

Mr. Speaker: The questions is:

"That leave be granted to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for those services and for that year."

The motion was adopted.

Shri Moraji Desai: I introduce the Bill.

APPROPRIATION (RAILWAYS)
NO. 4 BILL,* 1960

The Minister of Railways (Shri Jagjivan Ram): I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purposes of Railways.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1960-61 for the purpose of Railways."

The motion was adopted.

Shri Jagjivan Ram: I introduce of the Bill.

12:26 hrs.

PRESS AND REGISTRATION OF
BOOKS (AMENDMENT) BILL—
contd

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved

by Dr. B. V. Keskar on the 16th August, 1960, namely:—

"That the Bill further to amend the Press and Registration of Books Act, 1867, as passed by Rajya Sabha, be taken into consideration."

Shri Tangamani.

Shri Tangamani (Madurai): Mr. Speaker, I was saying the other day that the hon. Minister, while introducing this Bill, had explained to us the circumstances under which the Press Registrar was appointed. He quoted *in extenso* from the Press Commission's report which was more or less incorporated in the amending Act of 1955. He stated that the office of the Registrar had to be created in pursuance of the recommendations of the Press Commission, because the Press Commission found that the State Governments' information regarding the position of the Press was either incomplete or inaccurate. He also stated that as a result of the experiences of the Press Registrar for the past three years, certain procedural difficulties have come up, certain ambiguities are being utilised by some of these Press magnates, so the following amendments were thought to be necessary.

I would like to submit here that the amendments which are now brought forward were contemplated by the Press Commission itself, and these amendments could have been brought in the year 1955 itself.

Having said this, I would like to say that I have to oppose certain tendencies in these amendments which, if allowed to develop, will have very serious repercussions. It is true that it was necessary to create the Press Registrar. Having created the Press Registrar, is it necessary that we should equip him with more and more powers? Because I find that as a result of this three things are sought to be done. The first thing is

†Introduced with the recommendation of the President.

*Published in the Gazette of India Extraordinary Part II—Section 2, dated the 17th August, 1960.

[Shri Tangamani]
to give more and more powers to the Press Registrar for the purpose even of cancelling certain declarations which have received authentication.

The second point which I would like to mention is, where certain powers have been given to the State Governments, those powers are now sought to be taken away. I would straightway mention that by section 21 of the 1867 Act, "the State Government may, by notification in the Official Gazette, exclude any class of books or papers from the operation of the whole or any part or parts of this Act". That Act, as amended in 1955, has given absolute powers to the State Government to make certain regulations to exempt certain newspapers. By this amending Bill, by clause 10, the following proviso was added to section 21 of the principal Act, namely—

"Provided that no such notification shall be issued without consulting the Central Government."

Where absolute power was given to the State Government, it is sought to be taken away by this proviso under clause 10 of the new Bill.

My third point will be this. Ever since newspapers were published in this country, there has always been a tussle between the Government and the publishers. In the other House, I remember, reference was made by one of the Members belonging to the Minister's own party. The first newspaper, namely the Bengal Gazette was published in the year 1781. Soon after, it came up for Government's attention and the most hated Press Regulation of 1799 of Wellesley has been referred to by many people during the freedom struggle. There has always been a desire on the part of not only these big press magnates, but also those who are starting newspapers to have a little more freedom, less control by the Government in the way they run the administration. On the other hand, formerly, a newspaper could be published from any

press, it could be printed in any press. Now, a declaration has got to be made as to where the newspaper is going to be printed, the name of the printing press. It is tightened up a little further. In the declaration, we have to give the names of the owners also.

The Minister of Information and Broadcasting (Dr. Keskar): Not the owner of the press, but of the newspaper.

Shri Tangamani: Yes; the owner of the newspaper. Formerly, for the information of the hon. Minister, I would like to say, although the name of the owner of the newspaper was not printed in the newspaper itself, the name had to be communicated to the Government. Now, instead of communicating the name to the Government, the name is going to be published in the newspaper itself. If it is the intention of the Government to save the employees, I must submit that there is no amendment on record which is going to save the employees. With your permission, I will read certain relevant passages from the report of the Registrar of Newspapers, the *Annual report for 1960*.

This is what he says:

"Since change of ownership is of particular importance in the context of the Working Journalists (Conditions of Service) Act, the proposed amendment that a declaration of the printer/publisher should be accepted only if it is authorised by the owner would help in the enforcement of that Act."

Whether this ownership is declared or not, there are certain legislations which give protection to the employees. If you really want to give protection to these employees, the amendment which is sought to be moved by me to clause 5 should be accepted, namely:

"If, on an application made to him by the Press Registrar or any other person or otherwise,

the Magistrate empowered to authenticate a declaration under this Act, is of opinion that any declaration made in respect of a newspaper should be cancelled, he may after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an inquiry into the matter and if, after considering the cause, if any, shown by such person and after giving him an opportunity of being heard, he is satisfied that—

“(v) the declaration was made to publish the newspaper from a different centre to defeat provisions of Industrial Laws in force.”

Unless we add a clause similar to this one, there is not going to be protection to these employees although the names of the owners are published.

I would only refer to page 22 of this report where there are two paragraphs devoted to the Express Group.

Dr. Keskar: In my speech had mentioned that the objects of the amendment are many including also certain questions concerning the protection of rights of working journalists. That is not the only reason for the amendment.

Shri Tangamani: That is one of the reasons. Your own Registrar has stated that the Working Journalists Act also requires the names of the owners. What is the point in giving the names of the owner unless the working journalist is going to be protected as a result of the publication of the names of the owners? I will give an instance to show that although the name of the owner will find a place in the newspaper, the working journalist to whom reference is made in the report itself is not going to get protection at all. I quote from pages 22 and 23:

“In April 1959, the “Express” group of newspapers published from Madras were discontinued

and the publications issued by the chain from Bombay and Madurai came under new ownership, and the publications issued from Delhi alone continued under the original ownership of Express Newspapers (Private) Ltd. Since the publications issued from Bombay and Madurai were continuing publications, no new declaration in respect of them was necessary and, therefore, no reference was made to the Press Registrar consequent on the change of ownership.

In the case of “Andhra Prabha”, originally published from Madras, the Andhra Prabha (Private) Ltd., which took over the ownership of this paper, applied for publication of another edition of “Andhra Prabha” from Vijayawada. Since the declaration was necessitated on the change of place of publication and there was no paper bearing the same title published in Andhra State or in Telugu language,...

Mr. Speaker: What is he reading from?

Shri Tangamani: I am reading from the Annual Report of the Registrar of Newspapers for 1960. Actually, the first part deals with the amendments which are sought to be introduced here. Because the amendments were before the Rajya Sabha before the Report was published, he comments upon why these amendments were necessary. In the course of another chapter this occurs. I am quoting because, it is stated in a concise manner.

Mr. Speaker: Very well.

Shri Tangamani: “... there was no paper bearing the same title published in the Andhra State or in Telegu language, the declaration for the publication of “Andhra Prabha” from Vijayawada was allowed by the District Magistrate. When, however an

[Shri Tangamani]

edition of the "Indian Express" was proposed from Vijayawada, the question arose whether the title should be allowed. The Magistrate, who had made an enquiry from the Press Registrar, was informed that the declaration should not be authenticated unless he was satisfied that the ownership of the proposed paper at Vijayawada was the same as that of the "Indian Express" published from any other centre. The Magistrate later informed the Press Registrar that the proposed "Indian Express" from Vijayawada was to be published by the Indian Express (Madurai) Private Ltd., which already published the "Indian Express" from Madurai and wanted a simultaneous edition from Vijayawada. Later in 1960, the "Indian Express" Madurai (Private) Ltd. was also permitted to publish another simultaneous edition of the "Indian Express" from Chittoor. At the same time, the Andhra Prabha Private Ltd., Vijayawada, were allowed to publish a simultaneous edition of "Andhra Prabha" from Chittoor.

Reference was made in this House about the closing of the Express Group in Madras. The limited purpose for which I make this reference is this. When the office of the *Andhra Prabha* was closed and shifted to Vijayawada, there could be no protection given to the employees who were employed in the Andhra Prabha (Private) Ltd., in Madras. So far as the *Indian Express*, Madras is concerned, it has had its publication from Madras for more than 30 years. After the lapse of 30 years, for certain business considerations, they wanted to close down the publication of *Indian Express* from Madras. Subsequently, the Indian Express has started publication from Vijayawada. After a few months, it has started from Chittoor also. As hon. Members know and as you know, Chittoor is not far away from Madras. The intention of the employer in shifting the headquarters from Madras to Chittoor is not a very *bona fide* intention. There must have been other reasons. I am not going

into them, because there have been so many references and writ after writ in Madras. My point is this. The employer wants to close down his concern in a particular place and reopen in another place though in the same name. I do not know even now how, according to the present law, the Indian Express which is published in Delhi is being allowed, because, the *Indian Express* published from Bombay, Chittoor, Vijayawada and Madurai are all from Indian Express, Madurai (Private) Ltd., and the *Indian Express* from Delhi is not by the same company. The hon. Minister also knows where a particular newspaper has got an all-India importance, unless the owner is the same, the declaration will not be authenticated by the Magistrate. I do not know if the authentication is there for *Indian Express*, Delhi.

Dr. Keskar: You are only reinforcing the argument why this Bill has been brought forward.

Shri Tangamani: I am coming to it in great detail. The first point is that a new departure is made by requiring the name of the owner to be declared by the printer and the publisher.

Dr. Keskar: I have explained that point.

Shri Tangamani: That you have explained. My point is that in spite of this amendment the protection sought to be given to the employees is, in reality, not there.

Mr. Speaker: Is there any legal objection to a proprietor closing down a press in a particular place and starting it under the same name in some other place?

Dr. Keskar: He will have to make a fresh declaration if it is beyond the jurisdiction of the particular magistrate where he had made his declaration. He has to make a fresh declaration and get it accepted by the magistrate.

Mr. Speaker: Does the other magistrate take this into consideration why the owner closed it at a particular place and is starting in another place?

Dr. Keskar: That is not really the work of the magistrate, but he will see whether it is the same proprietor, whether the name is the same, and according to law he will decide it.

Mr. Speaker: For what purpose?

Dr. Keskar: The reason why he has closed probably will not come up during the discussion before the magistrate, because his work is mechanically registering only.

Mr. Speaker: What is the point in ascertaining if it is the same name? What if it is not?

Dr. Keskar: According to the Act today, only the same owner has the right to use the same name. If another proprietor comes forward and tries to use the name, it will not be allowed.

Mr. Speaker: It is only for the purpose of the name. For all other purposes, he will be treated as if he is a new comer. The magistrate can look into the questions whether it is necessary to allow it, whether there are other papers of a similar type in existence in the area etc.

Dr. Keskar: It is mainly a question of name, because that has got the actual goodwill of the proprietor, about which proprietary rights exist to some extent, and the magistrate has to see if it is the same name, and whether it is the same owner who wants to utilise it.

Shri Tangamani: When a declaration has been filed for publishing a particular newspaper, there is nothing in this law which will prevent him from opening branches in other places also. Editions can appear in other places also.

Mr. Speaker: Without a fresh declaration?

Dr. Keskar: If he has got a branch in another place, he has to make a fresh declaration, because without that particular magistrate authorising him, he cannot publish from that branch also.

