

effect to, carefully considered and as far as possible they should be implemented. During the last two or three months we have made further efforts to see that the reports of the Commissioner for Linguistic Minorities are taken into consideration by the State Governments in all seriousness and implemented. Things have considerably improved now and almost every Chief Minister and State Government has fully co-operated with the Commissioner for Linguistic Minorities. Yet, I do not say that I am fully satisfied with it. We will go ahead with the problems of the linguistic minorities with a view to solve them and with a view to help them. The recent meeting of the Chief Ministers has shown that the Government is very much in earnest about it.

Before I conclude, I might say that I entirely agree with the views expressed by the hon. Members of this House that it is not legislation which does the trick and, in fact, it is the general public opinion. In fact, no legislation can really be effective unless adequate public opinion is there to support it. So, it is much more important that we should strain ourselves to the best of our capacity to create the necessary public opinion in regard to these matters. If the necessary public opinion is created; I would be really happy if the provisions of this Bill are not enforced or the authorities do not get all opportunity to implement it.

I say that there can be no better opportunity for that than the coming 6, 7 or 8 months when the elections are going to be held. Some one has referred to the code of conduct. Again, code of conduct is more or less like a legislation. It is a legislation mutually agreed upon. I have learnt that some code of conduct was prepared in a particular State. Just after two or three days, I read the speech of a member of one of the parties in that State which was full of venom, poison, containing all kinds of charges. I do not know what kind of code of conduct has been framed in that State. So,

either you make a code of conduct or draft a legislation, the real effectiveness can come only when the Hon. Members of this House are with it and are prepared to lend their full support to it. Because, if the hon. Members of this House will create the necessary atmosphere and climate, I have no doubt that the whole country will adopt their views and will not act in a way which will create disharmony or disaffection among the people. I say that if we do not move in the right direction at the present moment, posterity will condemn us. So, it is high time that we realised our grave responsibilities and did everything possible to help the Government to effectively check these tendencies which are rather on the increase. I do hope that in these circumstances the House will give its unanimous support to this Bill.

Mr. Deputy-Speaker: I will put the circulation motion first. I was given to understand that some hon. Members are pressing for a division on that motion. So, I will take it up at 3 O'clock. Meanwhile, we will proceed with the next business.

14.24 hrs.

NEWSPAPER (PRICE AND PAGE) CONTINUANCE BILL

The Minister of Information and Broadcasting (Dr. Keekar): I beg to move:

"That the Bill to continue the Newspaper (Price and Page) Act, 1950, be taken into consideration."

The Newspaper (Price and Page) Act, which was passed by this House and the Rajya Sabha in 1950, resulted from the recommendations of the Press Commission. One of the important recommendations of the Press Commission was that there should be a price page schedule; that is to say, a relationship between the number of pages of a newspaper and its price in order to see that by unfair competition newspapers which are less ad-

[Dr Keskar]

vantageously placed are not crowded out or are not suppressed, and on the other hand, they are allowed to flourish, thereby creating the necessary atmosphere for all sorts of opinions to express themselves. I would not like here to give extracts from the Press Commission's report, but I would like to draw the attention of the House to the fact that the present Bill for continuance does not propose any change. It simply wants that the Act should continue, and it is only for that purpose that this Bill is being brought forward here today.

As we all know, this Bill was passed in September 1956. Since that time in order to see that the enactment of a schedule does not create any impression of unfair dealings on the part of the Government, because it concerns newspapers, an elaborate procedure was laid down and carried out in order to consult newspaper opinion. The details of that were laid before this House in many discussions that took place here, both during the budget debate and the later debates that took place on the report of the Press Commission.

The Bill that was passed and according to which we hoped to promulgate a schedule was held up for some time mainly due to a decision of the Supreme Court, which invalidated the recommendations of the wage committee that had been appointed under the Working Journalists Act. Certain observations made in the judgment of the court made us feel that the work of the wage committee should first be implemented thoroughly before we take up this other question because, according to the views expressed there, both the decisions are likely to affect from the economic point of view working of newspapers and, therefore, we felt that until that decision has been implemented and has been working for some time it is better for us to wait and see the result therefrom. That is the reason why certain delay

took place in taking up the question of promulgating the first schedule.

