

further to amend the Code of Criminal Procedure, 1973.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973."

*The motion was adopted*

SHRI. R. RAMASWAMY: I introduce the Bill.

15.54 hrs

CONSUMER PROTECTION (AMENDMENT) BILL \*

*(Amendment of Section 2. etc.)*

[English]

PROF. RAM KAPSE (Thane): I beg to move for leave to introduce a Bill to amend the Consumer Protection Act, 1986.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to amend the Consumer Protection Act, 1986."

*The motion was adopted*

PROF. RAM KAPSE: I introduce the Bill.

15.55 hrs

CONSTITUTION AMENDMENT BILL \*

*(Amendment of Article 370)*

[Translation]

KUMARI UMA BHARTI (Khajuraho): I

beg to move for leave to introduce a Bill further to amend the Constitution of India.

[English]

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the constitution of India."

*The motion was adopted*

[Translation]

KUMARI UMA BHARTI: I introduce the Bill.

15.56 hrs

CONSTITUTION (AMENDMENT) BILL  
(INSERTION OF NEW ARTICLE 19 A)

By *Shri Chitta Basu Contd*

[English]

MR. CHAIRMAN: The House will now take up further consideration of the following motion moved by *Shri Chitta Basu* on the 30th August, 1991, namely:-

"That the Bill further to amend the Constitution of India, be taken into consideration."

SHRI CHITTA BASU (Barasat): On the last occasion when I moved the motion for the consideration of the Bill standing against my name, I did not speak at length. I think today you shall give me an opportunity to explain the various aspects of the Bill.

Sir, the Bill seeks to incorporate the right to information as a fundamental right in the Constitution of our country. Naturally, hon. Members of the House expect to know the concept or the perception of the right to

[*Sh. Chitta Basu*]

information. What do we really mean by right to information? In my view, the right to information should be a comprehensive one. This right embraces in its ambit, the right to communication involving freedom for collection, storage, processing, dissemination of news data, pictures, facts, messages, opinions and comments required in order to understand and react knowledgeably on personal, environmental, national and international conditions, to take appropriate decisions and to establish oneself as an effective member of the society in which one lives. Not only the individuals, but the communities collectively also need the facilities of communication for their very survival or existence. Therefore, this right to information is a very comprehensive concept and from that point of view, we should proceed to discuss the matter.

Sir, freedom of communication is a most precious acquisition of democracy. If we cannot interact, if different sections of people cannot interact among themselves, democracy cannot exist. With this right of freedom for communication linked is the right to know. What shall I communicate unless I know? Therefore to know is a right which is also derivative of the right of freedom to communicate. Why do I want this right? I want this right because in the modern society, these rights enable the individuals as also popular governments to acquire knowledge which equips them with the power to discharge their responsibilities. If I have no right to know, I cannot equip myself with the power to discharge my responsibilities as an individual in the society.

16.00 hrs

As an elected representative of the people, I cannot discharge my responsibility in this House unless I know the fact. Unless I know how the Government governs; how the ruling party governs; how the policies are framed, unless I am conversant with these, I cannot discharge my responsibilities as a Member of this House. It is also applicable

to an individual if he is to function in the society as a responsible citizen of the country.

It is also very necessary for a popular Government to communicate to the people; educate the people about its policies and programmes. They should learn from the people. And, if you allow me to use a phrase used by Mao-Tse-tund, "From the masses and to the masses" That is, the Government should learn or a person should learn from the masses and again it should be transmitted to the masses.

To communicate is the highest form of democracy and it requires the right to know. So, Sir, the right to know is of fundamental nature and I want it to be incorporated as one of the fundamental rights in the Constitution of our country. It is not my view alone. Even the United Nations have accepted this principle. I would like to quote the universal declaration of Human Rights adopted by United Nations General Assembly on 10th December, 1948.

"Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinion without interference and to see, receive and impart information and ideas through any media regardless of frontiers."

It is not only limited in a particular society in a particular country but it is also a universal right.

Sir, as I have mentioned earlier, a representative Government must also have the means to govern. Unless the Government encourages debates on public issues, Government cannot also understand or realise the intensity of the feeling of the people and cannot take appropriate action in response to them.

Sir, Madison has said, "People who mean to be their governors must earn themselves with the power which knowledge gives." As I mentioned earlier, that power

can be acquired only if we have got the right to know.

Sir, this movement of right to information has a chequered history of its own. It is not a sudden demand of a section of the people. It took roots in the latter half of the Sixteenth Century and in response to that, Sweden passed the Freedom of Press Act in 1766. Swedish people even now has access to all official documents. Here, we have not. Classified documents are there but we have no access to them.

I have mentioned some of the instances in the Statement of Objects and Reasons of the Bill. Under the garb of Official Secrets Act, you do not have access to superficial information.

In 1942, a movement started in the United States of America for the recognition of right to information. The result of the movement was the enactment of the Administrative Procedure Act, 1946. It was followed by an automatic system that the Government documents will be de-classified or open to the people with the lapse of twelve years. So, a law provides for an automatic system of de-classification.

Sir, the Act of 1946 in the United States of America was replaced by the Freedom of Information Act of 1966. This had ensured, access to public, all official documents as a general rule. Now, they have further improved it. Every document is accessible to the people in the country.

There was another enactment in 1974 which provides for making certain categories of information or documents to be inaccessible by law. There may be certain documents which may be declared as inaccessible, not open to all, by the Legislature.

There are other Acts also. By describing this history I only like to bring to the notice of the House that there has been a consistent demand from the people to have a right to know or right to information as a fundamental right.

In India, in our Constitution, Article 19(1) (a) guarantees freedom of speech and expression; and from that freedom of expression and freedom of speech derives the right to information. If I have not the right to information, I cannot communicate; I cannot express my views. Therefore, right to information, right to know is taken to be a fundamental right as a derivative not direct. What my amendment seeks to achieve is in a state of allowing it to remain as a derivative from Article 19(1) (a), I want that this right should be direct and fundamental; that means right to know, right to information.

In 1989, there was a great political change in our country. A new Government was ushered in. The Congress (I) Government was dislodged from power. The National Front Party formed the Government at the Centre. We, the Left Parties, and also the BJP, extended support to the Government formed by Shri V.P. Singh. On December 6, 1989, the Prime Minister, Shri V.P. Singh - do not get angry simply by hearing the name of Shri V.P. Singh - announced the following message:

"Functioning of the Government would be made more transparent and secrecy will be maintained only when interests of national security and foreign relations so warrant."

This is exactly what I want, that is, the Government should function in a transparent way, which the present Government and the earlier Government did not do. - Even yesterday, only a simple demand was to see that the Government takes effective steps to pursue the Bofors' case just to uncover the truth. And what happened in the House? Therefore, the Government did not function in a transparent way. Unless the Government functions in a transparent way, the Parliament is denied the right to know; the people are denied the right to know. How can this democracy survive, flourish and blossom?