Shri Tangamani: So far as the language papers are concerned, there is nothing which prevents another owner publishing *Dinamani*, for instance, which is published from Madras and Madurai, from a place, say, in Andhra. It is not very clear from the arguments advanced by the hon. Minister in the other House.

Mr. Speaker: Is there no copyright? Can another man use the same name?

Shri Tangamani: But it will not be proper for another man to use the name in Tamil Nad itself. There is an edition of *Dinamani* published from Madurai, and another proprietor cannot publish *Dinamani* in Madras.

Dr. Keskar: Not in Tamil Nad, but in Tamil language.

Mr. Speaker: He can use the name *Dinamani* in another language.

Shri Warrior (Trichur): In Telugu, for instance, in Madras itself.

Dr. Keskar: That would be rather delicate, and it will be the magistrate who will decide.

Shri Tangamani: Today I find the link of the magistrate is only with the Central Government.

Mr. Speaker: What is it he is driving at? I have been hearing him for some time. What is the suggestion he makes, or the exception that he takes?

Shri Tangamani: I made the point that the powers given to the State Government are sought to be taken away. Section 21 of the principal Act reads:

[Shri Tangamani]

"The State Government may, by notification in the Official Gazette, exclude any class of books or papers from the operation of the whole or any part or parts of this Act."

The amendment under clause 10 of the present Bill takes away that absolute power of the State Government. The State Government can exercise that power only in consultation with the Central Government.

Although the Registrar of Newspapers should have powers for collecting statistics and posting the Government with the real state of affairs in the newspaper world in this country, for equitable distribution of newsprint etc. there are many other matters which can be disposed of by the State Government itself, and those powers of the State Government are now sought to be taken away by the Central Government.

For instance, if a declaration is made before the district magistrate, a reference has to be made to the Press Registrar who has to satisfy himself whether the same newspaper is being published in the same language in the same or any other part of the country, which results in a lot of delay. I can quote instances from my own experience also. Now there is only one Assistant Registrar. We can have more of them at the regional level to facilitate disposal of such matters at the State level itself. The State Government can be endowed with more powers.

Every year the Registrar of Newspapers publishes his annual report, part II of which gives the list of all the newspapers registered and in circulation. I would suggest that every two or three months the list may be supplied to the district magistrate or the State Government, so that the magistrate will be in a position immediately to accept the declaration and effect its authentication without reference to the Press Registrar. It

will be a matter of administrative convenience also.

Now I will rapidly try to cover some other points.

Mr. Speaker: The hon. Member has already taken nearly 25 minutes.

Shri Tangamani: I have touched only one point, I have got half a dozen more.

Mr. Speaker: There are eleven hon. Members who want to speak.

Shri Tangamani: I shall take ten minutes more.

Mr. Speaker: All right.

Shri Tangamani: This Bill seeks to provide for mention of the owner's name in every issue, cancellation of the declaration and authentication in certain cases, an appeal to a board against refusal of authentication, fresh declaration if ownership changes, absence of the printer and publisher for a period of 90 days (originally it was 30 days) in certain cases, and punishments for violations. There is also a salutary provision that all rules made will be laid on the Table of the House.

I shall now come to the details. In section 5 it has been provided that the newspaper should still carry the name of the editor. Sir, the editor is a person who controls the selection of the matter that is published in a newspaper. The hon. Minister said that the working journalists also had been consulted on the basis of these amendments; but the working journalists were never in favour of the publication of even the name of the editor.

Another amendment which has been brought forward and which is of a salutary nature is in regard to defining the jurisdiction of the

magistrate. According to the original Act, the jurisdiction of the magistrate was not only the place of publication but also the place of residence of the printer and publisher. I welcome the new amendment.

The proposed new rule 2D in section 5 of the Act reads thus:

"Where the title of any newspaper or its language or the periodicity of its publication is changed, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued."

In the Bill as it was introduced originally in the Rajya Sabha, ownership was also mentioned. I submit that if a fresh declaration has to be made before the publication of the newspaper can be continued, it is likely to cause a lot of hardships. I shall presently refer to the original Act itself which provides for a similar contingency. In the original Act, under certain circumstances, they allow about three months' time to elaps. Here, if at least one month's time is allowed for rectifying this mistake, the continuity of the publication of the newspaper will not be tampered with.

Dr. Keskar: Where is the continuity? If a paper changes from Tamil to Hindi, there is no question of continuity.

Shri Tangamani: Originally, ownership also had been included. As soon as the ownership changed, a fresh declaration had to be made.

Dr. Keskar: Does it justify this also?

Shri Tangamani: A paper which is a weekly can become a fortnightly, and a fortnightly can become also a monthly. If this provision is to be followed strictly, then at least one or two issues will have to be stopped.

I find that clause 6 of the present Bill deals with one of the new sections which were added on to the Act by the amendment made in 1955, namely sections 19 to 19L. But I find from clause 7 that clause (b) of section 19K is to be omitted. Section 19K reads thus:

"If the publisher of any newspaper

- (a) refuses or neglects to comply with the provisions of section 19D or section 19E; or
- (b) furnishes or causes to be furnished to the press registrar any annual statement, returns, statistics or other information which he has reason to believe to be false; or
- (c) publishes in the newspaper in pursuance of clause (b) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees."

Clause (b) of section 19K is now sought to be omitted, ostensibly for the reason that most of these things are already covered by section 14 of the original Act.

The provision contained in clause 8 is a salutary one, and it is provided therein that every rule made under this section shall be laid on the Table of each House of Parliament.

The proposed new section 20B, in clause 9, lays down:

"Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees."

[Shri Tangamani]

I have already referred to clause 10 which seeks to take away the powers which have already been conferred upon the State Governments.

I now come to clause 2 (iv) which reads thus:

"for rule (4), the following rule shall be substituted, namely:—

"(4) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave India for a period exceeding ninety days or where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding ninety days in circumstances not involving his vacation of his appointment, a new declaration shall be necessary."

I can understand the position that a printer or a publisher may be away from India for a period exceeding ninety days, and in that case, this provision will be salutary. But who is to decide whether the printer or the publisher is incapable of carrying out his duties because of infirmity etc.?

Dr. Keskar: The owner of the paper.

Shri Tangamani: A printer or publisher may be detained for a period of three months or so; his function as printer and publisher is not of such a nature where his presence has got to be there for the full 24 hours of the day; still, he takes his responsibilities as printer and publisher, and he has already made such a declaration. Therefore, if he is incapable of being present outside, due to circumstances beyond his control, such as by being in jail or otherwise, then such a thing should not be penalised.

Therefore, I would suggest that in the proposed new rule (4), the words 'As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave India for a period exceeding ninety

days, can be retained, but the words following them will have to be deleted. Otherwise, it will cause great injustice.

Although the original intention of the amendment made in 1955 was a very salutary one, yet, the way that it is now developing clothes the press registrar with enormous powers and curtails the powers which have already been conferred on the State Governments, and in some cases, also takes away the powers already being enjoyed by the State Governments; also, a stricter control has been provided over the publication of newspapers.

In spite of all this, I find that certain Tamil dailies, which are referred to at pages 216 and 217 of *Annual Report of the Registrar of Newspapers in India, 1960—Part II*, do not exist today. In this connection, I would like the hon. Minister to check up with regard to items Nos. 18, 25 and 27 which are mentioned as dailies having a good circulation. I would like to know what the present position of these dailies is?

With these words, I would only give my qualified support to the otherwise innocuous Bill. Although the intention of this Bill may be good, the effect is going to be not so very helpful.

Shri Tyagi (Dehra Dun): May I make a submission about a point of procedure? As in the case of Bills which originate from this House, would it not be feasible if you could kindly order the Lok Sabha Secretariat or the Department of Parliamentary Affairs to give along with the Bills which come from the Rajya Sabha, a copy of the Statement of Objects and Reasons and also the relevant sections which are sought to be amended? In the case of the Bills introduced here, we find that the copies supplied to us are self-sufficient from the point of view of study. It would facilitate our study, if the Bills coming from the Rajya Sabha also were to contain these particulars.

Mr. Speaker: It is not so much for the Department of Parliament Affairs as for the Lok Sabha Secretariat. I looked into this matter long ago, and I myself felt that unless the Statement of Objects and Reasons and other things were printed along with the Bill as passed by Rajya Sabha, or were made available to Members, they may not be able to make a proper study.

Hence I passed an Office Order to the effect that along with the Bill, copies of the Bill as introduced in the Rajya Sabha and all this information should be made available. I have got that. Any hon. Member can have it.

13 hrs.

Shri Tyagi: It is not circulated along with the Bill.

Mr. Speaker: But hon. Members who are interested in it can always take it. Every paper is not circulated. If hon. Members want, they can get a copy. They may or may not want.

Shri Naldurgkar (Osmanabad): When the Bill was introduced in Rajya Sabha, we received copies of the Bill.

Mr. Speaker: I find that as soon as a Bill is introduced in the Rajya Sabha, copies are circulated here to the Members. Hon. Members must keep them.

Shri Naushir Bharucha (East Khadesh): It becomes very difficult to preserve them.

Mr. Speaker: Instead of circulating the Bill as introduced in the Rajya Sabha, I will ask Office to circulate it when the Bill is considered here.

Shri Tyagi: Thank you.

Shri Tangamani: It was circulated sometime in March.

Mr. Speaker: Or I will keep copies here. Hon. Members may have them.

Shri Naushir Bharucha: As soon as a Bill is introduced in the Rajya Sabha, the Bill must be circulated to us. Suppose an hon. Member wants to take objection to the introduction of the Bill in the Rajya Sabha.

Mr. Speaker: What objection can be taken at that stage?

Shri Naushir Bharucha: I can say that the right of the Lok Sabha is infringed by a Money Bill being introduced there. How can I do that unless I know what is contained in the Bill? I will not be able to do that.

Mr. Speaker: When it comes here, he can raise the question. I do not know how he thinks he has jurisdiction as soon as it is introduced in the other House, how he can say that it should be thrown out at that stage. We have not got that right. I do not know how he can claim that jurisdiction.

All that I will do is this. As soon as it is introduced in the Rajya Sabha copies will be circulated to members. Copies will also be available at the time the Bill is introduced here. They will be available for all hon. Members who want to look into those copies. Hon. Members who have already taken copies need not take copies on the second occasion. So instead of sending them copies, I will keep copies here for all those hon. Members who want them.

Shri Naushir Bharucha: May I suggest that a paragraph may be inserted in the Bulletin stating as soon as a Bill is introduced in the Rajya Sabha that such and such Bill has been introduced there?

Mr. Speaker: As soon as a Bill is introduced there, a note will be inserted in the Bulletin to the effect that copies are available in the Publications Counter for all hon. Members who want to take such copies. Also,

[Mr. Speaker]

as soon as the Bill comes from the Rajya Sabha, copies of the Bill, as originally introduced in the Rajya Sabha and as passed by the Rajya Sabha, will be available here.

Shri Achar (Mangalore): There is one thing more. What has happened is that some sections other than what had been introduced have been amended in the Rajya Sabha. While introducing a Bill, only a few sections are given in the Bill introducing it. Subsequently it happens, as in this case, that some other sections are amended. We do not have the text of those sections unless the whole parent Act is also circulated.

Mr. Speaker: All the Acts will be available in the Library. There is no meaning in asking for copies of the Acts to be circulated. We are trying to provide as much as possible of what can be provided in a ready manner.

