for good reason or bad reason. Then you say: "Do not be worried, Press, I have picked you out for special treatment. You are a criminal tribe. You should not be allowed ordinarily to go along with other persons; you must be kept under some control or the other. Ordinary law is not enough for your neck. I will control you by some other means. You must give security; you must also forfeit the security; your press will be confiscated." All these impositions are being placed.

The question is when in civilised countries, countries which have developed a high legal sense and prestige of the Press, provisions for precensorship or for demanding security, or for confiscation of the press are not existing, why should these things be put in here, irrespective of the remedies you give?

The Home Minister made much about this judicial remedy. "I have given you trial by jury: I have given you a judge to try. You do not appreciate it. On the other hand, you begin to clamour that I am bringing a special law." This argument is meaningless. Whether you agree with us or not, the answer must be straight. On the other hand to side-track the issue and to hood-wink the real position is totally undesirable. After two years, what is the position now? We hear the same argument. I would ask Government whether during these two years they have watched the working of this Act. What effect did it have on the Press? Did it work to emulate the Press, or to make the Press highly depressed? Is Government's decision to bring forward this measure based upon their experience of the working of the Act? My hon. Friend Dr. Krishnaswami rightly said that the Statement of Objects and Reasons does not disclose any internal evidence. Of course, the patent mentality of Government is seen in the Statement of Objects and Reasons. Government do not want to discuss the matter on its merits. If it were within his power the Home Minister may even go to the extent of saying that a discussion on this point should not be allowed in this House. But, unfortunately, he cannot influence you, Mr. Deputy-Speaker. He does not want to discuss the question on its merits. He wants us to see ahead. Now, he wants us to look forward to the Report of the Press Commission.

Why do you ask us to look forward for its report? We have no faith in it. You may agree or disagree. What have you done with the Report of the Press Enquiry Committee of 1947? Was that Committee in any

[Shri Vallatharas] way inferior to the present Commission in structure, construction, intelligence, or canvassing? It took evidence; it elicited public opinion; it went into the law obtaining in other countries and made a recommendation that the provisions relating to security must be deleted. They said that no special law is needed for the Press and that the necessary provisions to control the Press must be incorporated by amendment to certain sections of the Indian Penal Code or other measures in existence. What was the attitude of the then Home Minister? He said that this was an unpractical report, How? How was it unpractical? He does state the reasons. He said the diagnosis of the disease was not there. What was the disease from which the Press was suffering? Was it suffering from syphilis or any contamination from anywhere? I do not know the Press had any disease at that time or even at this time. The Press was and is as pure as it was, as it rose and grew and as it now stands. There was no contagion for it. Without diagnosing the complaint, the hon. the Home Minister suggested certain remedies.

As lawyers and as people who move in society daily, we know the real state of affairs. One who builds a house cannot say whether that house would be convenient or inconvenient: it is the user of the house who is the best judge. Similarly a cook cannot say whether a particular dish is tasteful or not. It is the person who eats must testify to it.

Mr. Deputy-Speaker: A single hon. Member can speak all the twelve hours.....

Shri Vallatharas: I submit to your ruling, Sir, but.....

Mr. Deputy-Speaker: I am only submitting this for the consideration of hon. Members here. A number of hon. Members have already sent me chits that they want to take part in the debate. I would, therefore, request hon. Members to confine their

remarks to twenty minutes, or at the most thirty minutes. If, however, they want to stand on their rights, I have no objection: let one hon. Member go on. That is all I want to say.

I have already given the hon. Member twenty minutes.

Shri Vallatharas: This is an important measure and I have studied it.

Mr. Deputy-Speaker: But others are also anxious to speak.

Shri Vallatharas: Now, Sir, the hon. the Home Minister's argument for rejecting the recommendations of the Press Enquiry Committee are not at all convincing.

Now you have set up a Press Commission. What is the Press Commission going to do? A portion of the questionnaire is clearly devoted to the Act of 1951. Now, I ask you: is the Press Commission going to sit in judgment over the decision of this House, or the opinion of the sponsor of the Act of 1951? They can do one thing, which can be reasonably expected of them. They can say that the entire legislation as embodied in respect of the security provisions, confiscation of the press and the differentiation between speech and expression must go away. If that is done, I for one would congratulate the Press Commission.

But the handicaps of the Press Commission are great. They have been sitting now for over eighteen months. In January 1953 they issued their questionnaire; they issued a Press communique also. But afterwards we have not seen any of their activities which go to show that their report will be available in the near future. There was an assurance given that the report would be available by October 1953. They will naturally have to be given their own time to deal with the matter, because it is a very important matter and no lacuna should exist in their report. Even if the Press Commission submits its report: what will be the attitude of Government? There is no guarantee that Government would act expeditiously. As conditions exist in the

country, there may happen to be a change in the administration, or a change in the mentality of the administrators themselves. I am not taking any pessimistic view of the situation; but it is not going to be decided within the next two years. In a country and with a constitutional set-up like ours, is it desirable that a legislation on an important subject like the Press should be kept pending like this? Now it is for Government to make up their mind. Let them either abandon this legislation or enact it as a permanent measure, leaving it to the future to have it corrected or abrogated. Let the Press Commission send their report at their leisure and let the Government consider it at their leisure. Government had taken more than nine month's time on the report of the Industrial Finance Corporation; they may take five or six years over this matter. There is no use in expecting the report of that Commission and in thinking that we can finish this matter within two years. The Press cares little for this Act. When I talk to pressmen they say it is bloodless and pale. There is some gutter press just as there are gutter men—great officers who are immoral, who receive illegal gratification in very high and responsible positions. So also one or two papers may do. Suppose a politician aged 75 marries a girl of 30. What is it? Supposing an old minister, aged 75 with all hair grey, always likes to sit by the side of a young girl whenever there is a tea party. Suddenly it evokes interest. I am aged about 52 and if I go and see and stare at girls' faces in the Queensway, it is quite unnatural; some man will say: "See there is an M.P. on the Queensway platform", I cannot take offence at all.

I would challenge the Home Ministers of 1951 and 1954 to show to us: what is the literature they are objecting to? It may be that the All-India Newspaper Editors' Conference feels that they can exercise their influence and see that these things may be corrected. It is not the Gov-

ernment's interference that is needed. We do not want a Press to exist in this free land which could not be allowed to function freely but should dance to the tunes of individuals. Under these circumstances there is no use repeating the same old arguments.