The President of India on the 20th December, 1989, said in his Address to the

[Sh. Chitta Basu]

Joint Session as follows:

"A Participative democracy requires an enlightened and informed electorate. An open Government functioning in full public view, will minimise the wrong doing. The Official Secrets Act will be suitably amended so that people have increased access to information. Doordarshan and AIR will be given autonomy to ensure free flow of information.

That was the announcement made by the President of the country on December 20, 1989.

The President further said, -

"Legislative measures will be taken to have the right to information enshrined in the Constitution and to ensure free flow of information to the people."

That was also the statement made by the President of the country on December 20, 1989.

Therefore, the Government policy was enunciated in the clearest possible terms. The Government is government, with continuity. The earlier government which framed the policy of incorporating the right to information as a Fundamental Right also announced it. And it was also announced by no less a person than the President of the country, but it has not been acted upon by the subsequent governments. I think that in a parliamentary democracy it is not a tenable practice. This practice should not be encouraged. This practice should not be accepted.

Not only this. An earlier Government, the National Front Government set up a Cabinet Committee on December 8, 1989 and studied all the aspects of granting the right to information to the citizens of India. And again they decided on January 1, 1990, and it was announced by the Government at

that time, that a amendment of the Official Secrets Act, 1923, would be carried out to ensure the right to information by the citizens.

Therefore, as I was saying, the policy of the Government has been to provide for the incorporation of the right to information as a Fundamental Right. But it has not been implemented as yet.

But why has this policy not been implemented? It is because I think the bureaucracy does not want to part with the power. It is because the bureaucracy does not want the people to enjoy this right.

Max Weber writes in his *Essays in Sociology* thus:

"Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and intentions secret. Bureaucratic administration always tends to be an administration of 'secret sessions' in so far as it can. It hides its knowledge and actions from criticism."

Therefore, I think, the bureaucracy here also stood in the way.

Sir, I would only refer to certain risks which our journalists are exposed while in discharging their responsibility.

Only yesterday the Indian Federation of Small and Medium Newspaper protested against the harassment of journalists by the State under the Terrorist and Disruptive Activities Act.

It is a very sad story to tell. The journalist Ms. Sanabam Ongbi Th. Belu was reported breast-feeding her baby when she was picked up by the local police under TADA. She is a journalist of a Manipuri daily. She was arrested along with her infant without being shown any papers. What was the reasons? Ms. Belu was arrested for her article "Police and Nasha" (Police and Intoxication) in her publication. The news item

was in no way provocative or seditious. It did not advocate incite or facilitate the commission of any disruptive activities to invoke TADA. She is a lady journalist and she wrote a speech presumably against the police and that was the reason for her arrest along with her infant while she was breast-feeding her infant and put in the jail under TADA. ..(*Interruptions*)

SHRI SHAHABUDDIN SYED (Kishanganj): Who knows the infant was not a terrorist.

SHRI CHITTA BASU : You are right. They are afraid of infant also.

There is another news, about which Shri S.S. Ahluwalia referred. *Univarta* Sub-editor Shri Manohar Singh was assaulted by a policeman in a bus and later branded as a pickpocket after he disclosed his identity. Mr. Singh was manhandled by the members of the public also.

Sir, these are the fate of journalists while they are discharging their duty or discharging their responsibility. I have a long list of those instances. Even a journalist in Orissa was killed and his wife was raped. There are many instances. I do not like to give them.

Now, another element of the right to freedom is the grant of immunity from disclosing the source. The investigative journalism is appreciated in our country. The journalists are exposed to some kind of risk. As a matter of fact, the issue came before the House of Lords. This related to the case between *Brish Steel Corporation versus Granada Television*. The House of Lords held that there is no absolute immunity. The journalist may be required to disclose the source if the Court so directs. In India we find the same perception accepted in the Press Council Act, 1978. I want this perception should be resented, if we are really interested to see that the investigative journalism is to search and inform the people, educate the people about the wrong doings of persons in authority, wrong doings

of the Government or anybody who is responsible.

I want other Members of the House to speak out their voice. In conclusion, I want to say that the Government is the most important institutional repository of information. They have documents, they analyse documents, they collect information in the course of formulating their socio-economic and political policies. The citizens of this country are entitled to have those information. It should be available to all. BUT, our experience is that all information is not easily available to the Members of Parliament. They are having dialogues with the IMF. They are signing agreements, they are accepting the loans under certain conditionalities. This Parliament should know what are those conditions. Therefore, I have sought to include the right to information as a Fundamental Right. I hope and I believe that this House will give proper consideration to this and accept the Bill in order to enable the people of our country to exercise their democratic rights, the right to know, the right to information and that will help of further progress of our democracy. With these words, I commend that the Motion be accepted.

MR DEPUTY SPEAKER: Now, we have got one-and-a-half-hour at our disposal. There are 14 hon. Members who have already given their names to participate in the Debate. Kindly look to your subsequent speakers. There are some Members who have not got the chance at all. Such Members may also be allowed to participate in the Debate. Secondly, the consolidated list from each wing of the respective parties would help the Chair in calling the names of the intending speakers in a proper order, as agreed upon. So, this may kindly be borne in mind.

SHRI VIJAY NAVAL PATIL(Erandol): Sir, I congratulate Shri Basu for having brought this Bill regarding Freedom of Information. We have got Fundamental Rights incorporated in our Constitution. But, even for these Right, there are some reasonable

[Sh. Vijay Naval Patil]

restrictions which are understood and followed.

In the Constitution of every democratic country, there are reasonable restrictions on Fundamental Rights and again to add to these Fundamental Rights by bringing in this amendment of article 19 and by incorporating it as article 19A, I do not think is necessary at this juncture. A suitable amendment to the Official Secrets Act would serve the purpose.

For running the Government, for the proper functioning of democracy, the information which the Government possesses is of three kinds. One is the information which is necessarily to be made public; the other is the information which can be got on demand; and there is a third kind of information which has to be kept secret from the public. Of course, as Shri Basu has suggested that in other countries, after ten or twelve years that information can be made public, that aspect can be considered.

The information with the Government which has to be made public is, for example, when the Government has to construct some dam or get some supplies, it has to call for the tenders, or when it has to recruit people, it has to make the advertisement. Such kinds of informations is to be made public. Similarly, when there is the opening of a new telephone exchange, it has to be made public; when there is a new post office opened, it has to be made public; if a new train is started or even when the timings of the trains are changed, these are to be made public.

There are other things which are to be kept secret from the public but if necessary, the information can be divulged on demand. For example, with regard to our gas pipelines which are running underground, or with regard to the water pipelines, the information can be given to the Members of Parliament or to the public, when the intention of getting the information is honest.