Shri Ansar Harvani (Fatehpur): Mr. Speaker, Sir, my hon. friend, Shri Tangamani, has offered his qualified support to this Bill. But I stand here to offer my unqualified support to this Bill and to the measures taken by the hon. Minister of Information and Broadcasting. He deserves the congratulations of every section of this House for the way in which he has tried to implement those recommendations of the Press Commission which pertain to the appointment of the Registrar of Newspapers.

But we know very well that the newspaper industry, like all the industries in the private sector, suffers from a number of ills. In fact, I am not indulging in exaggeration if I say that the newspaper industry has all the worst features of a private sector industry. Therefore, it was necessary and incumbent on the Government to take the strictest measures to effect such fool-proof registration as would not permit that industry to evade the legislation passed by this august House.

13.06 hrs.

[SHRI HEDA in the Chair]

We know it very well that as a result of the recommendations of the Press Commission a Wage Board was appointed. It came out with certain very minor recommendations which in a certain way hepled the working journalists. But just to avoid the implementation of those recommendations, the Press barons of this country manipulated the law in such a way as to deny the full benefit of those recommendations to the working journalists. We have the classic case of the *Amrita Bazar Patrika* of Allahabad and Calcutta. I take this opportunity of congratulating the hon. Minister on the vigilance he exercised and the strict measures he took in the case. We know it very well that a great institution like the *Amrita Bazar Patrika* which was established by the patriots of Bengal ultimately fell into the hands of profiteers, who wanted to use the newspaper for making money. We know it very well that for years and years they lived on the sweat and blood of the working journalists. We also know it very well that while the Press barons minted money, the working journalists lived in starvation and destitution. But when as a result of the Wage Board Award some benefits were given to them, the Press barons manipulated the Act. They went from Court to Court. They went to the Supreme Court. When they did not succeed, they bifurcated the company; *Amrita Bazar Patrika* started from Allahabad under one company and *Amrita Bazar Patrika* from Calcutta continued under another company. This was done just to evade the obligation of giving the working journalists of Allahabad the benefits of the Wage Board award.

I am gratified that the hon. Minister took strick measures, took all action that was possible within the law and forced them to change the name of the newspaper from *Amrita Bazar Patrika* to *Prayag Patrika*.

In this connection, I want to draw the attention of the hon. Minister to certain things happening only about a mile away from this Chamber—I am referring to the *Hindustan Standard* case. We know it very well that the *Hindustan Standard* of Calcutta has an edition in Delhi. But overnight what happened? Over the name *Hindustan Standard* they started putting in small letters the word 'Delhi' and under that the same print, the same get-up etc., continued. If we make a thorough investigation into their affairs, we will know that while the *Delhi Hindustan Standard* is considered to be a separate paper, it has the same correspondents and the same service. It has the same correspondent as that of the Calcutta edition who supplies the news to the Delhi edition as well as to the Calcutta edition. We know it very well that their international service is the same. But just to evade certain provisions of the Wage Board award, they have made this fraud on the law.

I know very well that this Bill provides sufficient powers to the hon. Minister. But may I appeal to him to see that this sort of fraud on the law is not perpetuated by Press barons? This Bill will need the support of every section of this House. It is a very non-controversial measure and I hope that even my hon. friends on the other side of the House will join me in congratulating the hon. Minister on coming forward with this Bill so soon, so that our lawyer friends may not make their jugglery in the court of law in support of the Press barons in order to evade the obligations under the Act. At the same time, I must say that certain Bills are passed by Parliament which are evaded through the jugglery of law. And I appeal here and now to the hon. Minister that he should instruct his department and the Registrar of Newspapers that they should adopt a very strict attitude towards this.

Shri C. R. Pattabhi Raman (Kumbakonam): I wish to assure my hon.

friend that there is no evasion or jugglery of law. The Judges do give the greatest respect to the legislature in the matter of construction of statutes—they give it the meaning to uphold the validity of the statute; and they think many times before they strike down a statute. I wish to assure my hon. friend that it is no question of evasion or jugglery of law.

Shri Ansar Harvani: I quite appreciate the concern of my hon. friend for his profession. I do not mean any reflection on the lawyers or the profession. We know it very well how the lawyers and the law has juggled often; and that is why this amendment has to be brought before this House.

An Hon. Member: It is a clarification.

Shri Ansar Harvani: Otherwise, there would not have been any necessity for the hon. Minister to come here with an amendment. Therefore, once again I appeal to him to administer this very strictly.

At the same time, I would like to draw his attention to the case of the *Delhi Hindustan Standard* and the *Hindustan Standard* of Calcutta and make enquiries about them. If necessary he should come forward to this House with certain amendments.

With these words I congratulate the hon. Minister for bringing forward this Bill and I give him my unqualified support.

Shri Naldurgkar: Mr. Chairman, Sir, the reasons for the introduction of this Bill have been exhaustively stated in the Statement of Objects and Reasons. And, yesterday, the hon. Minister also clarified that such legislation was essential to bring the whole newspaper industry under a uniform law. I concur with him in this opinion and I also welcome the introduction of this Bill.

But, there are certain provisions in this Bill which will involve the owner, the whole editorial and managing

[Shri Naldurgkar]

staff in great difficulty and substantial monetary loss. They will affect the audit establishment concerned and also the name of the paper. I would like to draw the attention of the Minister to all these provisions.

Under section 6 of the original Act the magistrate is authorised to authenticate the declaration. The proviso to that section is being sought to be amended. I will read that proviso after inserting the words which are proposed to be added by this amendment. It will read:

"Provided that where any declaration is made and subscribed under section 5 in respect of a newspaper, the declaration shall not, save in case of newspapers owned by the same person, be so authenticated unless the Magistrate is, on inquiry from the Press Registrar, satisfied that the newspaper proposed to be published does not bear a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State."

This means that before authentication of any declaration, the sole authority from which information can be gathered or inquiry can be made is considered to be the Press Registrar. This is also clear from paragraph 6 of the Statement of Objects and Reasons which reads:

"A doubt has arisen whether a magistrate is under any obligation to consult the Press Registrar before authenticating a declaration. As the Press Registrar is the only authority who would be in a position, on the basis of his records, to advise the magistrate in regard to this matter, it is proposed to lay down specifically that the magistrate should invariably consult the Press Registrar in every case before authenticating a declaration."

If, under section 6 of the principal Act, after making sufficient inquiry

or gathering sufficient information from the Press Registrar, once the publication is authenticated, then, on the same ground the publication cannot be cancelled. That is my opinion. I will again read the conditions stated in section 6. They are—

"...that the newspaper proposed to be published does not bear a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State."

I want to refer to clause 8B(ii) of this amending Bill—I mean clause 4 inserting section 8B(ii). This gives the grounds for cancellation. If the magistrate is satisfied that the newspaper mentioned in the declaration bears a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State he shall cancel the declaration. The magistrate has to be satisfied on all these facts. That information he will get from the Press Registrar. The Press Registrar will advise the magistrate that the newspaper does not bear the same name, title etc. and after being convinced on that point, the publication is authenticated. Then, again, on the Registrar's complaint the publication is cancelled. I think that is a hardship to the newspapers, to the owners and others. Though the doctrine of *res judicata* cannot be strictly applied in such cases, still, I respectfully submit that once the Registrar has given the information to the magistrate that the newspaper does not contain the same title etc. and on that information the magistrate has authenticated the declaration, then the cancellation of the declaration on some complaint from the same Press Registrar would be a hardship to the newspaper and would involve the Press industry in substantial loss. Therefore, I am of the opinion, in such cases this matter cannot be reopened on the complaint of the Press Registrar again.

If any person is affected by such publication, he shall have the right to go in appeal and that will be the proper procedure. Otherwise, it means that once the Press Registrar has convinced the magistrate on one point, on the same point again if he were to advise that his previous advice was wrong, it may be cancelled. That is wrong.

Shri C. R. Pattabhi Raman: New facts may arise subsequently.

Shri Naldurgkar: That means the newspaper is to be punished for the wrong information given by the Press Registrar. I think it is a wrong procedure.

Dr. Keskar: The hon. Member has not properly read either the original Act or the amending Bill. The point is that cancellation is not only for having the same title, but for a number of other defects in the original declaration which vitiate the declaration. If for all these reasons the magistrate is satisfied then he can cancel the registration.

Shri Naldurgkar: I lay stress on this particular point. There may be other reasons for which the cancellation may be right. But I am referring to this particular matter. Once the declaration has been authenticated on the information supplied by the Press Registrar, then, again to cancel it on the information given by the same Registrar would be wrong. That is why I have stated that though the doctrine of *res judicata* cannot be applied strictly, the law should be regulated on the same principle.

If I want to start a newspaper I am not in a position to know that in a corner of my State or in a certain district there is another newspaper having the same title or being published in the same language. Therefore, the magistrate is authorised to get that information from the Press Registrar. If the Press Registrar says that there is no other newspaper

in the State or in any corner of the State bearing the same title and published in the same language, and if on that report the declaration has been authenticated by the magistrate, then, I am of opinion that the same grounds cannot be raised again for the cancellation of the declaration. As I have already stated it will bring hardship to the whole newspaper industry. In such circumstances, if any person has been affected by such a provision, he should have a right of appeal as in clause 8C.

Excepting this, I welcome, as I have already said, the other provisions of the Bill.

Shri D. C. Sharma (Gurdaspur): I am afraid more meaning is being read into this Bill than the sponsor of this Bill intends. All kinds of legal and judicial considerations and employer-employee considerations are being put forward while considering this Bill. I think this Bill is procedural in nature and it aims at clarifying and tightening the procedure with regard to the registration of newspapers and books. I know that several advantages are going to flow from this very hard and stark fact. I know that the tightening of the provisions with regard to these things is going to cure us of many disabilities and rid us of many difficulties. Therefore, the Bill has to be looked at from two points of view.

What is the surface value of this Bill? It is apparent. I am glad that the owner has now been made a permanent part of the picture. There was a time when only the printer was known. Then there came a time when the printer and the publisher came to be known and later on the editor came to be known. According to this Bill, the owner will be made as much a functionary of the newspaper as the printer or publisher or editor. This is very wholesome not only from the point of view of journalistic ethics but is also necessary for smooth employer-employee relations. After all one cannot hold the editor responsible for everything or

[Shri D. C. Sharma]

bring to book the printer and publisher for whatever is happening. All these persons, the printer, the publisher, the editor and the owner will be there to constitute what I call the entity of a newspaper. This Bill defines very clearly what a newspaper entity is and assigns to everyone his proper place. It assigns to the owner his place, to the editor his place, to the owner and the publisher their respective places. Therefore, I believe that this Bill has defined the outlines of the mechanics of newspaper production much more clearly than it has been done before.

In our country, unfortunately, newspapers are passing into the hands of industrialists. There is a difference between my country and other countries. In other countries, newspaper is an industry and the industrialists follow this vocation as an end in itself. Here, an industrialist in addition to running a factory or some business also runs a newspaper. Therefore, in my country the newspaper industry is dominated by one type of person and unfortunately the owner who is really manipulating the strings of the newspaper and who is really responsible for whatever is happening and who is the mainspring of the whole thing gets off with it when there is any trouble. According to this Bill, I find that the owner will become one of the principal factors in the newspaper industry and it will not be possible for him to escape from those consequences from which he was able to escape formerly. In other words, formerly the owner of a paper was a kind of a ghost. He has now become real, concrete and tangible. I am sure this is going to be a big advantage.