I read the last debate on this Bill and find that the then Home Minister was making too much on this. He said a paper wrote that Mr. Munshi was the rightful successor to Sardar Patel. What is the harm there? In the same vein he adds: 'I do not think these things should be passed over'. As a matter of fact as early as 1855, in this country, some among those alien people laid down very good principles that it was very undesirable to interfere in the day to day affairs of newspapers on small matters and these instances should not be taken too much into consideration.

I was listening with a good deal of interest and enthusiasm to the observations made by the Prime Minister. The mere mention of the name of an officer makes people touchy. What if somethings are written, even if extraordinarily bad? I cannot understand. In Tamil Nad one Lakshmikanan was killed because he ran such a paper. I can say that the society wants it; he went on abusing the cinema stars and men in public life. That is the same position in Bombay or Calcutta wherever cinema studios are. That is not a secret. The papers will indulge in it. The public knows what to receive and what not to receive. Supposing they do not like it, they would not purchase the paper and the paper would fail and the sales will fall. After all, the commercial tendency of the paper is there.

Personal views are imported into this; and an impersonal view of the matter is never taken in those matters. We should take an impersonal view of these things; otherwise we lead ourselves from one confusion to the other; that is the position.

[Shri Vallatharas]

Lastly—I do not want to stand in the way of many Members speaking—there is only one thing I want to state. While there are Members here who have taken five chances and eight chances, I have remained for the last one year without a chance and I may crave the indulgence of the Deputy-Speaker to devote to me more time.

Mr. Deputy-Speaker: I have no objection; all the twelve hours I am prepared to place at his disposal.

Shri Vallatharas: The reasons for the introduction of this legislation according to the then Home Minister were: First, the remedies suggested by the Press Enquiry Commission were unpractical and did not appeal to him; secondly, the disease was one thing and the remedy was different from the diagnosis of the disease; thirdly, there is no need to educate the hon. Members of this House about these matters—he refuses to give reasons; fourthly, if we have no new law, but a simple one repealing the Act 1931, all this matter will be openly duplicated and disseminated as it is known; fifthly, there will be no law to guard against statements of newspapers, for instance Mr. Loy Henderson expressed the opinion that Mr. Munshi was the rightful heir of Sardar Patel; that a teacher was told 'do not neglect your communal spirits'; or a named man or woman had fallen into the immoral trap of another named woman or man; no gentleman or lady of whom things—he reads—were written would care to go to Court and put herself or himself in the box and say—I did not sleep with such woman or man.

I have seen several cases, conducted so many cases where hon. men and women came into the box and said what had happened to them. There is no shame. In this country we have got a section of the Hindu population who are dedicated to the temple irrespective of their private lives; we respect them as members of the society. When there is a real

grievance any woman or man with some sense will never refrain from reaching the court and tell the court as to what had been done. In these things, if an honourable man is written about falsely he can apply to the court; he can go straightaway or she can go straightaway to court for such writing, unless there is guilty conscience: nothing prevents her from doing that.

Then, he says "I would have been content with law like the American law or the British law, but that is not the case with our land". Are there no papers in America and England or France where such dirty matters are not written in papers with headlines being bolstered up? Is this the only unfortunate country in the entire world to have such a sorrowful, dirty literature? Everywhere, in every country, you have such things; you cannot have more obscene scenes than are found on the counters of railway stations in France and pictures where obscenity and scurrility are to be found in plenty if you care to look at them.

Then again, he said: "there are the communists and communalists and their literature". Why are you afraid of them? They are our countrymen: communists and communalists have settled down to normal life and they would like to run the Government only through the exercise of the adult franchise. If at all they go out of the way—it may be even Congressmen—they will be booked at once—there is no question—law is no respecter of persons.

Lastly he said:

Modern printing machine is creating a mentality for such crimes. It is one thing to proceed against criminals and it is another thing to prevent modern printing machines creating a mentality for such crimes. This has to be guarded against'. I have heard human beings having a mentality for doing crimes but I have never heard inanimate beings developing a mentality for crimes or

anything like that. He had singled out the press. What is the reasoning behind it? These reasons are in the very words of the hon. Minister, and I am not importing anything of my own merit there. What is the disease? He has diagnosed no disease in the minds of the owners of the press, no disease in the editor but the disease is in the inanimate being, the press machine. He says: 'Modern printing machinery is creating a mentality for such crimes'. What are these crimes which the presses in the other countries are not committing but in this unfortunate country alone they are committing this sin? 'It is one thing to proceed against criminals and another thing to prevent modern printing machinery creating a mentality for such crimes', he says. Of course it requires a strong man, no doubt about it. In the case of the press, there is the editor, publisher etc. who put their names; book them and punish them severely. There are so many other people: reporters, printers, servants and how are they responsible for the material which is sent out? There are internal efforts made before printing and putting it out. They are not the persons who are responsible for making it public, but the editors and the publishers. How can they be divested of the responsibility?

Dr. Katju: May I just ask whether it is in order to criticise the speech which was delivered three years ago?

Shri Vallatharas: I leave it to the Chair. These are the reasons, momentous and monumental reasons, placed on the record of this hon. House.

I want to say that the Press is free from the disease and if there is disease, it is not in the Press. The then Home Minister said 'If these abuses are brought under the Indian Penal Code, Government cannot prove the case as they can against individual cases'. I cannot understand the reason for it. I would like our Panditji to enlighten me on this. Here is a written matter, not oral

dissemination by anybody in cross-examination, one man contradicting the other; but here is an unimpeachable written matter. Will it not be accepted? You can mark it as exhibits, B-1 or D-1, and have a man convicted or acquitted. That is the position. 'Written matter is more dangerous than the oral speech'. These are the words of the Home Minister and this is only his mental imagination. This is only an apprehensive conception of the frailties in daily life. I cannot interpret that. "Written matter is more dangerous than an oral speech". Then why in the Constitution do you say that both are equal? Change the Constitution and say that equal status should not be given to it. That is an important point about which much need not be said.

Then it is said that the Press is more dangerous than the individual and there has to be a separate law for it apart and distinct from the common law. The only point is that the Government have exceeded all reasonable and civilised notions in framing a separate law for the Press, singling out the Press as an institution which has to be differentiated and controlled in a different manner. If you are able to remedy this situation, the Press will be highly contented.