The first draft Price and Page Order was published in April 1960 for consideration and views of newspapers. After discussions with newspapers this first draft was changed in order to see that the largest possible measure of unanimity is arrived at and a second modified order was also issued. The final order was published in October 1960. This final order was challenged in a writ petition in the Supreme Court in December 1960 by a newspaper and the Supreme Court granted stay order on the 5th December 1960. At the time of the stay order there was the question that as the order concerned one newspaper, would it be advisable to carry out the order regarding the other newspapers also.

On careful consideration we felt that if the order is carried out regarding other papers and later if the decision is adverse, it will create a very embarrassing situation. Therefore it was decided to suspend the enforcement of the Schedule until a definite decision of the Court takes place.

The main difficulty has been that the Act was passed for five years. We thought that during this period we will be able to go through all the procedures and will, at the same time, be able to get an experience of a year or two to see how the Price-Page Schedule functions and to what extent the newspapers are benefited by it. Unfortunately, all these things mentioned in the Schedule could not be brought into force. We waited to see whether after the decision of the Court any modification of the Act or the Order was necessary. That is why we had been waiting and delayed coming to the House for any change or with any proposal for the continuation of the Act. We felt that we need not have two different pieces of legislation and that we could have the continuation as well as the modification, if necessary, done

at the same time. Unfortunately, the Supreme Court has not given its decision yet on this question. We are waiting for the decision. In the meantime the Act will expire within a week and if the Act expires, a judgment will become infructuous, in fact, probably unnecessary. Therefore the Act has to be kept alive until the decision of the Court takes place. As far as we are concerned, we feel that from whatever information and data that we have collected and from discussions that have taken place, the draft Schedule that we had prepared would definitely have served and benefited newspapers, more especially in the medium and lower scale. But all these questions can only be definitely settled after a Schedule has been working for some time. In order to enable us to have the Schedule and also to see what order the Supreme Court passes about it, it is necessary that the Act be kept alive. That is the main reason why today this legislation has been brought before Parliament.

There is only one clause in the Bill, namely, that the Act should continue. As this matter is *sub judice* before the Supreme Court, I do not think there need be much argument about the pros and cons of the case. I would only submit to the House that in the present circumstances we have to pass the Bill as it is. I hope the House will pass it as quickly as possible because I do not see any particular necessity for arguments about the merits of the case at this time.

Sir, with these words I move.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to continue the Newspaper (Price and Page) Act, 1956, be taken into consideration."

Shrimati Parvathi Krishnan (Coimbatore): Mr. Deputy-Speaker, Sir, I was listening very carefully to the speech of the hon. Minister and was hoping that he would throw some light

on and inform us as to whether further discussions have been taking place between the Government and the various representatives of the newspaper industry, the working journalists, the various editors and so on to find out whether even when this matter is pending before the Supreme Court it is possible to come to some decision or understanding which would help us in bringing this Act into force earlier and which might even enable the case to be withdrawn from the Supreme Court. We do know that such things are possible and if the intention is there it can be done. We do know how many times cases are settled out of court. But we have seen how the Government has been very dilatory in its whole approach to this matter of introducing the Price-Page Schedule which, as the hon. Minister said, was intended to protect the smaller and medium-sized newspapers. As has been stated by the hon. Minister earlier in his speeches and also by the hon. Law Minister when he inaugurated the conference of the Madras Union of Journalists, the intention was that in the interest of the working of a democracy, as we have in our country, there should be an attempt to see that the widest possible measures are taken to enable the widest circulation of ideas and to prevent monopolies from growing in the newspaper world so that the widest dissemination of views could take place. When this is the case, it took two years for the Government to come forward with a Bill in which they were trying to give effect to certain recommendations of the Press Commission—the Report of the Press Commission was before us as early as 1954—and another four years to issue this order. Again, the delay is there. When there is resistance to the advance of democracy, when there is resistance on the part of certain monopoly interests to curbs that might be put on the growth of monopolies, the recourse to the Supreme Court has taken place. This delay to my mind is certainly detrimental to the interests of the newspaper

[Shrimati Parvathi Krishnan]

world and of the newspaper reading public.