There are some persons who specialise in producing paper as some persons specialise in producing, say, soap. They produce some soap—lux soap, this soap or that soap. Similarly, there are some persons who have acquired the knack of bringing into being newspapers. They have one

newspaper in Chandigarh, another in Allahabad, a third somewhere else and so on. They are specialising in building up chains of newspapers and their only advantage is that they think that the ownership at Chandigarh will not affect that at Allahabad or at Madras and so on. It was because they were living in the world of the unseen. Their names are not known; they are only talked about. What is going to happen now? We shall know that so and so is the proprietor of so many papers and he cannot escape responsibility for events happening at Chandigarh or Madras. The advantage of knowing the proprietor-owner of the newspaper is going to be very great. I know this will also help the working journalist because he will now be dealing with the person who has been legally recognised and the man responsible for running the paper. This is the first advantage of this Bill that the owner is going to be made responsible for the running of the paper as much as the editor or the printer or the publisher.

The second advantage is that the newspaper industry will now stand on a firm footing. We have been hearing about absentee land-lords. We have been hearing about persons who are sitting somewhere but controlling something somewhere else.

Now, Sir, the second advantage that will accrue from this Bill is this, that we will do away with absentee ownership, absentee printers and publishers in this sense, because it is stated here that if a person does not reside generally in India he cannot become a printer or a publisher or an owner. If a person stays out of India for a particular period he will have to go. I think this also is a very wholesome suggestion, a very wholesome amendment. It is wholesome not only for making the newspapers more effective but also for improving the relations of the workers with the newspaper people. There will be only those persons in

newspapers who are actually working for them and there will not be persons who are just taking, what you may call, a kind of lukewarm interest in the newspapers.

The third advantage that we are going to have from this Bill is this, that the registration of newspapers will become more firm. We have now newspapers which are bogus. There are some persons who bring out one paper once a month and try to get some concessions from here, there and everywhere. There are some newspapers which are published occasionally, irregularly. There are some newspapers which are always undergoing transmigration of soul. Just as I may be Diwan Chand Sharma in this birth and I may become something else in my next birth, similarly these newspapers are also undergoing some kind of transmigration of soul.

Pandit K. C. Sharma (Hapur): Sir, I rise to a point of order. Is it permissible for an hon. Member to misguide the House? A paper has no soul. It cannot have a soul.

Shri D. C. Sharma: Mr. Chairman, Sir, I can explain things to my students, but I cannot explain things to the hon. Members of this House because their intelligence quotient is much higher than my own.

I was submitting, Sir, that all kinds of bogus transactions in the registration of newspapers will be laid at rest on account of the amendment contained in this Bill. A newspaper will not be able to change its name. Sir, I was reading the history of the first World War. Once I was told about a ship by name Emden. That ship became very famous all over the world. It used to change its colour after every two or three days. It used to appear on the Indian Ocean, the Pacific Ocean and all kinds of oceans because it was able to change its colour whenever it liked. Similarly, there are newspapers which change their names very often. Today the name may be *Hindustan Standard* and tomorrow it may become *Delhi Hindustan Stand-*

ard. Today the name may be *Amrita Bazar Patrika* and tomorrow it may become *Prayag Patrika*. Today the name may be *Chandigarh Patrika* and tomorrow it may become *Rajpur Patrika*. What I mean to say is this, that all these false colours under which our newspapers have been sailing and have been working all these days will be put an end to by means of the amendment contained in this Bill.

I must also submit that in this Bill due consideration has been given to the judicial process in the country, the law and order situation in the country. We are going to constitute the Appellate Board. If anybody is hurt on account of any decision of the Registrar or a Magistrate, the man concerned will have the right to appear before this Appellate Board. I think this is a very wholesome provision.

Sir, what I was saying is this, that this Bill is going to make the working of the newspapers more easy than before. It is going to make the working of the Registrar more effective than before. It is going to allocate responsibility to the different persons who produce a paper. Incidentally, I am sure that it will benefit the working journalists also, but those benefits will be only indirect and they are not going to be direct. So far as they are concerned I think they can be dealt with in another context and in another way.

Therefore, Sir, I give my whole-hearted support to this Bill. I hope our Minister will keep his ears open as he has ever done, and also keep his eyes open as he has always done, and will not only hear the complaints that are made by the working journalists and others, will not only see appalling conditions of working journalists and others, but also will be able to keep the newspaper industry always under a kind of review so that it does not develop all those unhealthy tendencies, so that it does not acquire all those unwholesome characteristics which are to be found

[Shri D. C. Sharma]

in the newspaper industries of other countries. I think this Bill will promote good health in the newspaper industry, and I am sure that it will go a long way in making the newspaper proprietors more socially responsible, more ethically justifiable and more economically responsible.

श्री अ० मु० तारिक (जम्मू तथा काश्मीर) : जनाब चेयरमैन साहब, मैं वजीर इशाआत को इस बिल के लाने पर मुबारकबाद पेश करता हूँ। मैं इस बिल की पूरी हिमायत करता हूँ क्योंकि इस बिल से हमें तवक्को है कि हमारे वकिंग जरनलिस्ट्स की जो मुश्किलात हैं वह किसी हद तक दूर हो जाएंगी।

अक्सर इस हाउस में बिलें पेश की जाती हैं, बिलें पास हो जाती हैं, लेकिन उन बिलों पर अमल नहीं होता। मुझे उम्मीद है कि इस बिल के पास होने के बाद वजीर इशाआत यह भी देखेंगे कि इस बिल को पूरी तरह से हावी किया जाए। मेरे दोस्त आनरेबिल हरवानी साहब ने जो कि खुद एक जरनलिस्ट रह चुके हैं, उन दिक्कतों का जिक्र किया जो कि खुद उनके सामने आयीं और जिनका उनके दूसरे दोस्त मज्जा चख रहे हैं।

इसमें कोई शक नहीं कि हमारे मुल्क में जहां तक अखबार नवीसी का ताल्लुक है वह एक इंडस्ट्री बन चुकी है और यह इंडस्ट्री चन्द लोगों के हाथों में है। चाहे उन लोगों को जरनलिज्म से दूर का भी वास्ता न हो, चा वह जरनलिज्म की ए० बी० सी० डी० भी न जानते हों लेकिन वह इस इंडस्ट्री पर छाए हुए हैं क्योंकि उनके पास दौलत है। हमने इस बिल को पास करने के बाद उन छोटे छोटे

लोगों की तरफ भी देखना है और उनकी मुश्किलात को भी दूर करना है जो कि इस इंडस्ट्री में काम करते हैं और जो कि हकीकत में जरनलिज्म के लिये जिम्मेदार हैं। इस बारे में शर्मा साहब ने कुछ तजकिरा किया।

मैं सिर्फ दो बातों की तरफ वजीर इशाआत साहब की तवज्जह दिलाना चाहता हूँ जो कि बहुत अहम हैं। एक बात तो यह है कि हिन्दुस्तान में किताबों के कापीराइट के बारे में इसमें कोई तजकिरा नहीं किया गया है। हमारे बहुत से आथर्स की किताबें दूसरे मुल्कों में छपती हैं, मसलन मौलाना साहब की किताबें पाकिस्तान में छपनी शुरू हो गयी हैं लेकिन उन के कापीराइट की हिफाजत करने के लिये हमारे पास कोई जरिया नहीं है। इसमें कोई शक नहीं कि सवालात का जवाब देते वक्त कई दफा वजीर साहब ने यकीन दिलाया है कि इसके बारे में कदम उठाया जाएगा लेकिन पिछली चन्द सालों में हमने देखा है कि पाकिस्तान में और दूसरे मुल्कों में जहां फारसी बोली या समझी जाती है, हमारी किताबें छप रही हैं। और उनसे हजारों रुपया बनाया जाता है। मिसाल के तौर पर मौलाना साहब का कुरान शरीफ का तरजुमा पाकिस्तान में छप रहा है और उससे बहुत सा रुपया बनाया जा रहा है। और इस तरफ कोई तवज्जह नहीं दी जाती। मैं इसकी तरफ हुकूमत की तवज्जह दिलाना चाहता हूँ और उम्मीद करता हूँ कि इम नाशायज तरीके को रोकने का कोई ढाँ निकाला जाएगा।

दूसरी बात है एडीटर्स के बारे में। देखने में आया है कि कुछ लोग जिनका

जरनलिज्म से कोई दूर का भी वास्ता नहीं है और जो जरनलिज्म की ए० बी० सी० डी० भी नहीं जानते, आज अपने पैसे के बल बूते पर एडीटर बने बैठे हैं। वह इस तरह से खुद एडीटर बन कर किमी दूसरे आदमी के गुजारे को रोक लेते हैं और एक असिस्टेंट एडीटर रख लेते हैं जिससे तमाम काम एडिटिंग का काम लिया जाता है। मैं आपको एक मिसाल देना चाहता हूँ। हिन्दु-स्तान का एक मशहूर अखबार फिन्सफेयर है। उसके एडीटर साहब को मैं जाती तौर पर जानता हूँ और वजीर साहब भी उनको बहुत अच्छी तरह से जानते होंगे, वह जरनलिज्म की ए० बी० सी० डी० भी नहीं जानते लेकिन इसलिये कि वह उनकी मिल्कियत है या उनके किसी रिश्तेदार की मिल्कियत है, वह एडीटर बने बैठे हैं। इसलिये मैं इस तरफ तबज्जह दिलाना चाहता हूँ कि ऐसे लोगों के खिलाफ कदम उठाया जाए जो कि इस तरह से नाजायज़ तरीके से दूसरों को महरूम करते हैं। हमें उनके खिलाफ कदम उठा कर सच्चे जरनलिस्ट्स को काम करने का मौका देना चाहिए।

इन चन्द अल्फाज के साथ मैं इस बिल की पूरी हिमायत करता हूँ।

[शुभ्रि अ- अम - طاروق (چموم اور کشمیر): جناب چہرمین صاحب - میں وزیر اشایعات کو اس بل کے لانے پر مبارکباد پیش کرتا ہوں - میں اس بل کی پوری حمایت کرتا ہوں کیونکہ اس بل سے ہمیں توقع ہے کہ ہمارے ورکلنگ جرنلسٹس کی جو مشکلات ہیں وہ کسی حد تک دور ہو جائیں گی -

اکثر اس ہاؤس میں بلیں رہیں کی جاتی ہیں - بلیں پاس ہو جاتی ہیں - لیکن ان بلیوں پر عمل نہیں

ہونا - مجھے امید ہے کہ اس بل کے پاس ہونے کے بعد وزیر اشایعات یہ بھی دیکھیں گے کہ اس بل کو پوری طرح سے حاوی کیا جائے - میرے دوست آنریبل ہروانی صاحب نے جو کہ خود ایک جرنلسٹ رہ چکے ہیں ان دقتوں کا ذکر کیا جو کہ خود ان کے سامنے آئیں - اور جن کا ان کے دوستوں سے مزاج چکھ رہے ہیں -