So, Sir, during these two years this Act had no effect upon the Press. This is my humble opinion, subject to correction. On the statistics available for the year 1952—that wonderful year succeeding the Act of 1951—there have been about six hundred violations of the provisions of this Act out of which Government have taken action on about fifty per cent. of the cases. In four or five States there was absolutely no violation. In about eight States the violations ranged from one to ten. In Delhi the number of violations was about ninety. In Bombay and West Bengal the violations went a little about hundred. But in Bombay and West Bengal out of these 126 and 110 violations the prosecutions were confined only to 19 and 40 cases. I would request the

[Shri Vallatharas]

Home Minister to give us some details about these things. How many of these cases bordered upon the criminal mentality of the machine—not of the man? How many cases were there in which security was demanded, security was forfeited and the press was confiscated? After all they are going to be very few. In 1953 the statistics are of lesser importance.

Of course the press, papers like *The Hindu*, *The Indian Express* and so many other papers, I know, have got a high sense of responsibility of their duty. There are certain papers which are sponsored for election purposes. Whenever an election to the district board or to the Legislative Assembly is about to take place, the paper makes its appearance. Or when there is some cleavage in a political party, two leaders set themselves up and morning and evening they begin to pass cursory remarks. Apart from these sundry things I do not see any appreciable level of degradation in this country.

In spite of the crushing by the alien government ever since 1870 or so, the Press has been successful in establishing an independent code of conduct for itself. After surviving at the hands of the alien government, in 1946 or so when the alien government ceased to exist, they came to the national Government for a certain concession and liberation of their position. Sir, here I would like to give one small anecdote. In a certain household, there was an old woman who was sitting at the front door. She had only recently become a mother-in-law. An old man came there begging for alms. She said: no, you go away. Thereupon the daughter-in-law came there and told the man: why do you go? Come here. And this old man thought that she was going to give him some alms. But what she told him was: "who is this old hag to ask you to go? I say: you go." Sir, in the same manner the alien government had put shackles upon the

Press. The Press now comes to you for relief after having suffered for over hundred years, on your behalf, in the cause of national liberation and freedom. It wants relief. Now the national Government says: who was that alien government who put those shackles on you? We will impose them on you, take these security provisions, take these confiscation provisions, the shackles will not be put on you by constables but by judicial trial, by the judge; your eye will be pierced by a diamond needle.

Sir, it is a disgraceful legislation for any free country. When the rest of the world has gone to the extent of praising the press, we are adopting a peculiar method, alien to the civilised world, of putting it down. I submit that Government must not allow this sort of suspense. There is no use awaiting the Press Commission's report. It will take a long time. It is not an ordinary task with their questionnaire. Give them full time. But decide now whether to continue this Act or do away with it. You might have read Macaulay's opinion about the Press eighty or seventy years back. Everybody fought for the freedom of the Press. When the sentiment and internal desire along the aliens themselves was in favour of the Press, why should we in a free country have a cantankerous mentality about the Press. The Press may shortly develop a council of their own wherein they can provide for dealing with the gutter press or the people employed therein. The previous Home Minister candidly admitted and agreed with certain Members who were passing remarks that such legislation was not going to correct the position, that such a legislation would not be useful at all; admitting that, he said it will remain a dead letter. Why do you have a dead letter with you? Have living things. If you have something substantial, it is all right. But on the other hand if you have a legislation for ornament's sake, a legislation about which nobody pays heed, it is only a dross. Legal sense rebels

when one turns the pages of a statute book which does not have living things.

The Press Commission have an onerous duty. I believe that highly equipped people are there who are fully alive to the situation. I hope also that the entire phase of the Press will be very clearly stated, that the Press will be freed totally and that the freedom of the Press will be restored. Here this Act is not going to be reconciled simply by saying that 'we are having a judicial enquiry and better methods of trial. The Press should be freed from the ignominy and insult of being treated worse than an individual, in a separate manner, as a criminal. That insult must cease to exist. Or else there will be no justice for this Press which for the last one hundred and fifty years have shed their blood and undergone sacrifice, which rose with the waves when the national tide swept the English people out of this country.

Mr. Deputy-Speaker: I would like to know the sense of the House regarding the time that hon. Members may wish to give themselves for their speeches. I shall allow thirty minutes as the maximum to a member.

Shri N. C. Chatterjee: Sir, It is a matter of great regret that my hon. friend Dr. Katju will go down in history as the author of two extraordinary pieces of legislation, the Preventive Detention Act and this Press Act. Honestly, he has put forward no cogent arguments, and he has given us no facts and figures in support of the continuance of this Act.

Naturally, over a contentious measure like this there is bound to be a certain amount of feeling and there were some demonstrations when he was speaking. We would support you, Sir, when you want to enforce order. But I would request you, Sir, to think of it in a spirit of forgive-and-forget and allow the Deputy Leader of the Communist

Party to come back into the House. I know, Sir, they are all anxious to participate in the debate. I appeal to you and I hope that all sections of the House will approve of your conduct if you allow him to come back and participate in the debate. I respectfully submit that it is very desirable that we should discuss this important measure in a proper atmosphere and I hope that will be restored.

What I am pointing out is this ...

Mr. Deputy-Speaker: I may immediately say that I have not the least objection. As far as possible I have been trying to keep tension away from this House. That has been my effort. How far I have succeeded, I am not able to say. But this much I want before I admit them, that is when hon. Members are speaking on either side let there be no interruption either openly or by way of mutterings. It takes away the seriousness of the speech. Let there be no interruptions. Any hon. Member may bear himself in patience and note down the points. He will have an opportunity and then he may put those questions. I shall only be too willing. I do not want to keep out any hon. Member. I shall only be too glad if they come back.

Shri N. C. Chatterjee: There was an apprehension that they were debarred from coming for the rest of the Session.

Mr. Deputy-Speaker: I only asked them to withdraw for the rest of the day. I only named them, but did not pursue the matter. I will only be too glad if they come back. But I make this appeal that there should not be any sort of interruption by hon. Members whether on the right or left, and the hon. Member who is speaking may be allowed to develop his points.