There was a great deal of opposition to the draft order, to which the hon. Minister has referred, even at the time when it was published. There was opposition to it from all sides. It was not only one section of the newspaper world that opposed it. We do know that there was hardly any section which had anything to say in favour of it. In that case, why is it that at that time more care was not taken in consulting every possible opinion and in trying to arrive at a conclusion or a decision which would have been more or less a unanimous one? I would like to know whether such care was taken and whether the Government really took it seriously to implement this particular order.

The object of the Price-Page Schedule, as suggested by the Press Commission, was to give some form of protection to smaller newspapers. The Press Commission's Report says:

"The Price-Page Schedule should prescribe not only the maximum number of pages that could be sold at a particular price but also the minimum number that must be offered."

Then it goes on to say how this would certainly help in protecting the smaller and the medium-sized newspapers and in competing with the larger newspapers and the big chains that existed in the country today. If that aim was to be achieved in a very short time, I think, the hon. Minister could have done it if the intention was there. My feeling and my complaint is that the responsibility for this delay definitely lies with the Government. While it is necessary to extend this Act in order to bring it into force as soon as it is possible, the Government should not be allowed to escape its liability for the delay that has been there in implementing one of the important recommendations of the Press Commission.

One of the things that the hon. Prime Minister has himself often attacked is that the newspapers today are tending to become an industry and the role that a newspaper can play in the political and social life of our country is not being fulfilled. It is in the interest of the development of our democracy and in the interest of building up a free India that we should see that newspapers do play that role which they are called upon to play in any progressive country, in any country in this atomic age.

The recommendation with regard to restricting the amount of space that may be allotted to advertisements vis-a-vis the amount of space that is given to news and editorial comments in a newspaper has also not been implemented speedily enough. Only recently, the Federation of Working Journalists has gone into figures of the Press Commission recommendation of 40 per cent is not being maintained and the protection that is necessary for the reader and for the smaller papers is also not given. For instance, the figures that they have given, taking three newspapers as examples in the Madras State in 1960, in March, are as follows: Two newspapers, priced at 10 naye paise, published 2.37 pages of advertisement in 8.5 pages per day during the quarter ended March 31, 1960; 2.85 pages in 9.5 pages per day as against 5.77 pages of advertisements in 11.32 pages per day published by newspapers priced at 13 naye paise.

This question of advertisement is so closely linked with circulation and unless the safeguard is there for the smaller newspapers, naturally, it is very difficult for them to compete with the monopoly newspapers that are there. Because, with those who have been in existence for a very longer time and whose cost of production is lower because of their large circulation, who have also got vast reserves, obviously it is very difficult for the smaller papers to

compete. Therefore, in supporting the Bill as it stands, that is, asking for extension of time, and for having this Act extended in order to see that it is still there upon the statute-book, I would once again put before the Minister this criticism, which is a very legitimate criticism and a criticism that is there today, and I feel that he will take a very serious note of it and see what steps can be taken in order to see that a decision is arrived at an early date. I also feel that he would also see whether through the process of negotiation and talking with all the interests that are concerned in this matter, it is not possible for the Government to see that the whole question is speeded up and action is taken early in order that we can protect the new-comers in the press world from competition—unfair competition—that they are having to face today, from the monopoly press.