Otherwise, it has to be kept secret from the scrupulous elements like extremists. If it is made known to such elements, it would be dangerous for the functioning of the State and for the public also.

There is a third type of information which is to be kept secret. Not only it is to be kept secret by the State but sometimes even the courts have to conduct their proceedings secretly. I would like to quote from the Official Secrets Act where it is mentioned that the court has power to exclude the public from the proceedings:

"In addition and without prejudice to any powers which a court may possess to order the exclusion of the public from any proceedings, if in the course of proceedings before a court against any person for an offence under this Act or the proceedings on appeal, or in the course of the trial of a person under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the State..." So, we have to consider the safety of the State also and for that, even the proceedings in the courts are to be conducted secretly many times.

We consider and we are always conscious of the independence of judiciary. But even in the case of appointment of judges, some advocates or some bars have demanded that the appointments which are contemplated should be made public before they are finalised by the Chief Justice of the High Court or the Chief Justice of the Supreme Court. But there also there are different opinions. What I want to emphasise is that in the functioning of the Government, there are certain documents, there are certain papers which are to be kept secret. There is also a fundamental duty of every Indian citizen to abide by certain things. For example, a citizen has to give information, on his own, to the police or to the officials if there is some crime committed before his

eyes. But what we find is that there is a tendency today that we are not duty bound to divulge or to give information. As per the Official Secrets Act, there is a duty to be performed by each individual. If he notices some crime or murder committed before him, he has to give information. But, if he does not give, the punishment for the same is two years' imprisonment. It was earlier three years' imprisonment which has been reduced to two years. I would like to urge upon the Government to reconsider this. We generally find that the citizens do not consider it their duty, even if they notice an accident on the road, to tell the police or to concerned official so that the victim could be helped. We are going away from our duty.

MR. DEPUTY SPEAKER: Instead of the victim being helped, those who give the information are being harassed very much for adducing the evidence.

SHRI VIJAY NAVAL PATIL: It is so because they are afraid of giving evidence or going to court and spending their time. Every individual is now becoming indifferent to such incidents. But I feel that if such things continue and if accidents take place and the victim is not helped in time and the support of evidence is not given, they will not get any compensation or any help from anybody in society. On the one hand we ask for the freedom of information as fundamental right and on the other, we are not giving information which is required to be given to help our fellow citizens.

I agree with Shri Chitta Basu that some information, which is contained in the enquiry reports, can be divulged. But it is kept as secret on the pretext of being secret information which is not necessarily required for maintenance of safety of the State. On the whole, I would like to state that our Indian Constitution incorporates the fundamental rights which are required for the citizens for their welfare in the society. I quote another Basu, who has commended on the Indian Constitution, the part dealing with the fundamental rights:

"It has been contended that this Part of our Constitution relating to Fundamental Rights is more elaborate than the Bill of Rights contained in any other existing Constitution of importance and covers a wide range of topics."

Then the other thing which has been said in this House is the Constitution of Switzerland and other countries are being amended. BUT, I would like to say that what we have incorporated earlier is not existing in other Constitutions even today. I would again like to quote Shri Basu:

"Similarly there are rights covered by the European Convention of Human Rights which have not been included in the Indian list of fundamental rights. It should, however, be added that the Indian declaration does recognize certain minority rights which are not usually found in other Constitutions."

We are having some minority rights which other Constitutions do not contain or are not incorporated in them. So also, if in other countries there is a right incorporated regarding freedom of information, it is not necessary that it should be incorporated here. My only contention again is that suitable amendment to the Official Secrets Act will well serve the purpose.

With these words I oppose the amendment and thank the Chair for the opportunity given.

[Translation]

PROF. PREMDHUMAL (Hamirpur): Mr. Deputy Speaker, Sir, I support the Amendment Bill introduced by the hon. Member Shri Chitta Basu. It gives sanction to the right to information as a fundamental right. Of late, it has been an experience that whenever the Government intends to cover its lapses and shortcomings, it always takes the shelter of the existing laws and put the plea that revealing. The information would not be in public interest. And now we are facing the

[Prof. Premdhumal]

consequences of it. Many Enquiry Commissions were appointed; the reports were provided to the Government and the people were also eager to know the detail of the reports. But all these reports were suppressed on the plea that placing those reports before the House would not be in the public interest.

The tragic assassination of Shrimati Indira Gandhi took place. An Enquiry Commission was set up to enquire into the details of the riots that broke out after the assassination. The report was submitted and the Government suppressed it on the plea that it was not in the public interest to reveal the information to the common people.

[English]

The phrase 'public interest' has become most safe for the Government to take shelter under it.

[Translation]

Whenever they want to avoid any information from the Public they say that it is not in the public interest.

This phrase of 'Right to information' becomes right to disinformation as it is misused by the Government. The Government does not give right information. As a result rumours are spread and people get false information. The Government says that it will be against the public interest to give them right to information. In such circumstances, people believe on such investments and take the wrong information as right information.

In the Bill, moved here by Shri Chitta Basu, he has himself said that-

[English]

"Nothing in this article shall prevent the State from making any law, from time to time, prescribing the types of information which may need protection from disclosures."

[Translation]

He has kept full account of the fact that if any thing has to be kept secret in the interest of the nation and has made it clear in the statement of objects and Reasons-

[English]

"Information prejudicial to the security of the State, information concerning defence or security of the nation, foreign relations, Cabinet proceedings and documents, etc. State should be empowered to make laws in which official documents which are to be kept secret shall be closely defined."

[Translation]

What I mean to say, is that in regard to the information concerning security of the nation, foreign relations, cabinet proceedings etc. State should be empowered to make laws, in which documents which are to be kept secret shall be closely defined. But to say in every matter, that it is not in the public interest to give information, is not correct. A lot of conservative laws are still in implementation. There is a law regarding "No Photography allowed". Even on a simple bridge, it is written that no photography is allowed, as if a very important official secret is going to leak with the technique of the bridge being known to the outside world. Therefore, I would request the Government that in a democracy people have every right to get right information and while respecting it, the Government should itself bring such a Bill, which except the very important issues, accepts right to information as a fundamental right of the citizens.

With these words, support this Bill and hope that the Government will pay due attention in this regard.

[English]

MR. DEPUTY SPEAKER: Virtually every Member will get five minutes. There were 14 names in the list and now some more names have been added.



**SHRIBHOGENDRAJHA (Madhubani):** Sir, after this Bill, the Employment Guarantee Bill stands next in the List of Business. If it is not taken up today, it will lapse. It is the only Bill introduced in this House which actually seeks to guarantee employment and not the right to employment. So, I request you and all the hon. Members to kindly see that my Bill is taken up today itself.