اس میں کوئی شک نہیں کہ ہمارے ملک میں جہاں تک اخبار نویسی کا تعلق ہے - وہ ایک انڈسٹری بن چکی ہے - اور یہ انڈسٹری چاند لوگوں کے ہاتھوں میں ہے - چاہے ان لوگوں کو جرنلزم سے دور کا بھی واسطہ نہ ہو - چاہے وہ جرنلزم کی اے بی سی-ٹی-وی بھی نہ جانتے ہوں - لیکن راجسور اور پر چھائے ہوئے ہیں - کیونکہ ان کے پاس دولت ہے - ہم نے اس بل کو پاس کرنے کے بعد ان چھوٹے چھوٹے لوگوں کی طرف بھی دیکھنا ہے اور ان کی مشکلات کو بھی دور کرنا ہے جو کہ اس انڈسٹری میں کام کرتے ہیں اور جو کہ حقیقت میں جرنلزم کے لئے ذمہ دار ہیں - اس بارے میں شرما صاحب نے کچھ تذکرہ کیا -

میں صرف دو باتوں کی طرف وزیر اشایعات صاحب کی توجہ دلانا چاہتا ہوں - جو کہ بہت اہم ہیں - ایک بات تو یہ ہے کہ ہندوستان میں

[شہری اے - ایم - طارق]

کتابوں کے کاپی رائٹ کے بارے میں اس میں کوئی تذکرہ نہیں کیا گیا ہے - ہمارے بہت سے آنہرس کی کتابیں دوسرے ملکوں میں پڑھتی ہیں - مثلاً مولانا صاحب کی کتابیں پاکستان میں چھپی شروع ہو گئی ہیں - لیکن ان کے کاپی رائٹ کی حفاظت کرنے کے لئے ہمارے پاس کوئی ذریعہ نہیں ہے - اس میں کوئی شک نہیں کہ سوالات کا جواب دیتے وقت کئی دفعہ وزیر صاحب نے یقین دلایا ہے کہ اس کے بارے میں قدم اٹھایا جائیگا - لیکن پچھلی چند سالوں میں ہم نے دیکھا کہ پاکستان میں اور دوسرے ملکوں میں جہاں فارسی بولی یا سمجھی جاتی ہے - ہماری کتابیں چھپ رہی ہیں - اور ان سے ہزاروں روپیہ بنایا جاتا ہے - مثلاً کے طور پر مولانا صاحب کا قرآن شریف کا ترجمہ پاکستان میں چھپ رہا ہے اور اس سے بہت سا روپیہ بنایا جا رہا ہے - اور اس طرف کوئی توجہ نہیں دی جاتی - میں اس کی طرف حکومت کی توجہ دلانا چاہتا ہوں اور امید کرتا ہوں کہ اس ناچائز طریقہ کو روکنے کا کوئی تہلک نکالا جائیگا -

دوسری بات ہے ایڈیٹرس کے بارے میں - دیکھنے میں آیا ہے کہ کچھ لوگ جنکا جرنلزم سے کوئی دور کا بھی واسطہ نہیں ہے - اور جو جرنلزم کی اے - بی -

سی - ڈی - بھی نہیں جانتے - آج اپنے پیسے کے بل بوتے پر ایڈیٹر بنے بیٹھے ہیں - وہ اس طرح سے خود ایڈیٹر بن کر کسی دوسرے آدمی کے گزارے کو روک لیتے ہیں - اور ایک اسسٹنٹ ایڈیٹر رکھ لیتے ہیں جس سے تمام ایڈیٹنگ کا کام لیا جاتا ہے - میں آپ کو ایک مثال دینا چاہتا ہوں - ہلدوستان کا ایک مشہور اخبار فلم فیئر ہے - اس کے ایڈیٹر صاحب کو میں ذاتی طور پر جانتا ہوں اور وزیر صاحب بھی ان کو بہت اچھی طرح سے جانتے ہونگے - وہ جرنلزم کی اے - بی - سی - ڈی - بھی نہیں جانتے - لیکن اس لئے کہ وہ ان کی ملکیت ہے یا ان کے کسی رشتہ دار کی ملکیت ہے - وہ ایڈیٹر بنے بیٹھے ہیں - اس لئے میں اس طرف توجہ دلانا چاہتا ہوں کہ ایسے لوگوں کے خلاف قدم اٹھایا جائے - جو کہ اس طرح سے ناچائز طریقہ سے دوسروں کو بہروم کرتے ہیں - ہمیں ان کے خلاف قدم اٹھا کر سچے جرنلسٹس کو کام کرنے کا موقع دینا چاہیئے -

ان چند الفاظ کے ساتھ میں اس بل کی پوری حمایت کرتا ہوں -]

Shri Naushir Bharucha: Sir, I am rather surprised that an important Bill like this has not excited the necessary enthusiasm that we expected. I do not think it is due to the fact that the Bill is non-controversial, as the

hon. Minister put it, but because people feel that whatever comments and observations they may make, ultimately the Bill would be passed in the form in which it has been presented to this House.

An Hon. Member: The hon. Member has not given any amendment.

Shri Naushir Bharucha: That is exactly what I am trying to drive home, namely, irrespective of any amendments or any criticism, the hon. Minister is assured that he will be able to push through the Bill and make it a law. What I say is, even an important Bill like this has not excited the enthusiasm that was expected. In the matter of any legislation dealing with the press, it is very necessary to bear in mind a very important angle, namely, that the press ultimately is the protector of democracy, and it is very difficult to conceive of a democracy without the existence of a completely free press. Any restriction that is sought to be placed on the press must be fully justified. But having regard to the Statement of Objects and Reasons, I find that no justification whatsoever is being made out. The Statement of Objects and Reasons, instead of giving the reasons, merely translates or paraphrases what the various clauses of the Bill are.

In the first place, as we have been noticing, a new change is being introduced, namely, the name of the owner is sought to be published. Personally, I do not understand how, in anyway, that provision is going to help the Government in better administration of the press as a whole. We are not interested in seeing which individual owner owns which newspapers. It may seem strange enough, but I may say this: you may put down that so far as the individual is concerned, the change in ownership should be notified, but when the press is owned by a limited concern, however much there may be a change in the management and in the board of directors, if no change is made in the name of that

company this provision will remain inoperative.

Take, for instance, a particular publication which is controlled by a particular limited company. It is conceivable that the entire management of the company may change; the board of directors may change; the controlling parties may change; but yet, no declaration may be necessary because the name continues to be the same. Therefore, I ask since the major newspapers are owned by limited concerns, how is this provision going to help the Government materially.

The second point that I want to make is this. A declaration is provided for, as being necessary whenever there is a change in the periodicity of the publication. Is periodicity changed if due to temporary disturbances as it may happen sometimes a few issues are not published? For instance, there may be shortage of paper or some other thing. We are legislating for all time, and if periodicity is changed for temporary reasons, such as difficulty of financial resources or something or the other, you are saying that a fresh declaration is necessary. Supposing, I am running a weekly and I find that it may be necessary to omit two or three issues for some reason or other. Within the meaning of the new legislation a change has occurred, as the periodicity is altered. Therefore, there is no provision whatsoever for temporary disturbances in the periodicity which are not of a permanent character. I really do not understand why some sort of change in this respect is not necessary.

Another change has been introduced, namely, when a printer or publisher becomes incapable of carrying out his duties for more than ninety days, then a fresh declaration is necessary. I can understand it and that is reasonable. But in that connection, may I suggest that after the period of ninety days, a period of one week should be given during which time the declaration may be filed? What may usually happen is this. Suppose I am

[Shri Naushir Bharucha]

going out somewhere and it is expected that I would return within three months. But due to failure in getting reservation by plane or due to some transport not being available, I may return on the 91st or the 92nd day. In fact, in many cases it will not be possible for a person to know beforehand whether he will remain inactive for a period of ninety days or a day or two more.

Dr. Keskar: The magistrate is supposed to take all these things into consideration. He will not try to be so rigid. All these things will always be taken into consideration.

Shri Naushir Bharucha: The magistrate can take into consideration only what is contained in the law. Neither the hon. Minister's assurance given here nor any other clarification can be taken into consideration by him.

Another very important alteration of a fundamental character which has been introduced in this Bill and to which I take very strong objection is about the cancellation of the declaration. Let us understand one point very clearly. Newspapers are being run on a totally different line from ordinary business. There cannot be a stoppage for a single day so far as newspapers are concerned without a shaking up of their prestige. Here, what is proposed to be done is, power is given for cancellation of declaration if "the newspaper, in respect of which the declaration has been made is being published in contravention of the provisions of this Act or rules made thereunder." Every infringement of the provisions of the Act is made punishable. We presume that we have prescribed adequate punishment. Then, why this additional punishment of cancellation of the declaration? It is just like cancellation of a motor-driver's licence because he has committed such and such an offence! The wording of the proposed section 8B, under clause 4 of the Bill, is very wide. If the magistrate is satisfied that the

newspaper, "in respect of which the declaration has been made is being published in contravention of the provisions of this Act" he may cancel the declaration. The contravention may be even in respect of the most immaterial thing. Take, for instance, the case where instead of the publisher supplying two copies of the publication only one copy is supplied; or a case where no copy is supplied. Surely that is contravention of the rules. But surely that is not going to land the newspaper into any serious trouble. Cancellation of the declaration means closing down the business. Let us understand this. It is not a small thing.

Secondly, apart from the offences being trivial, and apart from the fact that all offences are being made punishable, there is no need for an additional penalty of this grave nature. I am afraid that what may actually happen is, for the fault of the printer, publisher or editor, the owner will be penalised. The owner of the press, after all, does not look into the day-to-day management of the press. If a little trivial fault occurs here and there, surely, the party which is directly responsible will be penalised, but why the owner of the newspaper should be punished? Cancellation of the declaration means closing down the newspaper. That, I repeat, is not a small thing.

Thirdly, I am afraid that this is the thin end of the wedge, to suppress newspapers which are highly critical of the Government. Let this be clearly understood. In the course of the management of newspapers numerous faults are committed. No administration anywhere is so perfect, much less the Government administration, that no mistakes are committed. Mistakes will be committed repeatedly. Therefore, if the magistrate is so inclined he might take the view that "several times, offences have been committed; I shall cancel the declaration". I am afraid indirect pressure may be brought by the ruling party for suppressing the critical press, which is so

very essential for the existence of democracy. That is what is going to happen as a result of this provision for cancellation of the declaration.

Again, the words are "If the Magistrate is of the opinion". It does not say, "If from the evidence led before the magistrate, the offence is proved" or something like that. I have repeatedly said in this House that where in legislation, we use the expression "is of the opinion", it means the subjective satisfaction of the authority concerned, viz., the magistrate. The magistrate is not bound to give any reasons and there is no appeal to the High Court. Even the High Court cannot intervene by way of a writ against the magistrate, because the High Court holds that it is his opinion. How it is formed, on the basis of what material it is formed, the High Court is precluded from going into all that.

Shri M. C. Jain (Kaithal): See the eleventh line where it is said "he is satisfied that"

Shri Naushir Bharucha: He first forms the opinion and once the opinion is formed, afterwards, it is very difficult to ask the magistrate to alter it. May I also point out that even though it is said,

"after giving him an opportunity of being heard, he is satisfied that.....",

even there, subjective satisfaction comes. It is not as if after giving an opportunity to the other party, the magistrate holds that the offence is proved or there are reasonable grounds for coming to that conclusion. It is not that. Both words mean subjective satisfaction. So, *prima facie* when the magistrate issues notice, his opinion cannot be questioned. Afterwards, it is only subjective satisfaction. Unless you prove that there was a *mala fide* conclusion drawn, nothing can be done. We are putting down clauses by which the entire Press may be closed down. It is very unfair and undesirable. I do not think in a democracy these

powers should be vested either in the magistrate or in the Government.