Shri N. C. Chatterjee: When this Bill came up two years back before the Parliament, Pandit Kunzru pointed out that there should be concrete proofs in justification of such an extraordinary measure. He also repeated the demand in the Select Committee, but neither on the floor of the House,

[Shri N. C. Chatterjee]

nor in the Select Committee did the then Home Minister come forward with any evidence in support of the measure. I am reading the speech of my friend Shri Shiva Rao, who you know is a man of responsibility, a sober man, connected with the Press and who never indulged in the activities of the gutter press:

"I would like to report very briefly the circumstances in which twenty years ago the then Home Minister, Sir James Creer or Sir Harry Haig brought forward the Press Emergency Powers Bill. At every step it justified by words of irrefutable evidence, the provisions which were incorporated in the Press Bill. We have no such evidence placed before us."

Then Mr. Shiva Rao in despair said:

"The manner in which the Press is being treated at the present moment shows that the journalists are regarded in this country as some sort of a criminal tribe."

I am pointing out, Sir, that the way in which the hon. Minister is treating the journalists today in India, shows that they are something like a criminal tribe, something beyond the protection of ordinary law. What are the arguments put forward in support of this? In the statement of objects and reasons, there is absolutely nothing. It is a matter of shame that a responsible Minister should come forward before the Parliament and say: "Allow me to carry on this extraordinary piece of legislation for two years." On what ground? Is there one word in the statement of objects and reasons that the gutter press has extended its operation or that the misbehaviour of the Press has increased in any shape or manner? There is nothing of that sort. The only ground is that in view of the fact that the Press Commission will examine the existing press legislation and make recommendations relating thereto, it is proposed to defer a detailed examination of the issues involved, until after

the Press Commission's recommendations have been received, and the Government feel it would be undesirable to allow the Act to lapse. My information is that the Press Commission was never consulted. They were not even asked one question about this step which the Home Minister is going to take. Last time the hon. Minister said: "Would the heavens fall if a simple Ordinance is enacted?" Now, may I ask: "Would the heavens fall if you allow the Press Act to lapse and rule India without any Press Act for six months?" So far as I know, Justice Rajadhyaksha's Committee is doing its best to expedite its deliberations. We are very fortunate in having a very capable and experienced Judge as Chairman of the Press Commission and he is doing his best. So far as I know, they want to finish their deliberations in a couple of months' time. Possibly, they have got an extension up to the month of May or June. Can you not rule India for six months without any Press Act? What is the harm and what will happen? Another thing is that, apart from any irrefutable evidence, no evidence has been placed before us. The Home Minister in his speech wants us to consider it dispassionately. It is his habit to over-simplify issues. And, as a great lawyer, it is also another rule of the game to put the other side in the wrong and say: "Opposition Members, do please realise that the gutter press which is blackguarding some actress is also blackguarding me—Dr. Kailas Nath Katju—and it should be stopped". Now, honestly, is that the way to justify the continuance of an extraordinary measure which imposes special restrictions, special fetters upon the fundamental rights granted—freedom of the Press? Is that the way to do it? Is that the way to say that he wants the continuance of this Bill? My hon. friend has said that when he went to Kalyani and came back, some paper wrote something about him. Are you going to have a Press Act for that account? Some paper wrote that he went to Kalyani, he had all

comforts, but he wanted more comforts and so he visited the city of Calcutta. I do not know what is that paper. He has only given the news but not the name of the paper. Nobody possibly could have noticed it and even if anyone would have noticed it, no attention would have been paid to it. Is that the reason why we should have a Press Act? I am sorry the hon. Minister referred to one paper which he said, used the word 'bastard' in regard to some people in high office or authority. He has not read that article. I think that is one of the leading Congress papers in the State of West Bengal. Would he give us the name of that paper? That is one of the best papers we have. It did not at all say that anybody is a bastard. It simply quoted a Bengali expression that these people are behaving in an irresponsible and autocratic manner as if they were '*jaraj santhan*' of old British imperialists. They never called anybody bastard. The Press only mentioned that they were mimicking the old British imperialists and were adopting the attitude of O'Dwyers and Dyers.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Dr. Katju: I hope you do not approve of that expression.

Shri N. C. Chatterjee: I do not approve of any such expression. I only want to remind the hon. Member that today he is the Home Minister of India because of the assistance and support that the Bengal Press offered to him. I remind him that no Press in India has behaved so well as the Calcutta Press. There is gutter press in every country and in every part of the civilised world. The best bulwark of human liberty, specially in democratic country is an independent Press. Do not do anything to curtail their liberty. There is always one section of the Press which takes a morbid delight in blackguarding people and in scandalising people, but the greater part of the Press is res-

ponsible and intelligent. I want the Press in India to be both responsible and intelligent and to set a high standard of journalism.

Now, let me know what has happened within these two years? How has this Act worked? What is the result of the working of this Act? I say with the fullest amount of confidence that this Act has been thoroughly ineffective in checking the so-called scurrilous Press. Either the administration is inefficient, or the police is corrupt, or there are underlings who really help the yellow journalists. Is not that paper which you condemned, getting Government advertisement to the tune of thousands of rupees? If you think that that kind of paper ought to be suppressed, why extend your patronage?

Then the hon. Minister said that there are some papers on the Bombay side.

Dr. Ram Subhag Singh (Shahabad South): What is the name of that paper?

Shri N. C. Chatterjee: You ask the Home Minister. After having framed the charge against that paper, he should not feel ashamed to mention its name.

Mr. Chairman: It is not within the power of the Chair to compel hon. Members to quote names. If they do not give names, the hon. Member can have his own guess.

Shri N. C. Chatterjee: The Home Minister said that there are some papers in Maharashtra which indulge in publishing libel. Is it the right thing to say, "Oh Members of Parliament, Members of the Opposition, please do your best to put your foot down on this"? Of course, we are all against the scurrilous press; we are all against "yellow journalism". I had the privilege of meeting the President of the All-India Newspaper Editors' Conference the other day and had a long discussion. He assured me that the organised Press is def-

[Shri N. C. Chatterjee]

nately of opinion today that yellow journalism should be suppressed. But, what steps have you taken? What are the figures? In these two years, there have been 86 prosecutions. Is that the justification for carrying on this kind of measure? There are only 86 cases in the whole of India for two years: only 43 every year, for 10,000 papers functioning in this country. I submit that that is the greatest possible proof, the most cogent proof for not going on with an Act of this kind, till the Press Commission reports. Let us see what the Rajadhyaksha Commission says.