Shri Ansar Harvanj (Fatehpur): Mr. Deputy-Speaker, it was a great day in the history of Indian journalism when the Press Commission was appointed. I am glad to say that it came out with a beautiful report and with very useful recommendations. But, I wish if I could say the same thing about the Ministry of Information and Broadcasting and the way in which the recommendations of the Commission have been given effect to. I regret to point out that though most of the recommendations have been implemented, their implementation has been halting and hesitant. One of the recommendations of the Commission was to fight the monopoly of the Press. Those days are gone when the Indian Press used to be a mission. The days of Moti Lal Ghosh, Surendra Nath Banerjee and Benjamin Horniman are gone. Today, the newspaper industry has become a real industry. If we go into the record of this industry, we will find that today, the industry is controlled by three of the biggest cartels in this country. There is the Birla group which treats newspapers in the same way as it treats its textile industry, its banking industry, its insurance in-

dustry, its collieries, its mining industry. Then there is the Dalmia Jain group which owns a number of chain papers. There is the third group of Goenkas. If the chain of these groups is not broken, it is our fear that all the smaller papers will be swallowed by these three groups. Then, public opinion in this country will be controlled by three big businessmen and the future of democracy in this country will be doomed.

We know it very well and we quite appreciate the difficulties of the Minister of Information and Broadcasting that the Price-Page Schedule has not yet been implemented because these press barons rushed to the Supreme Court. We do not and we have no intention to question the supremacy of the Supreme Court. We have got to uphold the authority and honour of the Supreme Court. At the same time, the legislative authority and the administrative authority in this country have got to see that we do not give an opportunity to the people to rush to the Supreme Court as just dilatory tactics. We ought to have got legislation that there is no possibility of their rushing to the Supreme Court and even if they rushed there, the Honourable Judges of the Supreme Court ought to have given a decision without delay and that ought to have been implemented. Therefore, I hope and trust, while we quite appreciate the difficulties of the Ministry in implementing this important legislation, something would be done immediately and this would be implemented. Years have passed and it has not been implemented today. There is great difficulty for the smaller newspapers. We find it everyday that smaller newspapers, especially from the States and from places like Lucknow, Allahabad, Kanpur and Banaras and other places, are feeling great difficulty in competition with papers of the metropolitan cities like Bombay, Calcutta and Delhi. With the development of air transport in this country, they are swallowing the circulation of these newspapers. Smaller newspapers are almost dying and if

[Shri Ansar Harvani]

immediately penicillin injection is not given, the day is not far off when most of them will die. I think that we should not wait for the decision of the Supreme Court and sit idle. We have got to take some step to save the smaller newspapers. I am sure the hon. Minister for Information and Broadcasting is as much alive as myself or any Member of this House either on this side or that side, to the need for a very virile press in this country. He is as much alive and knows it very well that the future of democracy and the future of Parliament is doomed if we do not have a healthy, strong and free press. If the press is handed over into the hands of a few big industrialists, that day is not far off when Parliament is also to be controlled by these big industrialists and big people. That will be a day of doom for this country and it will be a very unhappy day.

In conclusion, I hope and trust that some immediate steps would be taken to see that the Price page Schedule is implemented.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, I do not think I am going to make a speech on this Bill, because, what I am going to say can hardly be called a speech. It is almost a prayer, it is almost an invocation of the blessings of some superior powers if not of supernatural powers, because we are trying to give life to something whose life has been hanging in the balance for such a long time. I do not know whether this product of the Information and Broadcasting Ministry is going to live or is going to die. I do not know whether this Bill is going to have any effect or not. Still like a good brahmin, I want to pray for the long life of this Bill when it gets out of the clutches of those forces which do not wish it well or which do not want its long life.

I do not want to add much to what my friends have said about this Bill. But, I can say this much that the newspapers in my country are now,

so to say, the workers' educational institutions, evening colleges, continuation classes. They are the only schools and universities and colleges to which the common man goes and they are the only sources from which the average voter in this country, the educated persons in this country, or the literate persons in this country, derive their information or derive their desire or incentive for embarking on a particular course of action. Therefore, the newspapers are not only the mental dopes; the newspapers are incentives to action. I believe that if our nascent democracy is to live and flourish, it is necessary that we should have the kind of newspapers that we want and not the kind of newspapers that these press barons and press magnates are going to supply. When I look at the press landscape in my country now, I do not feel very happy. When I look at the newspapers, and see what are called metropolitan newspapers or provincial newspapers or regional newspapers or district newspapers, I do not feel very satisfied, because, as you know it very well, and as every Member of the House knows it very well, our journalism in this country at all levels has taken a very unfortunate turn. It has become over-tendentious; it has become over-propagandist; it has become over-personal. It has lost that objectivity which it used to have at one time. I think my hon. friend Shri Ansar Harvani who is himself a good journalist and who has strayed into the House of the People has told you about the large combines which exist in this country. I think it is not only the big combines that are exercising their strangle-hold on the newspaper industry but it is also the small men who are controlling the newspapers.