What are the conditions which are necessary for cancellation of declaration? If the magistrate comes to the conclusion that—

"the newspaper mentioned in the declaration bears a title which is the same as, or similar to, that of any other newspaper published either in the same language and in the same State".

Surely, the other civil courts are open to decide this matter. Is it not a fact that under the Copyright Act and various other enactments, it is not open to a man to use the goodwill, title or reputation of the trade name of another? Why give a summary remedy through the magistrate? I cannot understand this. Let the law take its course.

Then, it says:

"the printer or publisher has ceased to be the printer or publisher..."

If he has ceased to be the printer or publisher, it is in his own interest to have the declaration cancelled, because his responsibility ceases if he does that. Why should the Government be so very anxious?

Finally, it says:

"the declaration was made on false representation or on the concealment of any material fact..."

By all means, if the declaration is made on false representation, punish him under the Indian Penal Code. There is no need for a special provision here.

I would, therefore, submit that this power of cancellation is a very mighty power, which is being given for the first time against the Press and I am afraid it may be used in the most undesirable manner. What is more, against the order of cancellation, there is no appeal excepting to the Appel-

[Shri Naushir Bharucha]

late Board which has been created. The regular courts jurisdiction is ousted. Why should not the appeal lie to the High Court? In the most trivial matter, where a person is sentenced to a fine of more than Rs. 250, an appeal is given to the High Court. Why not in this case? The cancellation of a declaration may involve the owner in a loss of lakhs of rupees. Why is it that the right of appeal to the High Court is not given? What is the use of appeal to the Appellate Board? An appeal may be decided after 8 or 10 months, during which time the paper might be closed, because the power to issue stay order is not given to the Board. That power must be expressly provided.

These are many drastic provisions and I do not think it is desirable to pass the Bill in this form. As my friend, Shri Tangamani pointed out, in the last clause of the Bill, which deals with the power of the State Government to issue a notification regarding exemption, there again, the Central Government feels it must have a finger in the pie. Why? The idea is to concentrate power in the hands of the Central Government, so that ultimately, it can control the entire Press. We do not want that power to be given to the Central Government.

For these reasons, I disapprove of this Bill.

Dr. M. S. Aney (Nagpur): Sir, I wish to make a few observations on this Bill. My first point relates to clause 3 which seeks to amend section 6 of the original Act, I find that under the original Act, after the magistrate has passed the order, the declaration was to be deposited—one copy in the magistrate's court and another in the High Court or in the superior civil court. All that has been completely changed. Clause 3 provides the section which substitutes section 6 of the old Act. Among other things, depositing the order and all those things are now done away with. Hereafter, the

magistrate shall pass the order and shall forward a copy as soon as possible to the person who makes the declaration. The copy will go to him. What is there in this?

If the man who is aggrieved has to make an appeal, he has to appeal to a board that should be appointed under this law. The board is to be called the Press and Registration Appellate Board consisting of a Chairman and another member to be appointed by the Central Government. My point is this. In all legislations which are generally coming before this House, I find a tendency on the part of the Central Government to oust the jurisdiction of the civil courts and the High Court and usurp that power for themselves in the name of appointing certain board as the ultimate tribunal. In a democracy, as a matter of fact, the real safety for democracy is not that the administration is running all right, but that there is a tribunal ultimately to see whether the administration is being carried on in accordance with the powers given under the Constitution or not. That is the ultimate test, which is in the hands of the civil courts, which are ultimately presided over by the High Court and the Supreme Court. When the jurisdiction of these courts is ousted, you take away from the essential safeguards by which the proper working of the democracy can be ensured and secured.

Here, the board depends on the information given by the magistrate. The magistrate gets the information from the original man who makes the enquiry—the Registrar—and the magistrate's order is passed. Against this order, an appeal is to be made to a board appointed by the Central Government itself. I believe this is carrying centralisation too far. When in one breath we talk of decentralisation, all our Bills are so intended and so framed and worded as to oust that decentralisation which already exists and which gives the judiciary the power to judge the working of the executive in

a proper way. After all, the executive should have certain more powers to keep proper control over the newspapers and books registered under this Act. They may have those powers, but whether those powers are properly exercised or not should be ultimately a matter for adjudication, not by the Central Government themselves or anybody nominated by them, a member nominated by them and a chairman nominated by them, but by the judiciary which ultimately is supposed and is really under the Constitution entitled to bring upon the question a dispassionate and independent judgment. Ousting of that power is, in my opinion, a very serious handicap and, therefore, as pointed out by my hon. friends here, the evil effect following the working of those sections to which reference is made by some members will be more accentuated on account of their making no civil court or High Court or higher civil court competent to adjudicate upon the proper working of the Act. Therefore, I look upon this Bill, to that extent, as a reactionary one and not a progressive one.

14 hrs.

Shri Supakar (Sambalpur): This Bill is not so simple and so innocent as it seems to be. To my mind, it seems to encroach very much upon the freedom of the press, which is a very fundamental thing in a democratic set up of Government. If we look at the scheme of this Bill, we find that the Government seek to take very strong power, vast powers, so far as the cancellation of declaration is concerned, and though the conditions under which a declaration may be cancelled appears to be more or less innocuous they are likely to be abused, as Shri Bharucha pointed out in detail, and I will not repeat.

Here one important point is that cancellation will depend on the subjective satisfaction of the magistrate. Although the Bill provides for appeal, I would submit that the provision of this appeal is worse than useless

because you will find from the financial memorandum appended to the original Bill that the appellate board to be set up under clause 4 of the Bill will consist of an official of the Ministry of Information and Broadcasting as Chairman and an official of the Ministry of Law as member and will not, therefore, involve any additional expenditure. If the appellate board is to consist of two officials, one from the Ministry of Information and Broadcasting and another from the Ministry of Law, I think it would be better if the provisions for appeal were altogether omitted rather than having such ridiculous provisions.

As soon as the magistrate takes a decision a person aggrieved may go to the appellate board. At this stage, the appeal is bound to take a long period of time, because the appellate authority will consist of officials who will have thousand and one other duties. Also, there is no limitation of time by which they are to dispose of the appeals. In the mean time a lot of harm might have been done to the appellant.

Another aspect is that whatever the judgment of the appellate board may be, a fundamental principle of law is that justice must not only be done but must appear to be done. So, unless the persons who are in the appellate board can create confidence in the minds of the public and the newspapers, it will be better not to have such appellate board and thereby create, in my humble opinion, a travesty of justice.

Another important feature of the Bill is the fact that the owner is brought into the picture, so far as the publication of the newspaper is concerned. This bringing the owner into the picture is on account of the recommendation of the Press Registrar in his annual report. A reference to that report was made by Shri Tangamani. From that report it will appear that the main purpose of bringing the owner into the picture is to see that the owners may not avoid or evade

[Shri Supakar]

the provisions of the Working Journalists Act. But what happens when the owner of a newspaper is brought into the picture? I went through the Press and Registration of Books Act of 1878 and the provisions of this Bill and I find that unless we provide for some penalties to the owner for non-observance of the Act no useful purpose will be served by merely bringing into the picture the owner by mentioning his name in every issue of the publication or newspaper. We find that under the Press and Registration of Books Act if a printer or publisher violates any of the provisions the penalty is that they may be fined to the extent of Rs. 2,000 and they are liable to imprisonment which may extend to six months. Whereas such heavy penalties are provided in the case of printers and publishers, the Bill is absolutely silent so far as the imposition of any penalty on the owner is concerned. Unless you make an amendment in the provisions on penalty in the original Press and Registration of Books Act, there is no use in merely bringing the owner's name in every issue of the periodical by saying that the name of the owner must be there in each and every copy of the publication.

The real trouble in the case of newspapers, as we find from the report of the Registrar of Newspapers and also from our personal experience, is not that somebody will steal or misappropriate the goodwill and the name of another newspaper but how to avoid the recent trend of a newspaper closing its publication in a certain place and having the same newspaper in another town or place with a somewhat similar name in order to evade the provisions of the Working Journalists Act or similar Acts. Therefore I do not understand how the provisions as they are made here will help the Government in checking this trend.

So far as the question of bringing the owner into the picture is concerned, we find that there is no defini-

tion of an owner here. When an individual is the owner there is some good in bringing him into the picture although we do not provide any penalty for him. But as was pointed out by Shri Bharucha and others, where the ownership rests in a limited company or in a trust or in some sort of an organisation which is not any particular individual on whom the responsibility can be fixed with certainty then the very purpose of bringing the owner into the picture and enforcing the law that all copies of all newspapers must have the name of the owner printed on it becomes practically meaningless. If we are to derive some benefit from it, we must define the term 'owner' and provide that some particular person should be held responsible if it is not an individual but something like a company, trust or any other similar organisation. Therefore reading the Bill as a whole my opinion is that whereas it seeks to encroach very much on the freedom of the press, so far as its aim of bringing the owner to book is concerned which appears to be one of the main objects of the Bill, the Bill singularly fails in that purpose.

Shri Ajit Singh Sarhadi rose—

Mr. Chairman: Before I call another hon. Member, let us finalise the schedule of time. Total time allotted for this is four hours. How shall we divide this time between the motion for consideration and the clause-by-clause consideration?

Shri Ajit Singh Sarhadi (Ludhiana): 3½ hours and half an hour respectively.

Dr. Keskar: Three hours for general discussion and one hour for the amendments might be more reasonable.

Shri Warrior: There are not many amendments. The question is as to how much time the hon. Minister will take in reply to the general discussion. After that the balance will be given to clause-by-clause considera-

tion. There are not very many important amendments.

Mr. Chairman: How much time is the hon. Minister likely to take?

Dr. Keskar: About 20 to 25 minutes.

Mr. Chairman: I have got names of five hon. Members more who wish to speak. Since we have some other business at three o'clock, either the hon. Minister finishes his speech by three o'clock or he starts it tomorrow.

Some Hon. Members: Tomorrow.

Mr. Chairman: If he finishes it today then some hon. Members who want to speak may be accommodated tomorrow in the final reading.

Dr. Keskar: You mean during the clause-by-clause consideration.

Mr. Chairman: Yes, clause-by-clause consideration or the final reading.

Shri Supakar: If other hon. Members are willing to speak and they need accommodation, it will be better to accommodate them at the first reading stage and not at the stage of clause-by-clause consideration.

Shri B. K. Gaikwad (Nasik): Tomorrow there cannot be a discussion on this matter because the Report of the Commissioner for Scheduled Castes and Scheduled Tribes will be taken into consideration.

Mr. Chairman: When I say tomorrow I mean the next day when it comes up. It does not necessarily mean tomorrow. Let us see how it proceeds because it is just possible that some hon. Members may not take more time as most of the points have been made. Shri Achar.

Shri Achar: Mr. Chairman, Sir, I have considerable apprehension about this Bill whatever the intention of the Government may be. I have considerable apprehension about the clauses as they are drafted. The newspaper industry, specially when the language papers are concerned, I may

be permitted to submit, is in a very very precarious condition. More than six, seven or eight crores of rupees probably have been invested in this industry and all of us know that hardly one per cent. of it is paying. Of course, as a preliminary point I would like to touch upon this question because I feel the provisions as they stand may, as some of the previous speakers have also mentioned, go to the root of the matter and may even affect the freedom of the press. I will not dilate on this subject because I want to be as brief as possible. I only want to point out from some of the clauses as to how dangerous the provisions are.