Shri T. N. Singh: What did the President of the AINEC assure you?

Shri N. C. Chatterjee: I have already given the purport. Out of these 86 cases, the hon. Home Minister did not say how many prosecutions have been successful. Will he give figures? So far as I know, in or about Delhi, most of the prosecutions have failed. These prosecutions are launched not for the sake of decency, not for the purpose of suppressing yellow journalism, not for the purpose of absolutely wiping out the scurrilous press, but for political reasons, for other motives. This kind of legislation is being utilised for ulterior purposes. That is the reason why, we say, it should not be allowed to continue any more. What proof have you, what tangible evidence is there that it has been successful? I say this legislation has been thoroughly ineffective. Let us have facts. I will be very happy to know that I am wrong. The very fact that the hon. Home Minister trots out two cases, one or two papers in Calcutta and one or two papers in Bombay, in the course of his speech, I submit, shows that there is no justification for condemning the Press.

I know that after the Calcutta tramway affair, a Judge of the Calcutta High Court was appointed to go into the allegations of the Press against the police, and his report has received a mixed reception. I am not say-

ing anything against that report. But that report says that journalists ought to realise that they are a part of the public. That report says:

"Freedom of the journalist is an ordinary part of the freedom of the subject and it is no more than and no less than that of an ordinary citizen."

I am not going into the difficult question whether the learned Judge's *obiter dictum* had been put too widely, too broadly, too comprehensively or whether it was technically beyond the terms of his reference. But, assuming that this judicial dictum is correct, then if you treat the Press as really a part of the public, if you think that the journalist has no further right, no higher right than what the ordinary common citizen enjoys, treat him on that footing. Do not have a special law. Do not have a special Act for him; do not have special penal provisions, confiscation, security, etc. You have got a law for the whole of India, for all the citizens. Apply that law. You cannot have it both ways. You cannot say, I will treat you as an ordinary citizen, I will give you no higher freedom, no wider freedom, the concept of freedom of an ordinary Indian citizen is the concept of freedom for every journalist in India, but, I will, at the same time have a special law for him. I am appealing to the hon. Home Minister to realise that in the present democratic set-up, the dictator's rod will not be a suitable remedy for a democratic Government. I appeal to him to realise that this Bill goes far beyond the necessities of the case. A stray case here or there by an irresponsible paper or two is no justification for keeping on the statute book a reactionary, retrograde measure like this. This right of freedom of expression which means freedom of the Press will be, to a large extent, rendered nugatory if you continue a measure like this without any serious justification. How could the common man

fight for a just social order; if you in any way try to gag the Press? I demand on behalf of the Opposition, on behalf of the public outside, more facts in justification of the continuance of this kind of unwanted, retrograde measure. Let us wait, I appeal again in all humility, till the report of the Rajadhyaksha Commission comes before us and then this House, democratically elected and with a full sense of responsibility, will consider the measure and will consider the report and decide what course to take. I assure the hon. Home Minister fully that we are wholly with him if he takes really any effective action to crush yellow journalism. It will not be crushed by this kind of measure.

5 P.M.

My hon. friend Shri T. N. Singh interjected and asked what was the assurance given by the Press Chief. The Resolution of AINEC is:

"The standing Committee of the All India Newspaper Editors' Conference notes with surprise the announcement made by the Home Minister in the House of the People that the Government of India propose to promulgate an Ordinance renewing the special law dealing with Objectionable Press Matter. In the opinion of the Committee there is no justification for renewing the expiring Act whose working has vindicated the stand taken by the A.I.N.E.C. that no special Press Law is needed and that the ordinary law of the land gives the Government adequate powers to deal with the type of writings against which the Press (Objectionable Matters) Act is directed."

What I am pointing out is this. Is it argued that the ordinary law of the land has failed? There are the preventive measures there. Do not have a duplication of something like the Preventive Detention Act. So far as the Press is concerned, this kind of thing was attempted, you know, about 30 years ago in America. The

great case of *Whitney versus California* came to the Supreme Court. The Supreme Court said that this will not improve the Press. This will never bring about the desired effect. The greatest Judge that America has produced after Justice Story is Justice Brandeis. He said, dealing with an Act of this kind,

"Those who won our Independence believed that the final end of the State would be to make men free to develop their faculties and that in its Government deliberative forces should prevail over the arbitrary. We should value liberty both as an end and as a means."

I am appealing to the hon. Home Minister to value liberty both as an end and as a means.

"We believe" (the Judge goes on to say) "liberty to be the secret of happiness and courage to be the secret of liberty."

You must take some courage in a democratic set-up. You have got to take some risks. Unless you show that the foundation of the State is in danger, there is absolutely no justification for an extraordinary legislation. Then, the Supreme Court goes to say:

"Order cannot be secured merely through fear of punishment for its infraction. Fear breeds repression; repression breeds hate and hate menaces stable Government. The path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies."

Dr. Katju: Is that our Supreme Court?

An Hon. Member: American.

Shri N. C. Chatterjee: Dealing with an Act like your Act, Dr. Katju's Act.

Dr. Katju: Yes.

Shri N. C. Chatterjee: The Supreme Court said:

"The fitting remedy for evil counsels is good ones."

[Shri N. C. Chatterjee]

I am appealing to the hon. Home Minister to remember that repression breeds hatred and hatred menaces stable Government. We want the Government to be stable, whether this Government or any other Government. But this is not the way to do it. You are simply creating an atmosphere which will put in peril the proper working of a democratic set-up.

My hon. friend's great point is that professional ethics was expected to develop in two years, and that the hope has not been fulfilled. Now, Justice Mukerjee's report says that no amount of press legislation, no amount of continuance of the Press (Objectionable Matter) Act will bring about that result. The Judge has taken a very strong, strict, narrow and stern view against the press, but he says that the only way to do it is that there should be a Press Council, and he has said a Press Council on the lines suggested by the President of the Indian Journalists' Association is the immediate and imperative need. Let the press function as a proper trade union. There are black sheep everywhere. There are black sheep among great professions, learned professions, among politicians, even among Ministers, but that does not matter. There may be black sheep certainly among the press. After duly considering everything, this Judge says this is not the remedy; the real remedy is to organise the press on a proper basis. Have a Press Council representative of the Newspaper Editors' Conference, Working Journalists' Conference and of organisations like the All-India Bar Council, the Medical Council and so on. That is absolutely essential for developing professional ethics and for having proper *esprit de corps*. That can check yellow journalism. That can check the scurrilous press for ever. It will not be right to condemn the entire Press for the faults or omissions or derelictions of duty on the part of a few. And I submit that nothing has been put forward to justify the continuance of this measure. Only one

argument has been mentioned, viz., that the Press Commission is still sitting. The Britishers behaved better. The men whom we used to condemn day in and day out as being intoxicated with power behaved better. Whenever the Press Act came, they put forward irrefutable evidence, in the words of Mr. Shiva Rao, which justified the special steps to be taken to gag the Press, to fetter the Press or take away the complete freedom of the Press.