In district towns, the newspaper is being controlled. In provincial towns, it is being controlled. Therefore, as the moon sometimes gets eclipsed because it is going to be devoured by some demon, similarly, our press is being devoured by some demon, and

that is the demon, not of the business interests, not of the commercial interests so much—of course, they are also there—as of party interest or political interest or of that kind of interest which does not care more for national interests than for personal interests.

All kinds of newspapers are there in this country. Some Newspapers serve this type of person or that type of person, this type of interest or that type of interest.

Therefore, we have got to see to it that we have a healthy growth of journalism in this country, so that our democracy is able to avoid those pitfalls to which it has fallen a prey in some other countries. Can we do it? I think we may be able to do it; I think we may not be able to do it. Why can we not do it? We cannot do it because there is this plague of commercialism passing over the newspaper industry all over the world. Will India remain free from this contagion? I doubt it very much if we shall be able to escape this taint which is there; all the same, we should try. I believe it is for that reason that this Bill born under a very evil star was brought into being. It was brought forward so that the competition should be equalised, as the hon. Minister of Information and Broadcasting said in his opening speech at the time of moving for consideration, so that the newspapers do not suffer from excessive competition with each other. It was brought so that the small newspaper can have their day. What do I find? I find that it is an age of small countries, small interests, small co-operatives and small men; and it is also the age of small newspapers. I believe that the small newspaper has got to be saved against all those elements which are trying to bring about its death. This Bill was brought forward from that point of view.

The Daily Newspaper (Price and Page) Order was issued last year, and thanks to my hon. friend Shri Ansar Harvani, I have got it here with me,

and in it, two categories of newspapers are given, namely the daily newspapers published on six days a week, and then the weekly editions of daily newspapers. I think these are the two categories which have been given, and the number of pages is also given. I believe that when this Bill comes into force, this order also will be revised. This order was issued, I think, in 1960.

Shri A. M. Tariq (Jammu and Kashmir): We cannot discuss this order, because this order is already before the Supreme Court.

Shri D. C. Sharma: I know it very well. I never thought that a person who had never been near a law court would tell me about the Supreme Court.

Shri A. M. Tariq: It is not a question of arguing any law point, but it is a question of what is published in the newspapers; it is a question of information or news published in the newspapers.

Mr. Deputy-Speaker: Order, order. There appears to be some internal dispute between the two Members who are neighbours. They ought to settle it outside. Now, let us proceed with the Bill here.

Shri Tyagi (Dehra Dun): It is Hindu-Muslim trouble.

Shri D. C. Sharma: Sir, you are perfectly right. There is a lot of trouble between this gentleman who belongs to Kashmir and us who belong to Kashmir as well as the old Punjab.

I was submitting very respectfully that when this Bill becomes law, this order also will have to be revised, and of course, it should be revised in such a way that we categorise the newspapers as follows, namely metropolitan newspapers, provincial newspapers, regional newspapers and district newspapers.

I welcome this Bill because I know that this Bill has been brought into being in order to serve the interests of democracy. As you know it very

[Shri D. C. Sharma]

well, the newspaper combines are playing havoc in some countries. Recently, in the U.K., they appointed a commission, because some of the newspapers changed hands, and they changed hands not on account of any commonness of policy but on account of financial considerations. There was a lot of trouble in the U.K. on account of that, and the Prime Minister of the U.K. and the House of Commons had to take notice of that trouble, and they appointed a commission to go into the whole question of the newspaper combines. I dread to think of that day when the combines in our country will come to be so powerful as they are in U.K. or other countries of the world. But I believe that we should do our level best to put off that day, to avoid that kind of development in our journalism. Therefore, I would request the hon. Minister to see to it that when this Bill becomes law....