I am feeling that though innocent and simple this proprietor's or owner's name being published looks, though it looks innocuous it will go to the very root of the matter and it may have considerable influence on the newspaper industry. I do not know what exactly the intention of the Government is. Do they want to punish the owner for certain mistakes that may be committed by the editor? It is not very clear from the clause as it stands whether the owner would be liable for an action of libel. Suppose the editor has defamed somebody—from day to day it goes on in the daily newspapers—suppose there is a cause for defamation, does it mean that the Government want to punish the proprietor?

I would take another aspect of the question. Suppose, it may be a criminal offence. For example, the other day there was an Ordinance. Due to an oversight the previous day's Ordinance or its provisions may not be mentioned. People who are editing language newspapers may not know anything about it and may publish something which may amount to a disobedience of the Ordinance. Does the Government intend to punish the owner or the proprietor for this? I would request the hon. Minister to consider this aspect of the question as to what tremendous effect it would have on persons who would like to

[Shri Achar]

invest and have a small newspaper. I am not thinking of the bigger newspapers who are making profit; and working journalists. I am not at all thinking of that aspect of the question. I feel that insofar as the main public opinion of the country is concerned, to a large extent it depends on the small newspapers.

Dr. Keskar: If an owner publishes a newspaper there is no reason why he should not take the responsibility for the policy that the newspaper follows.

Shri Achar: I am not thinking of the policy. As I said, it is a question of criminal liability. Because a man invests money and asks a certain person to edit or print the paper—I am emphasising this aspect of the question—is it the intention of the Government to punish the owner or the proprietor for that criminal offences? It may be a case of hatred of a class or sedition or disobedience of the ordinance, or it may be private trouble between two which may lead to action on libel. What is the intention of the Government in this respect? I am not quite sure from the section whether it is a question of abetment. I need not go into the legal aspects and all that here.

Shri M. C. Jain: The law will take its own course.

Shri Achar: I want to know clearly whether that is the intention of the Government. If that is so, I would submit that it will go against the freedom of the Press, because nobody would like to come forward in that case. Because, so far as small newspapers are concerned, it often happens that it is not the small editor or anybody who has got the necessary money. It is usually some benefactor who gives some money, and on the strength of that the editor is appointed. And often it happens that the editor is given complete independence of shaping the policy. The proprietor does not come into the picture. That

is the convention. I have found in several places that sort of convention growing up. It is very good from the point of view of journalism, the editor being given sufficient independence to shape the policy; some people pay the money or some individuals pay the money and the paper runs. My submission is, if that is the intention of Government....

Pandit K. C. Sharma: The criminal law acts against the man who commits the crime, not against the man who is sitting somewhere else.

Shri Achar: I would like to have a clarification about this from the hon. Minister rather than from my hon. friend. I have thought over the matter and I feel that he will be liable. I want to know if that is so. Of course, I even felt whether a Bill of this kind which has so many legal implications, though it looks so very simple, should be accepted by the House without being sent to a Select Committee. But being in the Party I did not move any amendments, also knowing as I do that it will not serve any purpose. All the same I have felt that there are very serious implications in this Bill.

I will take only two or three points and I will try to make myself clear. Take section 5, proposed rule (2D) which says: "Where the title of any newspaper or its language or the periodicity of its publication is changed, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued". So far as the title is concerned, whenever it changes, there must be a new declaration. It is a very simple proposition of law. As it looks it is innocent. But we all know how this question of title in law drags on for even ten years. I will give one instance. Suppose a certain person owns a paper, and he makes a will. And I know personally of instances where it has happened. The question of title comes, and when the title

changes there must be a new declaration. In whom does the title vest? It is not such a simple proposition. It takes years sometimes to decide as to who is the owner. For example, take the instance of....

Shri Ajit Singh Sarhadi: It is the title of the newspaper, not of the owner.

Shri Achar: Maybe. The newspaper also has a title. But the owner has a title. It reads: "Where the title of any newspaper or its language etc." I am sorry. I thank my hon. friend for pointing this out.

Dr. Keskar: I had mentioned this in my original speech.

Shri Achar: I am sorry I did not notice this. "Where the title of any newspaper or its language or the periodicity of its publication is changed, the declaration shall cease to have effect and a new declaration shall be necessary...."

Dr. Keskar: Before the new publication begins. That is all.

Shri Achar: Then I withdraw my remarks so far as this matter is concerned.

Shri Warrior: When it is a family property, the title also comes there!

Shri Achar: As the clause stands, all that it says is: Where the title of any newspaper or its language etc.". I do not know whether the construction of the clause is clear.

Dr. Keskar: It is very clear.

Shri Achar: It is not so clear. Can it also mean the title as to who owns the property?

Pandit K. C. Sharma: No, it does not mean that.

Shri Ajit Singh Sarhadi: It means the name of the newspaper.

Shri Achar: Then I will not take more time on this.

The next important question is with regard to the proposed section 8B. Of course it has been pointed out by the previous speakers also that it will very seriously affect the newspaper industry. Cancellation of the declaration is a very important matter and it will entirely depend on the magistrate. Shri Naushir Bharucha has already explained the implications of the section as it stands. I would only add a word more to that with regard to this appellate court. My venerable friend Dr. M. S. Aney has already referred to it, and he pointed out how the trend seems to be to avoid courts. It is a very important matter to cancel a declaration. The paper will go out of the picture. Should it be left to a board like this. And let us see what is the kind of board that is proposed. It will consist "of a Chairman and another member to be appointed by the Central Government". If there are two members and if there is a difference of opinion between the two, how it is to be decided also is not clear.

Pandit K. C. Sharma: The order will stand as it is.

Shri Achar: Firstly, I would submit that such an important power should not be vested entirely at the discretion of a board which is to be appointed by the Government. Why should it not be an appeal either to the High Court or the district court, whatever it be? Why should they be so very touchy about it, and why should it go to a board? It does not even say that it is necessary that a person with judicial training should be there. And it says there shall be two members. It does not provide as to what is to happen if there is a difference of opinion between the two. Will such an appellate tribunal, I ask, be of any use? Because this section is very important; it is a question of the cancellation of a declaration.

Of course there are other sections also. I will not go into this matter.

[Shri Achar]

in detail. I have felt specially over this position of the name of the owner also being published. If it is only a question of knowing as to who owns the paper, that is a different aspect. If that is the matter, there is no objection or anything of that kind. But if he is to be made liable in a criminal or civil manner, with all respect I would like to submit that this position will be entirely changed and people would not invest any money, and the position, especially of the small papers, will be in danger. And I feel it will to that extent affect the freedom of the Press.

Shri Warrior: I have only to make a few observations, because almost all the points with regard to the Bill and the merits of the clauses have been covered. I support this Bill. At the same time, there are so many doubts to be cleared by the hon. Minister. This amending Bill comes after so many amendments to the Press Act. I should think that a comprehensive legislation, according to the present trends of political and socio-economic life in the country, should have been brought instead of piecemeal amendments here and there. Then we would have got a new picture of the entire structure of this industry. At present the industry is growing rather wild without any plan or any scheme. For instance, there are the chains of newspapers. The intention of the Government might be to control those chains, because the chains are more or less otherwise controlling the Government. In any society, particularly in a planned society, these chain papers should be controlled. Not only has it a political aspect, but it has an economic aspect as well. I have come across many instances of these chains making money by black-marketing the newsprint they are allotted by the Registrar. More than that they boost up the stock market. There are many instances of this, where firmer control of chains is very necessary, in the background of a planned economy which we are developing.

Control of newsprint is very essential. I, as a publisher often go to the Registrar of Newspapers in Delhi to get more newsprint quota for papers of ordinary denomination. While newsprint quota is easily got by chains and monopolies, it is seldom that the ordinary small newspapers published in languages get it easily. Coming from the extreme South I have often found newspapermen roaming in the corridors of the Registrar of Newspapers office and when I ask them the reason they say they have not been able to get their quota. In such cases I would appeal to the Minister to instruct his offices to make more use of the telegraph and telephone services, rather than the slow postal service.

I do not mind centralisation. There are many advantages in centralising things in Delhi. We know from the report of the Registrar of Newspapers what the position of the industry is. Formerly, we could not know that even about our own State, as to which are the newspapers existing and which have gone out of publication. As far as I am concerned, I know something about the Kerala newspapers. Formerly most of the publishers of newspapers were publishers of text-books, which were recognised by Government. Now all the text-books are published by Government and many of these small printers have ceased printing these papers. The object of this piece of legislation must, in my opinion, be to give it more to institutions or associations rather than to individuals and corporations and such other vested interests. If that is the object of this amendment, I for one would welcome it. I hope the Minister would reply whether this object would be achieved.

Coming to the clause about ownership, it cannot be determined so easily. Now, there is the Bennett Coleman & Company. Who is the owner of it? Nobody knows. The owner is a phantom moving about;

that phantom is never to be caught. There are so many owners like that. A Company or Corporation control the majority of the shares. I know of one of the biggest newspapers where the editor had to leave because of his differences with the proprietor.

In this connection I would like to submit for the consideration of the hon. Minister something about the printers and publishers. The chief men in a newspaper are the editor and the sub-editors and they know of everything that goes into a newspaper. For instance, I am the publisher of a paper. I am in Delhi for the session, but I am often hauled up before courts in my place, for defamation or libel. No doubt, I escape in all of them. My lawyer is a clever person and he secures me acquittals. But what about the harassment. Speaking from personal experience, I do not know of anything that is written in the paper, as to who is libelled, as to who is defamed.

In regard to the printer, he invests money in a printing establishment. He depends on his business for livelihood. Somebody declares himself to be the publisher of a paper and approaches him for printing his paper. The printer to my knowledge in many cases is an illiterate man. He knows only how to count his money and the technical job of printing. I know of a printer who is a very orthodox Catholic and who was hauled up for printing a pamphlet which I, a Communist, had given him. The printer is invariably innocent. I do not know why for my offence the printer should be hauled up.

I differ from my hon. friend Shri Achar in regard to his remarks about the owner. The owner is not so innocent. He knows what is to be written; he knows the policy of the paper. In most cases, except in the case of mushroom papers, the owners know when they invest money for what objective the paper is run. That at any rate has been my experience of the world of journalism for the last

thirty years. For instance, I am on a party committee. Who will be the owner in such a case? Whose name will be there?

Dr. Keskar: Your name.

Shri Warrior: I am only a publisher.

Dr. Keskar: You can be the owner also.

Shri Warrior: I am not investing any money; so I cannot be the owner. The owner is one who invests money. The party committee is investing the money; there is the record for that; there is the bank record. Can forty-five members be hauled up?

Dr. Keskar: They can form a trust.

Shri Warrior: If the hon. Minister is clear about it, I am glad. If he is not clear, there will be confusion and unnecessary harassment.

In regard to owners, there may be a joint family. For instance in Trivandrum there is a family which had been for the past forty or fifty years publishing a paper known as *Kerala Kaumudi*. The editor of the paper is Mr. Kumaran who is a Member of this House. A young man from that very family began publishing another paper called *Kaumudi*. What is the difference between *Kerala Kaumudi* and *Kaumudi* the ordinary people cannot understand. That was why I reminded my hon. friend Shri Achar that the question of title comes when the paper is a family concern. In that respect before deciding the real claim to the family properly how one can declare and continue the publication of the paper is a matter of serious doubt to me.