Freedom is not licence I realise. And therefore it is not unbridled licence for which I am fighting. I also realise that it must be regulated freedom. But at the same time I say: "Do not try to regulate it in this way." You have got ample power under the ordinary law of the land and nothing has been done to justify an attempt to abridge that freedom during this period. Let us see what is the Press Commission's report. It may be that the Commission will report that the Criminal Procedure Code is quite enough, that the law of libel is there and that is quite enough. They have got a special Press Act in England. They have not got a special Press Act also in America. The Minnesota Law and the Espionage Act were there, but they had been declared *ultra vires* and they are still working as a proper democracy. What has our Press done to merit this kind of special legislation? What have they done in these two years to merit the continuance of this measure? I submit nothing has been put forward; no cogent argument, no evidence worth the name. We want that the section of the Press which behaves improperly should be dealt with, but the saner, the more responsible, the progressive section should not be punished. I know the Press is trying to put its own house in order. But what you call the yellow or indecent press is getting patronage in some parts of India. They are getting governmental recognition, patronage and also State advertisements. That should be first stopped before you bring in this measure.

Dr. Krishnaswami: I rise to oppose this measure tooth and nail. This measure is detested by all sections of public opinion which are animated by the desire to conserve and enlarge our liberties. I believe that this is one of the few Bills in respect of which we do not know why it has been introduced. It is correct to affirm that this Bill has been introduced without reason nor has the Home Minister in his rambling discourse thrown light on Government's intentions and purposes. At an early stage of the debate I raised an objection to the consideration of this Bill on the ground of its being out of order, but you, Sir, were pleased to rule that the Bill was in order. But may I respectfully remind you, Sir, that in the Legislative Assembly when the Criminal Law Amendment Bill was introduced, President Vithalbai Patel—you were then a Member of the Legislative Assembly—ruled it out of order on the ground that no valid reasons had been enunciated by the Government of the day. While accepting your ruling I wish to make this observation that whenever Government seek to extend the term of an enactment they should come out with valid reasons, with definite evidence as to why they want it to be continued. How can a fresh lease of life be given to an expiring Act without any internal evidence on the working of the Act being submitted to us?

This is a Bill which seeks to extend the life of a highly objectionable measure. This is a measure which seeks to control the liberties of our Press. It is highly restrictive, in character and one would have expected a Home Minister who is expected to fulfil the twin functions—of maintaining law and order and preserving the liberties of the subject—to give us a detailed analysis as to why this measure should be re-enacted. As I was listening to the Home Minister's speech, I was reminded of the celebrated witness in Queen Caroline's trial who, when he was cross-examined by Lord Brou-

gham, contented himself with the answer: "I know nothing at all." Whenever we put questions to the Home Minister, he puts on an air of innocent ignorance and remarks: "I know nothing. But when you pass this measure, you will realise that you have performed something of value".

This measure has been introduced in a surreptitious manner. It is with- in the recollection of this House that when the Business Advisory Committee met during the last session, the Government did not think it fit to place this Bill in the topmost priority of business to be transacted. Hon. Members obtain the legitimate impression—who can blame them—that this Bill would be allowed to expire, and that no ordinance would be introduced to extend it. What happened thereafter was something extraordinary. An ordinance was employed to extend the life of an expiring Act. I would like to ask the Home Minister or his Deputy who is present here: how many cases under this Act have been instituted by the Government since the passing of the Ordinance to this day? It is no use trying to be melodramatic: The Home Minister exclaims we have great love for liberty; I would much rather cut off my right hand than do anything to curtail the liberties of the Press". Your spirit and conduct is in flat contradiction of your affirmations, is in violation of the very privileges of this House.

Shri M. P. Mishra (Monghyr North-West): Are you addressing the Chair?

Dr. Krishnaswami: I am addressing hon. Members through the Chair, and I am quite within my competence to address hon. Members through the Chair.

This measure was originally introduced in the 1951 Parliament: the debates that took place in that Parliament, the almost heroic struggle against odds that was waged to preserve our liberties and prevent the passage of this detestable measure will be remembered with satisfaction

[Dr. Krishnaswami]

and pride by us. Four great stalwarts fought for civil liberties at every stage and although success did not crown their efforts, their powerful advocacy is an inspiration; of these four, three Dr. S. P. Mookerjee, Dr. Lakshmi Kant Maitra, and Lala Deshabandhu Gupta are no more with us. Only one individual remains and that is your Mr. Chairman whom we expect on this occasion as on the last to lend your support to us who are few in this House but who enjoy overwhelming support outside. Mr. Rajagopalachari in a statement remarked: "This act will remain a dead letter and perhaps would never be put into operation." Now this was an extraordinary argument. Parliament was asked to devote seriously a good portion of its valuable time to pass a Bill which would remain a dead letter on the statute book. I do not know whether his spiritual successor, the present Home Minister will endorse this viewpoint, but I for my part will not be surprised, if he does so.

I ask my hon. friend the Home Minister to answer our queries. What is the need for continuing this Press (Objectionable Matter) Act? What, for instance, are the cases that have come to their notice, that necessitate such an extension? How far is continuation justified in the present circumstances, which are normal? This extension measure raises issues of fundamental importance, issues which the first Parliament elected on the basis of adult franchise cannot possibly ignore, issues which responsible citizens and responsible legislators cannot avoid. We on this side are few, but are giving expression to a viewpoint, a viewpoint which we are conscious the vast majority of our friends in this House, whether they are on that side or on our side will endorse. This is not a measure over which we feel happy.