**MR. DEPUTY SPEAKER:** All the hon. Members will have their courteousness towards his Bill also.

16.47 hrs

**SHRI SRIBALLAV PANIGRAHI (Deogarh):** Mr. Deputy Speaker, Sir, I thank Shri Chitta Basu for having moved such a bill which provides an opportunity to the House to discuss this matter in detail and to review our system of information. While appreciating the spirit behind this Bill, I do not understand whether there is any necessity to make an amendment to the Constitution itself for this purpose. I appreciate the spirit behind this Bill, but at the same time the circumstances that are prevailing in our country and the composition of our society are to be taken into consideration. Therefore, exemptions are to be provided and discretions will have to be there and our country being the largest democracy in the world, it is based on openness and not closeness. Openness is always welcome, but at the same time that openness need not be misused to the extent of endangering the security and integrity of the country. So, there has to be a balance between the two, the need for openness on the one hand and the requirement of the security restrictions on the other hand. This right to information, as such does not find a place in our Constitution. But, at the same time, I would like to bring to your kind notice that freedom of press, as such, also does not find a place in the Constitution in article 19 under the title of fundamental rights. But can anybody say that there is no freedom of Press in India? There is freedom of Press in India. Even I would say that there is a lot of freedom given here. It comes under the general category.

**MR. DEPUTY SPEAKER:** Please conclude.

**SHRI SRIBALLAV PANIGRAHI (Deogarh):** I have just started.

**MR. DEPUTY SPEAKER:** Earlier, there were only 14 Members. Just make relevant points.

**SHRI SRIBALLAV PANIGRAHI:** One cannot do any justice. If you direct me, I will sit down we cannot do justice.

**MR. DEPUTY SPEAKER:** I have no right to curtail your right. Right to speak is your fundamental right. I have no right to curtail that. Only, I can make an appeal to you. Be brief.

**SHRI SRIBALLAV PANIGRAHI :** We are debating about right to information Shri Chitta Basu, there is a tremendous amount of infringement of the right to information in this country when we are discussing and debating that, Naturally, these rights should accompany with responsibility also. As I told you earlier, freedom of Press is very much present in India. Although there is no such expression available in the Constitution, it comes under Article 19(1) (a) which says all citizens shall have the right to freedom of speech and expression. Accordingly, Article 19(2) provides for certain reasonable restrictions. I believe the Official Secrets Act, if it is properly amended, would serve the purpose. There is a lot of debate going on in this regard. As I said initially, openness is always welcome. But at the same time taking into account the circumstances prevailing in the country, there should be some restrictions. There is no dearth of people in this country who even while serving in the Army sell out secrets. There is no dearth of such people in this country are administered the oath of Secrecy also do such things. There is also instance of such people, who are in authority divulging so many things. So, naturally we have to be very cautious. I would say that even in England, in Sweden such restrictions are there. Sweden was the first country to bring forward this right to information

[Sh. Sriballay Panigrahi]

under their list of fundamental rights. There is a lot of *hallagulla* in this House and outside the House also regarding Bofors.

Sir, you know information relating to security, solidarity, Defence, Foreign Affairs, Trade and Commerce is exempted from being leaked out or supplied. Here also, we have to be quite selective. There should be a study. Neither I vehemently oppose this Bill nor I wholeheartedly support it. At the same time I would like to make it very clear that without going in for an amendment to the Constitution itself, the purpose will be served by bringing in suitable amendment to the Official Secrets Act after such an indepth study. Various sections of that Act can be amended. I also say that ours, being a democracy, is prone to corruption. Corruption is very much spreading and expanding. It is having a cancerous growth. Unless that is arrested, the situation would become very serious. I am afraid about the future of democracy when I think of this prevailing corruption in India. How alarmingly it is growing up! The bureaucracy, the corrupt officials would always like as much of things as is possible to be kept secret, not to be revealed. We have to expose all such things. There should be a thorough discussion. There should be a thorough review. At the same time keeping the overall situation in mind, we have to act. The security environment is changing not only in India but all around our neighbouring countries as also in the world. Even in England some amount of freedom was given which was later on restricted by suitably amending their Act. Therefore, we should not be in a hurry and we should go about it quite continuously.

Now I am afraid to look at you because of the time factor (*Interruptions*)

MR. DEPUTY SPEAKER: I am not against giving time to you Panigrahi. It is just only a matter of accommodating our own brothers who intend participating in it.

SHRI SRIBALLAV PANIGRAHI (Deog-

arh): With these words, I conclude.

[*Translation*]

SHRI MOHAN SINGH (Deoria): Mr. Deputy Speaker, Sir, I rise to support the Bill moved here by the hon. Member Shri Chitta Basu. Shri Basu had already given a detailed argument. Therefore, there is no need of new arguments. In 1963, an assembly of Martin Luther King was to be held in Houston in America, a civilized country from where the struggle for civil liberties had started. The Government there banned the assembly. The Public filed a petition at the high court that they wanted to hear Mr. Martin Luther King, as it was their right but the American Government was preventing them to do so, and therefore, they should be allowed to do so. The hon. Justice Sir John Marshall gave a very precise decision in this regard. He said that in the constitution of America, the freedom of speech has been provided, but there is no such thing as right to listen. Therefore, under the present Constitution, he is not empowered to provide them such a freedom, but the court will be happy if a widespread struggle is carried out in this regard. Such a decision was given by the court there and in the Human Right Declaration of United Nations General Assembly on 10th of December, 1948, it was said that:-

[*English*]

"Everyone has the right to Freedom of Opinion and expression. This Right includes freedom to hold opinion without interference and to see, receive and important information and ideas through any media regardless of frontiers."

[*Translation*]

By coincidence, it is given under section 19 then and under the section 19 of our constitution also, the same provision of freedom has been made in which a resolution for amendment has been brought in this House. I fully agree with hon. Member Shri Panigrahi that there should be some restrictions on it.

A restriction has already been made in the Constitution of India and under Article 19, it is written-

[English]

"All citizens shall have the right—

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) To move freely throughout the territory of India;
- (e) to reside and settle in any part of territory of India;
- (f) to reside any profession or to carry on any occupation, trade or business.

[Translation]

But in the end, it has been written—

[English]

"Nothing in sub-clause (a) of Clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."

[Translation]

Sir, a restriction has already been imposed. Another section regarding a citizen's right to collect the information, subject to the

condition, can be included in it, but if this right comes under the judicial scrutiny the Government will get a lot of excuses that they will not disclose it as it is not in the public interest.

I would like to submit about the Hindu-Sikh riots which took place in Uttar Pradesh during 1984-85. A judicial enquiry was conducted. But the State Government did not disclose the report of the said enquiry by giving the excuse it is not in the public interest. Pondicherry license scandal had also come before this House and Shri Morarji had to give a dharna here.