Dr. Keskar: It is already law.

Shri D. C. Sharma: ...something is done so that all types of newspapers are brought under the operation of the law.

I think that this Bill represents very good wishes, and I hope that these wishes will not remain pious wishes but they will become actualities and they will serve the realities of the situation as they prevail in the newspaper industry today.

Dr. Keskar: I do not think I need have to say much, because hon. Members have, first of all, raised many questions regarding the Press Commission's recommendations and other things, we get very periodical discussions regarding the Press Commission and its recommendations and why they were not being implemented.

Of course, I plead guilty to the charge of not having been able to implement some recommendations, or of having been able to implement some

but not having been able to carry them out completely, or carry out all of them completely, due to various difficulties. But, confining myself to the Bill, I might say that regarding Shrimati Parvathi Krishnan's asking why we had not tried to bring about unanimity amongst the newspapers so that the case before the Supreme Court was withdrawn. I have not got her persuasive powers so that I can persuade all newspapers to come to one opinion and withdraw the case.

Shrimati Parvathi Krishnan: I asked whether any such attempts had been made, and what has been the result.

15 hrs.

Dr. Keskar: I may inform her that when this schedule was drafted—she had referred to the schedule being passed; she is probably referring to the first draft that was issued. After that we had two separate drafts, and we did bring about, I would not say unanimity, but an overwhelming opinion of the newspapers to our side, and there are very few papers which are opposed to it. But we cannot bring about unanimity. Newspapers are meant to express opinions, and if some newspapers differ from me, it is very difficult for me to make them come round to my opinion. I wish they had come, and we had not all this trouble.

As for delay, there might be delay on our part and I plead guilty, but that delay in many cases was purposely done because we did not want in this matter concerning newspapers to take any steps which would bring the criticism that we had been trying to ride rough shod over the press. We have been very cautious and have proceeded slowly in this matter, but I do not think we should prefer to delay any further because we do not want to say, and I hope the Members will also not say, that the Supreme Court is making delay. That would not be a proper thing for us to say here.

So, we would like to bring about unanimity or near-unanimity if we can, but I am sorry to say that is not possible, and that is the reason for this case being referred to the Supreme Court. However, I can say this, that by and large even now the overwhelming body of newspapers is with us. Therefore, I hope that when the decision of the Court becomes known, we will be able to implement this thing as quickly as possible.

Shri Harvani was mentioning that this should be expedited. As far it lies in our power, we will try to expedite it, but I cannot call upon the Supreme Court to expedite it. That would be something which would bring you and me both under contempt of court, and I think that should not be our intention also. But the moment the decision of the Court is given, I might assure him that we will try to implement the schedule as quickly as possible.

As far as the Bill is concerned, it is very inoffensive, non-controversial. It wants to keep the Act alive. Regarding other matters raised, certainly we can have a discussion separately. I welcome any criticism or suggestion that the Members might have to offer.

I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That the Bill to continue the Newspaper (Price and Page) Act, 1956, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to this Bill.

The question is:

"That Clauses 1 and 2, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.

Dr. Koskar: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15.04 hrs.

INDIAN PENAL CODE (AMENDMENT) BILL—contd.

Mr. Deputy-Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th March, 1962."

Those in favour will kindly say "Aye".

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will kindly say "No".

Some Hon. Members: No.

Mr. Deputy-Speaker: The Noes have it.

Shri Vajpayee (Balrampur): The Ayes have it.

Mr. Deputy-Speaker: Let the lobbies be cleared.

Every hon. Member to be in his own seat. I am calling a division. Both hands might be kept near the buttons. No complaint about the wrong use of those buttons. Every hon. Member should be careful now. Unless the button has not worked, I should not have any other grievance.

The Lok Sabha then divided.

Mr. Deputy-Speaker: Any hon. Member whose machine has not worked? Those for Noes first.

The Minister of Parliamentary Affairs (Shri Satya Narain Sinha) rose—

Shri D. C. Mallick (Dhanbad) rose—

Mr. Deputy-Speaker: Two for Noes. Those for Ayes.