Indeed, in that great debate which took place on the Press (Incitement) Bill, it was left to you Mr. Chairman

to epitomise the feelings of hon. Members, and I think I can do no better than quote what you then said:

"We expected rain, life-giving rain, and we got hailstorm, we got stones instead. I am submitting all this not by way of metaphor, but because I feel that this Bill, if enacted into law, is capable of destroying the very foundations of the liberty of the press."

Does not this statement sound as true today as when it was uttered in 1951? I should have expected a democratic Government with a democratic Home Minister, to issue a white paper on this Bill indicating the various reasons and the need for an extension. But all these matters are outside the ken of my hon. friend the Home Minister, because he, believes in being discourteous to this House.

Let me, now, analyse the provisions of the original Act.

Though technically this Bill may not transgress the Constitution, the question still remains whether the very wide definition of 'objectionable matter' does not go further than what is necessary according to the Constitution. I can understand your saying that incitement to violence or violence should be forbidden, and therefore it is necessary to exercise control over the Press. Freedom of expression, in article 19(1) of the Constitution, as has been pointed out, can be controlled only by imposing reasonable restrictions. It is up to Parliament to determine what is reasonable. What is reasonable after all is relative to certain factors, such as the political season, the political conditions of peace and war, and the purpose sought to be achieved. My hon. friend has not thrown any light on the extraordinary conditions under which we are living! Like the celebrated witness in Queen Caroline's case, he cannot throw any light on any of these matters. Nor has any light been thrown on what the

means to be adopted are, to achieve the purpose of a reasonable restriction, and whether the means that are to be adopted are just what is necessary.

I believe, and I think there would be universal assent given to this proposition that the primary responsibility is on the Legislature to make sure that these restrictions are reasonable. We are after all the makers of law. The final responsibility is on the courts, who are the interpreters of law. Therefore, it does not relieve us, the Legislature, of examining the provisions from this constitutional angle and seeing that the restrictions that we impose do not exceed what is strictly reasonable and necessary.

Therefore a close examination of the definition of 'objectionable matter' becomes absolutely relevant and obligatory. My hon. friend read out section 3, and attempted to show that all these are simple things. The word 'things' occurs frequently in his speeches. I do not agree with him at all. If he looks at the definition of 'objectionable matter', he will see that it includes practically the whole province of expression. I can understand violence or incitement to violence, being put down and that there should be an invasion of fundamental freedom. Such a restriction must be limited to this narrow purpose. But what is the justification for having this wide definition? Let me read out some of the items which come under the definition of 'objectionable matter'.

"...any words, signs or visible representations which are likely to—

- (i) incite or encourage any person to resort to violence or sabotage.....; or
- (ii) incite or encourage any person to commit murder, sabotage or any offence involving violence; or
- (iii) incite or encourage any person to interfere with the supply and distribution of food or other essential com-

modities or with essential services; or

- (iv) seduce any member of any of the armed forces of the Unions.....; or
- (v) promote feelings of enmity or hatred between different sections of the people of India; or which
- (vi) are grossly indecent, or are scurrilous or obscene or intended for blackmail."

I should like to ask a straight question of my hon. friend the Home Minister. He ought to realise that here there are two freedoms which are involved. There is, for instance, the freedom of the individual, and there is the other freedom relating to publication. What is the justification for restricting the freedom of the press when individual freedom is not controlled? This restriction is wholly an unwarranted encroachment, and one which has to be justified by special arguments. In the grand debate that took place on the Press Incitement Bill, you Sir, pointed out that it was repugnant to all notions of civilized jurisprudence, and that instead of removing the weight of the fetters on the press, fresh fetters were added.

Intention then is absolutely irrelevant from the point of view of this Act; where intention is not necessary, the effect of what an individual publishes being all that Government is concerned with, the press is exposed to much greater risk of being prosecuted needlessly. *Bona fides* cannot be urged as a defence by the prosecuted press.

The hon. Home Minister knows as well as we do that even if any press has mistakenly published a matter, it will not be in a position to urge good faith as defence; what is taken into account is only the effect of such publication. But on what grounds—this is a question which he has not answered at all—is a well-known safeguard of criminal law cast to the winds? It becomes all the more serious when we realise that even for the commission of minor offences the

[Dr. Krishnaswami]

effect of the publication alone is taken into account. Let me analyse the definition of objectionable matter further. In the case of incitement, I can understand there is an active inducement to act, but what does 'encourage' mean? In the case of encouraging, it is not even inducing an idea; it implies that it is a crime to give approval or approbation or moral courage to the person who is already showing a certain amount of inclination. **What is the safeguard against needless prosecutions?** The hon. Home Minister pointed out that many State Governments have not used this Act needlessly. It may be true; it may not be true. **We have no material to judge. But after all, he ought to understand that the safety of journalists has lain in the fact that there has been shown eccentric mercy by the Government or by the executive officer in charge of the Government. This is not the way in which a democratic country should be run. It enables, for instance, the Government to make an invidious, unhealthy and even improper, distinction between Press and Press and guillotine those whom it finds inconvenient. Nobody disputes that the initiative for taking action should lie with the Government, but then the definition should not be so wide as to permit the free play of prejudice. In fact, it is as wide as the Pacific Ocean so as to enable the executive government to exercise its initiative to the prejudice of those whom it detests. I should have thought that when my hon. friend introduced an amending Bill, he would have at least considered the possibility of narrowing the scope of 'objectionable matter'. No justification has been given for retaining obnoxious 'objectionable matter' clause in its original purity. In fact, Sir, if I might without offending hon. Members opposite, suggest that my hon. friend has become a great lover of extension measures. This, he feels, is the most convenient way of pushing through inconvenient legislation. This procedure restricts**

the liberty of hon. Members. He has taken the same step in regard to the Preventive Detention Act. This step enables him to pass the Act without opening the parent Act for examination by this House. All that he desires is speedy despatch of business. His attitude is one of indifference to this House. He remarks in so many words: "Let us have this measure passed. I am satisfied that this is a beneficent measure. If you are not satisfied then it is open to you to remove me from office by rejecting this Bill". This surely is not a helpful attitude to adopt nor is it a correct approach.