17.00 hrs.

The Government of India did not reveal the names of the people involved in the scandal nor did it allow the documents, in this connection, to be made public, on the ground of larger public interest. Sir, as you may be aware, one of our State Governments had to resign because of a telephone tapping scandal and a similar allegation regarding collection of secret information was levelled against another Government.

Mr. Deputy Speaker, Sir, in his Address to the Joint Session of the Parliament, on December 20, 1989 the hon'ble President had stated that—

[English]

"A participative democracy requires an enlightened and informed electorate and open Government functioning in full public view, will minimise the possibility of wrong doings. The official Secrets Act will be suitably amended, so that people have increased access to information. Doordarshan and AIR will be given autonomy to ensure free flow of information."

[Translation]

Sir, I would like to say that the Government should implement the announcements made by the President, while addressing the

[Sh. Mohan Singh]

Joint Session of both the Houses of Parliament and the hon. Member in his Amendment Bill has suggested that the Government on its part can incorporate the Right to information in the list of Fundamental Rights, with some restrictions, it deems necessary. However, once it is brought within the judicial purview, the Government will not be able to suppress any information on the ground of larger public interest. This is the essence of democracy.

I extend my support to this Bill brought forward by the hon. Member, for it reflects the sentiments of every citizen who cherishes democratic values.

[English]

PROF. K.V. THOMAS(Ernakulam): Sir, the right to information should become a fundamental right in any democracy. I think, the present Constitution Amendment Bill moved by the senior Member, Shri Chitta Basu, is in this direction. In democracy, if information is not properly given to the people, people will slowly lose faith in democracy. There is a feeling in the public that the political parties and political leaders in our country are highly corrupt. There has been a proposal that the assets of the political leaders and the assets of the political parties should be known to the people. MLAs and Ministers in the State Governments should give details of their assets to the Chief Ministers and the MPs and the Ministers in the Central Cabinet should give the details of their assets to the Prime Minister. But, so far, this proposal has not been implemented and in some States, where the information was given to the Chief Ministers, it was kept in the files of the Chief Ministers. Once this has been published, one of the allegations against our political system will be over. If the people lose their faith in the political system, the entire structure will collapse. That is what we have seen in the Soviet Union. Whatever had happened in the Soviet Union, it is something that is pointing to the political system in the world. We are very unhappy

that Soviet Union is becoming weak because Soviet Russia was one of the forces which was balancing the political system in the world.

17.05 hrs.

[SHRI RAM NAIK *in the Chair*]

Now, of late, what we find is that even the secrets of the KGB, a very highly efficient secret service system and a professional body, are slowly leaking out. What do we find in our country? I have been a Member in this House from the Eighth Lok Sabha. Whenever there was an uproar in the House, it was only on Defence deals. Why should we attempt to make it a secret? I can understand if the functioning of a Defence equipment or a weapon is being kept a secret. Why should the deal be kept a secret? People should know how deals are taking place. I am not accusing any Government. There is an attempt by the Governments which come to power, in this Parliament, to try their best to keep the Defence deals as secret. My request is that all the major deals in the case of Defence should be known to the public. The way it should be made known can be discussed and thought about. There can be a Joint Parliamentary Committee to see how major defence deals are taking place. I am not suggesting that the functioning or the secrecy of the weaponry must be known to the public. I am only talking about how the Defence deals are taking place. Everybody should know what is happening. When we try to protect the secret in the House, the people become apprehensive. Let the people and the world know as to what is happening.

Similar is the case with small small documents. For example, there had been a number of inquiries conducted in this country. There were communal riots in 1984. There had been inquiries on telephone tapping, etc. Let them be known to the people and the world as to what had happened. My personal feeling is that those very highly secret documents should be released at least after a particular period, say, after 10 years or 15 years. We should know what is hap-

pening. This world is such that no secrets can be kept in a sealed wall for years and years. It will come out. And that is what we have seen now. Even the killing of Kennedy or the attempt to kill Pope Paul may be known in the newspapers once the secret files of the KGB will be out. So, the very secret services which have been functioning in different countries are collapsing. So, my request is that in a democratic country like ours, with such a big population and with various cultures and political parties, proper information must be given to the people. All political parties in this country are relevant at one point of time or the other. Political parties may come to power or go out of power. So, it is the duty of the political party to see that proper information is being given to the people. When we seek information, the reply of the Government is that the information is kept secret in public interest. What is public interest? Suppose we may ask tomorrow as to how many CRPF men have been sent to Punjab, they will say that it cannot be given. Why? It should be known. So, once we try to open our House, then people will know that these were the things which were happening. I think, this Bill, which has been brought forward by a senior Member of this House is an attempt to throw light into the functioning of our political system. I know that this Bill may not be passed. But it is discussed in the House so that people of this country will know as to what is happening in our political system.

With these words, I conclude.

**SHRI SUDHIR GIRI (Contai):** Mr. Chairman Sir, I welcome the Bill introduced by Comrade Chitta Basu. He has introduced it at a very right time. The issue of maintaining secrecy and suppressing the truth from the eyes of the people has been going on for a long time. Sir, what should have been exposed and put before the people has been withheld from them and this has created many problems. Even the law of the land has been changed to facilitate the maintenance of official secrecy and to withhold truth from the people of our country. Here I would refer to the example of the Enquiry Committee

which probed the murder of Shrimati Indira Gandhi. It is still fresh in our memory. The Commission made a thorough investigation into the reasons, causes and various aspects of the murder but its report was not published. Subsequently, after a lot of pressure from the Opposition, the Government is compelled to bring out some information. All the required information has not yet been published. My question is this. By suppressing the findings of this probe committee, whose interests have been served? I think it was done only to serve the interests of certain corrupt politicians. Except this, it has not served any other purpose.

Two mutually exclusive and contradictory views as regards the functions of the State have predominance in our thought process. One view is that it is the State and State alone which is entrusted with the sacred tasks of administering people in their quest for preservation of peace and maintaining law and order. This view propounds that the barbaric nature of man can destroy and take away forcibly the wealthy acquisition of man and that this has been prevented by the State. It is the exponent opinion of some people starting from Aristotle to the modern day statesmen like George Bush.

The other view is that the State is the restraining instrument of exploitation of man by man. The laws and regulations of the State are directed to restrain people from going against organised exploitation. So, when the State power is seized by the people, having such faith and belief, it is likely that they withhold some information in the apprehension that such news may ignite them against the rulers. So, I am in favour of rather granting them the right to suppress some information. But it should be noted that they are not for suppressing the information. Rather, they disseminate the information and analyse the people's reaction. However, the school of these thinkers is not to be taken into consideration because our country is being ruled by the former school of thinkers and not by the latter.