Dr. Keskar: That will be clarified.

Shri Warrior: Not only should these things be clarified, but they must be put in black and white; otherwise there will be confusion. The courts would be guided only by the language of the statutes which go out of this House rather than by the pleasant

[Shri Warior]

assurance of the Minister. I also completely agree with what Shri Supakar said. If an appeal is there, why should we take it out of the hands of the court? It is a right which they can decide. The court is there. Why should a number of people be selected to be the judges. Why should they have a double role? This can be safely placed in the hands of the court which is an independent body as we all maintain. This question must be gone into very seriously. I say this would be very difficult. Without in any way casting any doubt about the integrity or honesty of the Press Registrar, or for that matter, any official, I would like to say that the appeal must be to an independent judiciary. It is very difficult for a higher authority to cancel orders passed by lower authorities when it is coming in an official manner. Why should it not be an independent authority? People will have great confidence in the rule of law. Otherwise, it will be difficult and there will be much harassment.

This is an industry which will not tolerate delay. One hour's delay means all loss. If electricity fails, it is lost. A delaying paper is never taken. Especially, in my State, if people do not get the paper at 5 o' clock, that paper is lost. It is a question of speed today. It is unlike the rural parts here. Every district has four or five dailies—within a radius of 20 miles. It is a question of racing. In these circumstances, any small delay is enough to upset. How much money have we to spend for getting newsprint? In the Commerce Department, I had an experience—I will not say that here because that is not relevant—I had an experience of phoning up several times. Once I was told that the licence surrendered is not seen. I said, you will see even in the mid'night. The next morning he saw it. If he was not a Member of Parliament, an ordinary layman, calling from Trichur, spending Rs. 25 for a trunk call, what will

be the situation? We are taking paper from Bombay, from Madras, rarely from Calcutta. Even in the Cochin port, we do not get it. There are so many difficulties especially for small fries. I do not mean the big fries. In order to help us, to help the industry, these things must be attended to by the hon. Minister. All these doubts must be cleared in the legislation.

I welcome the Bill with all these doubts and with the promise that the Minister will clarify all these things.

Shri Ajit Singh Sarhadi: Mr. Chairman, I regret I cannot agree with the hon. speakers who have tried to make out that this Bill is a very controversial one. This Bill is a welcome measure which deals with procedural corrections and clarifications which had been found necessary from the last few years experience of the working of the 1955 amendment. I believe, by and large, the Bill has support from the proprietors of the press as well as the workers. It is also based on the discussions which we have had in this House some years back.

I was really surprised when some hon. Members stated that the Bill intends in any way to curb freedom of expression or freedom of the press. Of course, the Bill has brought forward certain amendments both substantial as well as procedural on which there can be two opinions. But, on the whole, I think the Bill is a healthy one and should be welcomed.

I will take up the salient features of the amendments in the Bill. Firstly, the Bill intends to bring in an amendment in the procedure of declaration and authentication. It prescribes that a paper cannot be published unless it is authenticated. That would not take a long time. I do not see any reason why there should be any objection to this. But, there is one thing to

which I would draw the attention of the Minister. I welcome the provision that the Magistrate should, as has been laid down in clause 3, have consultation—the word 'otherwise' has been omitted—with the Registrar if there is identity in the title of the papers. I would however submit,—this would have been his experience and many complaints would have come to him—that this takes a lot of time. Delay comes in. It would have been in the fitness of things if in this particular amendment in clause 3, a time had been prescribed, within which the Magistrate must give a declaration and make authentication and the enquiry must be made within that time. That would have facilitated matters. I believe the hon. Minister will consider, even at this stage, whether it is possible to fix a time limit within which declaration and authentication is made and due enquiry is made from the Registrar. That would very much facilitate matters and meet the complaint generally made that it takes a long time.

The second amendment deals with ownership. I disagree with my hon. friend Shri Achar when he said that it will create complications. I believe this is a very healthy practice that the name of the owner must be there. It may help to judge the opinions in the papers in the light of the ownership. This practice prevails in England and other democratic countries. There is no reason why we should not adopt that.

When we read clause 2, and the two amendments, one which deals with substitution of Rule 1 and the other which relates to clause 2E, I certainly apprehended that there may be controversy about ownership. When we take it in conjunction with the penalty clause that has been laid down about forfeiture and cancellation in the light of the contravention, my apprehensions are that possibly the question might create certain controversies.

Shri Achar: May I just interrupt for a minute? My argument was a

little misplaced and I have noted the mistake. Now you have referred to it. It is not clause 2D title. Let us see clause 2E. I said, whenever there is doubt about title, it may elongate the proceedings and take years to decide who the owner is. On that question, somehow I somewhat slipped and referred the title. That is not the section. The real section is 2E. All of you have taken advantage of it, I would say.

Shri Ajit Singh Sarhadi: I gave way only for a short while.

Shri Achar: It says here:

"As often as the ownership of a newspaper is changed, a new declaration shall be necessary."

The question of title is very important. My argument was, if it is elongated, it would create complications.

Shri Ajit Singh Sarhadi: You are trespassing on my time. I was only submitting that the owner of a paper may be an individual, may be a joint family, may be a partnership, may be a trust or anything of the sort. When you say in clause 2E that as often as the ownership of a newspaper is changed, a new declaration shall be necessary, there may be complications. Suppose somebody dies and a dispute arises about ownership. If one is not definite as to who is the owner at the time, does it mean that there is contravention? If it is contravention, it invokes a penalty of cancellation. Also possibly it may entail closure. It would have been much better if the word owner had been defined in a manner that owner includes a person who claims it, or who runs it for the time being till the dispute is settled. That would have clarified the matter in the interests of the continuity of the paper.

An Hon. Member: There may be a dozen.

Shri Ajit Singh Sarhadi: If there are a dozen, the names of the dozen must appear. Of course, that is there,

[Shri Ajit Singh Sarhadi]

but the circumstances in which a dispute arises about ownership might lead to certain difficulties which might be interpreted as a contravention. Therefore, it will be better if we put in a definition of "owner", so that there may be no hurdle in the continuity of the paper. Otherwise, it is a welcome and healthy provision.

Thirdly, the proposed rule (4) in section 5 deals with the absence of the printer or publisher for a period of 90 days or in capability to work due to infirmity or otherwise. This is very vague. Who is to be the judge of the infirmity?

Dr. Keskar: The owner.

Shri Ajit Singh Sarhadi: If the court is the judge, immediately the proceedings of cancellation will start. It is better that we lay down that if it comes to the knowledge of the magistrate directly or indirectly that the printer is infirm or out of station, he can give notice to the party concerned and only then start proceedings of cancellation. The term is vague. An old man may consider himself fit to act as printer or publisher of the paper, but the magistrate may consider him unfit or incapable. So, such a notice is necessary.

So far as the cancellation is concerned, there is provision for notice, and the magistrate has the discretion to exonerate the management if he is satisfied with the enquiry. But, in the interests of the paper concerned, for the purpose of exonerating *bona fide* mistakes, the vagueness about the term "infirmity" should be removed.

Fourthly, the proposed rule 8B provides for cancellation at the hands of the magistrates in certain cases. I agree in principle with it, but I would like the hon. Minister to consider the wording. Rule 8B(i) lays down:

"the newspaper, in respect of which the declaration has been

made is being published in contravention of the provisions of this Act or rules made thereunder;"

I would certainly invoke the penalty of cancellation for infringement of the rules under section 5 of the parent Act because they are fundamental rules dealing with the basic principles of running the paper, but if there is infringement of the rules made under section 20A, which are rules of a formal character, that should not entail the extreme penalty of cancellation. The proposed section 20B reads:

"Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees."

That of course is clear, but the wording in rule 8B(i) should be clear enough to indicate that the rules contemplated under it are only rules under section 5 of the Act and not the formal rules under section 20A.

I congratulate the Minister on providing for an appeal. This is as it should be. But, like other hon. Members, I do not see any reason for dispensing with the civil courts in this matter. We find no reasons given in the Statement of Objects and Reasons for this and besides why there is to be a board of two persons, a Chairman and a member. If there is divergence of opinion between the two. What is the remedy? We cannot invoke the prerogative of the High Court under articles 226 and 227 to decide it? It would lead to a lot of anomaly. As in the election law, the right of appeal should, however, be given to the High Court. If he does not want to burden the High Courts with extra work because already work has accumulated with them, I think he can have a district Judge. I hope, however, he will give an undertaking that the Chairman will be a judicial officer, as also the member so that they will be able to bring their judicial experience and

acumen to bear on the question and give their judgment. He may clarify as to what will happen if there is divergence of opinion between the two members of the board. He can say that the views of the chairman will prevail, in which case he would be the final authority and there should be one man Tribunal alone.

With these words I support the Bill, and hope the Minister will take into consideration the points I have made.

Mr. Chairman: Some more hon. Members wanted to speak, but I think they can avail of the opportunity at the time of the clause by clause discussion. The hon. Minister.

Dr. Keskar: I am grateful to the hon. Members who have made very learned, thoughtful and thought-provoking speeches about what they consider to be defects in this Bill. Some of them have welcomed certain provisions, some have expressed grave apprehensions about the loss of liberty of the press etc., on the passing of this innocuous and procedural measure.

14.59 hrs.

[SHRI JAGANATHA RAO in the Chair]

I might say at the very outset, and I had mentioned it originally, that this Bill, which mainly concerns the proprietors and the publishers of newspapers, has been brought before the House after taking the precaution of having thorough discussions with the most important bodies of publishers and proprietors in the country. They comprise the overwhelming majority of newspapers in the country, including the biggest and the smallest, and they have to deal with these matters every day. I would like to inform Shri Achar, who is so solicitous about the freedom of the press and the owner also, that it is precisely the owners of the language press who have most vehemently welcomed this Bill. The Indian Language Newspapers Association and the Kerala Newspapers Association have, by public resolution, welcomed this Bill and all

its provisions. This is regarding the general precautions that we took, because, as I said, this is meant to make the working of the Press and Registration of Books Act better and more effective. It has no other end in view, and, therefore, we wanted that the publishers and those who have something to do with it every day might tell us whether they find that this or that provision is objectionable or is likely to lead to unnecessary delay or affect the continuity of papers or otherwise, in which case, we could change it; and we did change the Bill in respect of many provisions, on suggestions that they made.

I shall now take up some of the important points which have been raised in the course of the discussion here.

Mr. Chairman: The hon. Minister may continue his speech on the next day. Now, we shall take up the next item.

15 hrs.

MOTION RE: REPORT OF NATIONAL COAL DEVELOPMENT CORPORATION LIMITED

Shri S. A. Mehdi (Rampur): I beg to move:

"That this House takes note of the Annual Report of the National Coal Development Corporation Limited for the year 1958-59 along with the Audited Accounts and comments of the Comptroller and Auditor-General thereon, laid on the Table of the House on the 11th March, 1960".

Mr. Chairman, Sir, I thank you for giving me this opportunity for initiating this discussion. We are now here to discuss a very important industry in our national life, namely the coal industry. It is very vital for most of our major industries, basic industries and other industries. In many countries, coal is, of course, the most vital