Let me now consider the other sections of this Press (Objectionable Matter) Act. My hon. friend knows—and others also on the other side have realised it—that the punishment is meant to be drastic. They seek to justify it on the ground that unless the punishment is strict, it would not be possible to control **the Press. But why is it necessary to have such a heavy punishment, especially when the scope of the definition of 'objectionable matter' is so wide?** Honest journalists—and there are many honest journalists—might legitimately feel that they are living perpetually in a state of terror. **Hon. Members opposite speak of responsible journalists. But I too know something of who responsible journalists are and who the irresponsible journalists are. The responsible journalist is not one who belongs to the 'kept' Press, but is rather the independent journalist who feels that he has a mission to perform and who performs it fearless of frowns and careless of the smiles of those in authority. It is such men that will be touched by this Act because, living as we do in the period of great autocrats, they have to live dangerously. They have, even when they publish articles innocently to think of the effects which such articles may produce on the minds of people. Even if they argue that they published article *bonafide*, it cannot be a defen-**

ce. So this is how my hon. friends opposite wish to nourish a free Press in a free democracy! Surely there cannot be a greater mockery than when my hon. friend the Home Minister suggests that he and friends are interested in building up what they call a responsible Press. A responsible Press, Mr. Chairman, is not to be built up by official patronage or under the shadow of preventive legislation. I suggest that under the existing Indian Penal Code, we have sufficient provisions, to check those journalists who overstep the bounds of law and decency.

My hon. friend, the Home Minister, read out to this House certain passages of what he terms scurrilous literature. But I should like to point out that if they are really so offensive, that if they infringe some of those canons of decency or morality, there is the Indian Penal Code which can be applied against the writers. Or, secondly, if that be not possible, there is such a thing as building up a healthy public opinion. With time, with the development of new forces, with the incoming new talent in the field of journalism, it will be possible to build up a healthy environment, in which maligning is at a discount, and same criticism is of value.

My hon. friend spoke of a Journalists' Council. I hope it will not be a Journalists' Council of Managing Editors, who know little of journalism and understand less of the ethics of journalism. It is not possible to build up a Council—a professional council of ethics under official patronage or under official supervision. I further suggest that living as we do in these difficult times, when a welfare State is taking upon itself so many activities, it is absolutely necessary that we should have freer Press, freed from shackles imposed on it by a secure executive.

My hon. friend, the Home Minister, said, for instance, that there were, what he called, the language news-

papers, which were writing very freely about individuals and personalities. They may have written strongly but at the same time, you must remember, there are other papers that can come out into the open to contradict them. In any event, unless you have giants in this profession as in other avocations, it would not be possible to control journalism. What has happened today—and my learned friend, Mr. Chatterjee, pointed this out only a few minutes ago—is that some people in high authority on the sly—I speak without intending to wound anybody—pass on information to just the least respectable among our journalists and then think when it is published that they have been able to achieve something wonderful. Morals have to improve not merely in the world of journalism but also in your world, the world of officialdom. The greatest danger to the Press is the ever growing might of the State because, with the increasing amount of activities that are taken up by it in the social and economic sphere, there is a tendency on its part to have better publicity. Brian Inglis for instance, Sir, points out in the course of a very informative article on this very subject which I make a present of to my hon. friend, the Home Minister, and the Minister for Parliamentary Affairs who, seems to be busy discussing other matters. I would like to pass it on to them.....

Shri U. M. Trivedi (Chittor): He is always like that.

Dr. Krishnaswami:...so that they might understand the value of the Press in a democracy. Brian Inglis has, for instance, pointed out that the greatest corruptors of the Press have been the Government and Ministers of Parliamentary Affairs who have attempted times without number to organise what is known as the 'PRO', the public relations organisation, into which they happen to induct good working journalists and denude the newspapers of the best

[Dr. Krishnaswami.]

talent. From the point of view of democracy, from the point of building up a healthy public opinion, I suggest that we should loosen these needless restrictions and make the Press freer, because by making them freer only will we have a healthy environment developed in which journalism can flourish. I cannot for my life understand how my hon. friend ever can possibly justify this wide scope of 'objectionable matter': nor can I for a moment understand how he expects us, hon. Members of this House, to apply our minds to this question and sanction the very needlessly heavy punishments that have been included in the old Act and which will be increased by the passage of this new amending Bill. I could understand, for instance, if he had come to this House and said to us: 'I feel that these punishments are heavy. I am not prepared to narrow the scope of 'objectionable matter', but I certainly am prepared to lighten the punishment'. That would have given us some consolation. But nothing of this sort happens. The hon. the Home Minister just quotes some extracts from some newspapers which happen to offend, his *amour propre* and which are not at all objectionable except perhaps in a colloquial and loose sense. But I would like to point out to him that administrators should not be prejudiced or vindictive in their approach to such important questions.

[MR. SPEAKER in the Chair]

So far as the wide definition of "objectionable matter" is concerned, it seems to me, Mr. Speaker, that the lighter the punishment the better it would be from the point of view of the Press and our democracy. It is always said by hon. Members on the other side, and repeated by my hon. friend the Home Minister, that we should try to build up a responsible Press. What are the steps that have been taken by my hon. friend to build a responsible Press? Am I to take it that we are going to have

a responsible Press by passing such enactments? Am I to take it from the hon. the Home Minister that there is need for extending this measure because he has evidence that it ought to be extended? No evidence has been given for its extension. The only evidence that has been brought to our notice is that there is a Press Commission which is expected to go into this matter and once it has gone into it, the hon. the Home Minister will be in a position to make up his mind as to whether this Act should continue or not. I put a straight question to the hon. the Home Minister: is he prepared to assure us on the floor of the House that if the Press Commission recommends the discontinuance of this Act, he will immediately bring a Bill to repeal it? I pause for a reply. The hon. the Home Minister is nodding his head.

Dr. Lanka Sundaram: No. He is not receptive.

Dr. Krishnaswami: I do not know what to make of my hon. friend the Home Minister's gestures, but I take it that he cannot give that assurance. Then, why has it been stated in the Statement of Objects and Reasons as a special reason? I feel that it is better to have more freedom granted to the Press, so that it might be possible for our democracy to thrive. Talk, after all, should be met by talk, and publication should be met by publication. In the long run and in the short run, we will be able to build a healthy corps of public-spirited men in the journalistic world only if we can assure journalists a sound and healthy environment in which they can live and function, without fear of having to face the threat of prosecution—a threat that would be put into operation at any moment and is not being executed, due to the eccentric mercy of Ministers and Governments, both at the Centre and in the States.