Now, the protagonists of democracy

[Sh. Sudhir Giri]

who are at the helm of state administration must search their hearts whether they are really in favour of ensuring the right of knowing the information from the Government. If they really value the democratic principles and respect the people and their feelings, they must come forward to take measures to inform the people.

If the right to know and right to information is guaranteed to the people or at least to the people's representatives, then there would not have happened the unfortunate incidents of Bofors, German Submarines and other scandals. The ONGC scandal and the conditionalities of the IMF loan given to India have been kept secret from the people. Not only from the people, but even from their representatives also. What is the harm if the conditionalities of the IMF loan are to be made known to the people's representatives? They would never go against the interests of the country.

Another point that I would like to mention is, if the Government really value the democratic principles, they must allow the people to have information. For argument sake, if the Government thinks that the dissemination of the information would create a situation where people's movement will be organised against the Government's step, then I think the Government would be much more benefitted than the people.

The Government is now proceeding towards the outright rejection of the socialist principles. They have also taken measures in this regard by introducing the new Industrial Policy. Have they got the authority from the people to do so? They have been elected on the basis of the principles contained in our Constitution. In the Preamble of the Constitution there has been an indication that the socialist principles should be adopted. I think they have not got the authority from the people to turn the economy into capitalist path, and this should be made known to the people also.

There should be a balance between

what should be kept secret and what should be made known to the people. There should be a clear cut line in this regard. I think the information regarding the Army's position, security of a State or some action taken against the robbers or gangsters should be kept secret and other information be made known to the people.

Thank you, Sir.

[Translation]

DR. LAXMINARAYAN PANDEYA  
(Mandsaur): Mr. Chairman, Sir .....

MR. CHAIRMAN : It was decided that every Member will speak for five minutes.

DR. LAXMINARAYAN PANDEYA : The Bill, that has been brought before the House, draws our attention towards those basic rights under which we have a right to information. In this regard .....

SHRI TEJ NARAYAN SINGH (Buxar): Mr. Chairman, Sir, I would like to know whether my name is there in the list of Members who would speak on behalf of the C.P.I.?

MR. CHAIRMAN: Your turn would come after two more speakers. I would also like to mention here that the hon. Deputy Speaker has prepared this list.

DR. LAXMINARAYAN PANDEYA: Mr. Chairman, Sir, I was submitting that the public is deprived of valuable information on the pretext that the Government would not reveal the same, in larger public interest. The existing Act was enacted in 1913 when India was still a colony and we were not free. But today, we are living in a free democratic society governed by a democratic system. It's high time, the Government reviews the old Act, which was enacted to safeguard the interests of the colonial masters.

Mr. Chairman, Sir, let us see how secret is the so-called 'secret' matter of the Government. The Government has suppressed many issues related to the Bofors issue in

the name of Secrecy, but that very Government has admitted, accepted and conceded many 'facts' regarding the Bofors issue, which came out in the newspapers. In my opinion, it is not proper to suppress information in the name of larger public interest. I do agree that there are some information, pertaining to the unity and integrity of the country, sovereignty and security of the country, foreign affairs etc, which can be certainly categorised as 'secret' and if the Government doesn't reveal these information on the ground of larger public interest, it is understandable. But it would be inappropriate if in the name of secrecy, the Government doesn't part with even those information which the common man gets to know through newspapers.

I would like to submit that we have guaranteed some fundamental, rights to the citizens, under the Constitution. The Constitution guarantees certain rights, under which the citizens are entitled to get such information. In the statement of objects and reasons of this Bill, it is mentioned that an inter-ministerial study group was constituted in this regard in 1977. When a demand was made to make the report of the study group public, the then hon. Home Minister told the House that 'The Report cannot be made public, as it is confidential.' I fail to understand as to what is secretive about this report. As I said earlier, one can digest this argument if the information pertains to the unity, integrity and sovereignty of the country or its foreign affairs but what is so secretive about the recommendations of a study group? Today, the situation demands a clear-cut definition of secret and non-secret information. As I said earlier, this law was enacted by the colonial rulers to safeguard their interests. While we have amended most of the laws enacted by our erstwhile rulers, this Act continues to be in force. I believe that there is a need to amend this Act a well and I am confident that the hon. Minister would look into it and bring about necessary amendments to safeguard the rights of the citizens. With these words, I once again extend my support to this Bill.

SHRI KRISHAN DUTT SULTANPURI

(Shimla): Mr. Chairman, Sir, I am extremely grateful to you for providing me an opportunity to speak.

MR. CHAIRMAN: I hope you know that you have to conclude within five minutes.

SHRI KRISHAN DUTT SULTANPURI: I support this Bill, because there is no such information which is not available with the common man of the country, but it won't be proper on the part of the Government to part with sensitive information pertaining to the troops stationed on our borders etc. which if passed on to the enemy can jeopardise the country's security. Even now, the country faces lots of problems and the officers are under oath not to disclose classified information and even this information is given, provided an application is made, as per the procedure. But, it is a Private Members Bill, I have stood up to support it. However, they have misunderstood the situation. If they feel that they can gain political mileage and electoral victories by ranking up issues like the Bofors and submarine scandals, through such Resolutions, such acts will lead them nowhere.

The submarine and Bofors issue was a subject of discussion in the House too during the ninth Lok Sabha and at that time also our leader Shri Rajiv Gandhi pointed out that if there is any proof in this regard it should be produced here and the elements who are trying to tarnish the image of the country should be named. But they failed to name anyone. The then Prime Minister to whom you have referred several times and pointed out that he has worked a lot for finding out the people involved in it. I understand that it is not so. I don't think that there is anyone in this country who is involved in treachery towards his country and indulges in collecting such confidential information which may ultimately disintegrate the country. I understand that our Government officers while performing their duty have made every efforts towards building our nation and to uphold the honour and dignity of the country. If we oppose them and cast allegations to this effect that they haven concealed all the sources of informa-

[*Sh. Krishan Dutt Sultanpuri*]

tion and they are well informed of every event in every field it would be improper. I would like to know that when a F.I.R. is lodged in police against a culprit, whether it would be announced that now he is moving towards Lucknow or towards Shimla. As such I think that such allegations are not right. The cases in which secrecy is required to be maintained and the matters which can be publicised should be categorically stated. The Bill does not contain any such description. Reference to legislation and constitution has been made...

MR. CHAIRMAN: Please speak on the Bill.

SHRI KRISHAN DUTT SULTANPURI: I am speaking on the Bill itself but let me answer his queries. There are people in this country who have collected money in the name of a temple and the House should be apprised of it. But who is going to highlight this aspect. The Home Minister should look into it. The Chief Minister of our State should look into this. He should know that how much money has been collected and the sources thereof.....(*Interruptions*)...I am asking about the money that was collected on the pretext of temple irrespective of the persons involved in it. The entire statistics should be presented before this House.

MR. CHAIRMAN: Now you conclude it.

SHRI KRISHAN DUTT SULTANPURI: Mr. Chairman, Sir, you are an experienced person. I want to point out that on 6th December, 1989 he has classified the subjects on which secrecy was to be maintained and also the matters which are not confidential. If all the aspects are brought before the public and every information is to be kept on the table of the House then the Statement of the Prime Minister is not correct. I want to mention that when the National Front was formed...

MR. CHAIRMAN: Please conclude in two or three sentences.

SHRI KRISHAN DUTT SULTANPURI: I would like to urge the mover of this Bill to withdraw the same since it is immaterial and the Members should refrain from making this type of comments so that the honour and dignity of the country is upheld. What are those information which you expect to get from the Government but think that you have been deprived of those. I understand that as per our Constitution and our laws there is no restriction on getting any information. You have not mentioned the section or the clause of the Constitution in which you want to make amendments. Therefore, I would request the hon. Member to withdraw his Bill. Whatever is required to be known to the people of this country is already mentioned in our Constitution. If we quote instances from foreign countries it is detrimental to our own interests. Whatever happens in their countries is their concern. I understand that if we take steps to control the wrong doings in our country, it is in our interest and our country will make progress in future. With these words I thank you.

MR. CHAIRMAN: *Shri Tej Narayan Singh*, you please wait for a while.

[*English*]

How much time will you take in replying to the debate? We have to complete this discussion by 5.30 p.m. Only then subsequent Bill can be taken up for a discussion.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Ten minutes.

MR. CHAIRMAN: How much time will you take?

SHRI CHITTA BASU(*Barasat*): Five minutes.

MR. CHAIRMAN: So, two more hon. Members can speak.



[*Translation*]

SHRI TEJ NARAYAN SINGH(Buxar): Mr. Chairman, Sir, I support this Bill. In the Constitution the Fundamental Rights have been mentioned in Article 12 to Article 35 but the objective with which Shri Basu has moved this Bill exists nowhere in Article 12 to Article 35. As such it is very necessary to incorporate a new Article in Article 19. If it is not incorporated then it implies that the citizens of this country have not been given this right which is necessary to safeguard democracy. Many rights have been given but the fundamental rights in the constitution do not mention the right to information, an important factor which affects the lives of the common man. As such it is very important and if this Bill is passed the common man will learn through Article 19 (a) of the constitution about the amount spent daily on district officers and officers deputed for land holding. The money invested by Government is public money. The common man is unaware of the monthly amount spent on providing body guards for M.P.s., M.L.A.s and Cabinet Ministers. The common man is ignorant of the amount of money spent on the security of a Member of Parliament who does not even hold any post in official capacity in the Government. The Ministers no doubt enjoy many facilities but there are so many people in the Government who avail these facilities without being a Minister. As such if an amendment is made in the Constitution it can be brought to the notice of common man that a person who is neither holding any post in Government nor is he a Member of Parliament, but a large amount of money is being spent on his security. Unless an amendment to this effect is brought this system cannot be streamlined. People say that then there will be no secrecy. But it is not so. The points which are confidential have been excluded from it. Shri Chitta Basu particularly has removed the confidential portions from the amendments moved by him and it has been categorically stated that the Government is free to amend anything which it considers controversial. The law framed earlier, also provides protection to the confidential aspect. As such I urge the Government to

accept these amendments. Because these amendments in the laws will be helpful to strengthen the country and with these words, I support this Bill.

SHRI DAU DAYAL JOSHI(Kota): Mr. Chairman, Sir, the Bill for amending the constitution as brought forward by Shri Chitta Basu in order to get the relevant informations, often suppressed in the name of the Inquiry Secrecy Act, is a very praiseworthy. I do not understand as to what is wrong if the proceedings of the Parliament is telecast. Nothing untoward happened when at the behest of Shri V.P. Singh the joint session of the Parliament addressed by the hon. President was once telecast? In the name of secrecy even today the proceedings of the Parliament is not permitted to be telecast. I think no secrecy is involved in it. Once some persons belonging to the Scheduled Caste accompanied me to the Parliament to meet Shri Ram Vilas Paswan. They desired to take a snap of Shri Paswan as a Souvenir which they wanted to show their villagers that their delegation had met the then Minister. They could not succeed to take his snap despite their best efforts. What sort of secrecy was involved in taking a snap in the Lok Sabha premises. I was very much surprised to see all this.

Mr. Chairman, Sir, in case the Budget proposals are leaked out the Government is taken to task. The Budget contains only certain tax proposals which we discuss later. Nothing untoward will happen if such proposals leak out. For lack of prior proper discussion on the tax proposals before the presentation of the Budget. We have to face the ill effects. This year (time) Shri Manmohan Singh presented the Budget. He being an economist has presented it in his own style. The way he was taken to task by the Congress Parliamentary Party is an example in itself. He had to withdraw certain tax proposals afterwards. I would like to request that it would give better results if the Budget prior to its presentation in the House is discussed publicly. The matters related to the public welfare must be considered seriously. However, if anything, in the country's

[Shri. Dau Dayal Joshi]

interest, is to be kept secret it must be kept secret.

It has been often observed here that in order to avoid answering our questions we put in the house, routine reply is given that it is not the interest of the country to give the information. To my question also a similar reply was given. The Bill brought forward by Shri Chitta Basu may be accepted so that we may get some relief and the country may get certain new directions I thank him very much for bringing forward this Bill before the House.

MR. CHAIRMAN: Many Hon. Members have expressed their desire to speak on this Bill. But there is time-limit. We have to finish discussion on it by 5.50 P.M.

AN. HON. MEMBER: I want to speak on it just now.

MR. CHAIRMAN: If any one of you is given permission to speak on this, others may not like it. So, excuse me for that. This is a good Bill. It would be better if the Hon. Minister as well as the Hon. Member who brought forward this Bill finish their replies. Only then we could dispose of this matter.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Sir, I am thankful to you for giving me this opportunity to reply to this Bill.

Shri Chitta Basu moved a Bill, which is really a very important one. It is not for the first time this Bill has been moved in this House. Even Shri Chitta Basu himself moved it in 1983 and in 1989. And I remember that he had asked questions in Rajya Sabha on the same Bill some yeas back. So, he is pursuing this Bill. I am very happy that he has not left his hope and he is still continuing his pursuit. The Government is in full agreement with many of the points he has raised.

When I was listening to him, I thought about a discussion in the famous book 'Liberty' by John Stewart Mill, where Mr. John Stewart Mill says about the freedom of an individual. He said: "You can stretch your hands to any extent you want but not beyond the nose of the man who stands nearby because it will hit his nose" You can stretch your hands but not hit him. So, we must have freedom. We must have freedom of information. But, it shall not jeopardise something else in the process of over anxiety or over zealotness shown to the freedom. At the same time, I am also aware of the position. If I may recall one instance of William Berkly, the Governor of Virginia in a Report to the Queen Majesty in London, wrote something very interesting which is not exactly the thing which I intended to say but the opposite of what I wanted to say. He said,

" I thank God that we have no free school or printing and I hope we will not have it for a 100 years; For learning has brought disobedience, heresy and sects into the world of Printing has divulged libels against the Government. Good keep us away from those"

So, that was his letter.

This Government do not believe that way. We want actually a freedom of expression. We want people to know things. we do not want to hide anything. But, at the same time, the security of the country and other interests are to be protected, privacy of the individual to a great extent. For that again, if you permit me to quote Mr. Thomas Jefferson. I quote:

"Were it left to me to decide whether we should have a Government without newspapers or news without a Government I should not hesitate a moment prefer the latter".

I would prefer a news without a Government. So, we have to strike a compromise, a

balance. So, in this process, the balance has to be found and this Government is very much aware of it. Previously Action Plan was drawn up in 1991 with a view to modifying the Official Secrets Act and to make more information available to the people. Now, the Inter-Ministerial study Group is working at it. Various Ministries are involved in it. so, the Inter-Ministerial Study Group while examining various aspects associated with it, is doing a very good job. I hope, taking advantage of the suggestions made by various Hon. Members of this august House, we have to give serious thought to stretch our hands as much as possible in the process of the information, as I mentioned earlier. With this spirit I have only one request to Shri Chitta Basu knowing fully well the manner in which he is pursuing it, I hope, we will be able to do it as fast as possible. I myself will see a faster movement to this from my side. I assure you that we will try our best to bring forth a comprehensive Bill in the process to achieve the objectives as fast as possible. In this spirit I request Shri Chitta Basu to withdraw this Bill at this time and bless us. I thank you very much. My colleague also wants to speak.

MR. CHAIRMAN: He has also to make some important observations.

[Translation]

MR. DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM LAL RAHI) Mr. Chairman, Sir, the Bill put forward by Shri Chitta Basu is a good one.

So far as the issue of providing relevant informations to the Hon. Members in response to their questions regarding working of Government offices is concerned, it is receiving by them from the government offices whether there may be members of this House or the members of any Vidhan Sabha or District Council or Block Samiti. I feel even if this information is not received by them these issues are raised inside and outside this House with a little variation.

Shri Chitta Basu has put forth a very

important point as to why the members require information. They want it because they are supposed to shoulder their responsibilities. It is fact that they are to shoulder this responsibilities. But at the same time government has also to bear its responsibility. It is the liability of the Government to ensure security of the country and maintain law order. It is equally liable to manage resources to run the country properly. It is also supposed not to disclose certain things till it feels that the benefit of these things will reach the general public. It may divulge these at the opportune time. Hon. Member has also asked why the Budget is kept secret. Though I am not sure yet I can say that he himself might be knowing the opinion of the public regarding his own party. Excuse me, I am not levelling any allegation. The people say so. (Interruptions) When you go out of this House, where discussion takes place, the people say that this is the party of 'BANIYA'S. Now they want to do this (Interruptions)

PROF. RASA SINGH RAWAT (Ajmer): Sir, I have an objection over the word 'BANIYA'

SHRI RAM LAL RAHI: Please listen to me. I withdraw this word if has any objection. But the fact is fact. (Interruptions) I want to say (Interruptions) What would be the situation of the market if the Budget is leaked out before the House passes it. If the things we want to bring forward through Budget are leaked out the trader resorts to hoarding (Interruptions) So, I doubt the public will get any benefit if the Budget is leaked out. I may submit that our system of Government consists of the legislature, the executive and the judiciary. As far as the executive functioning is concerned the information can be sought by the legislative members of any level whether he is from the Vidhan Sabha or Zila Parishad or Municipality. But it is not proper to make available any information concerning security and safety of the country because that may endanger future of the country...that must be kept secret... (Interruptions) Mr. Chairman, Sir, the Hon. Member has mentioned in the Reasons and Objectives of this Bill that

[Sh. Ram Lal Rahi]

certain things have to be kept secret. I think by bringing forward this Bill he himself is not satisfied. But it is fact that too much security should not be resorted to. The Government itself is considering this and after consideration the government will decide the things of utmost importance to be kept secret. So I would request the Hon. Minister to withdraw this Bill, it would be better.

[English]

MR. CHAIRMAN: Before I call Shri Chitta Basu, I may say that time allotted for this Bill is over. With the permission of the House I want to extend the time by another five or seven minutes.

Is it the pleasure of the House to extend the time by another five or seven minutes?

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: Shri Chitta Basuji, you must conclude within five minutes.

SHRI CHITTA BASU: Sir, I shall finish by 5.55 p.m.

I am quite thankful to the Hon. Members who have participated in the debate and extended their unstinted support for the objective of the Bill. I am also very much thankful to those who wanted to participate in the debate but could not, because of the time constraint. They have also extended their support to the cause of the Bill. I am thankful to them also.

I quite appreciate the position and the stand taken by the Hon. Minister of State for Home. He has also appreciated the objective which has inspired me to bring forward this Bill and he has also been pleased to note that I have been attempting to bring forward this kind of a Bill since the beginning of eighties. He has assured that the Government will take proper note of it and consider the report of the Inter-departmental Study

Group. It would have been better and I expected that the Minister would inform the House about the progress of the study of the Inter-departmental Study Group which could have enlightened the House in a better way so that we could have understood that the Government is really sincere in pursuing the matter.

Lastly, I only make one appeal to the Home Minister. I have quoted today about some instances of police atrocities on the working journalists. A big list is with me. I hope that the Government - as the Hon. Minister has promised - will kindly look into the cases which have been referred to, today and also referred to the Ministry earlier.

In view of the fact that the Hon. Minister has assured the House that the Government will bring forward a comprehensive Bill incorporating the objectives of this Bill, I seek the leave of the House to withdraw my bill and would appeal to the Government to bring forward such a Bill.

17.52 hrs

[MR. SPEAKER *in the Chair*]

Sir, I beg to move for leave to withdraw the Bill further to amend the Constitution of India.

MR. SPEAKER: The question is:

"That leave be granted to withdraw the Bill further to amend the Constitution of India."

*The motion was adopted.*

17.52 2/1 hrs.

HIGH COURT AT BOMBAY (ESTABLISHMENT OF A PERMANENT BENCH AT PUNE) BILL\*

[English]

SHRI ANNA JOSHI (Pune) : I beg to