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PRESS (SPECIAL POWERS) BILL FOR CHIEF COMMISSIONERS' PROVINCES
BETTER CONTROL OF DISSEMINATION OF UNDESIRABLE MATTER
SARDAR VALLABHBHAI PATEL'S STATEMENT IN CONSTITUENT ASSEMBLY

New Delhi, November 19, 1947.

In the Constituent Assembly of India (Legislative) today (Wednesday), the Hon'ble Sardar Vallabhbhai Patel, Minister for Home Affairs, moved that the Bill to continue certain special powers conferred on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter be taken into consideration.

The Hon'ble Sardar Vallabhbhai Patel said:

"In placing this Motion before the House, I wish to assure the House that we are conscious of the value and the importance of the sacred privilege of the liberty of the press which is one of the three freedoms which has been so much spoken of in international circles. But I must also inform you that since the time that I have been in charge of the Ministry of Home Affairs, the Press in this country has enjoyed the widest possible freedom that it had ever enjoyed in the past and it is my desire that it should continue to do so and to enjoy wider freedom than they are enjoying at present.

"Unfortunately the circumstances that have forced me to come to this House with this Bill are such that there is considerable justification for it. I will give a short background of the origin of this legislation. Sir, you are aware that the interim Government came into existence at a time when the country was involved in a serious communal conflict resulting from the fixing or announcing of a "Direct Action Day" by the then Muslim League of India which pressed for partition of the country. A fortnight after the great Calcutta killing we assumed office and subsequent events are an unfortunate history of reaction and retaliation from one stage and one place to

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another stage and another place, and we have not yet seen the end of it. In consequence of these occurrences almost all the Governments were compelled in one form or another to adopt measures restricting the freedom of the press. The first province which was compelled to take action was the one in which the "Direct Action Day" was celebrated. After that its sparks flew rapidly from place to place; and when almost all provinces passed Ordinances or were compelled to pass Ordinances in one form or another to restrict the liberty of the press in this connection, Delhi was supposed to be the only place where the mouth-piece of the protagonists of the "Direct Action Day" flourished, and we were accused of allowing the spread of violent propaganda of communal hatred and bitterness and of allowing this place to be used as a place for dissemination of undesirable information and literature. Then I was compelled to place an Ordinance before the interim Government, but before I took that step I invited the editors of newspapers in a conference. And that conference almost unanimously realised or recognised the necessity of controlling the liberty which was almost synonymous with licence in the matter of publication of undesirable news and undesirable criticism. In that conference even the editor of the DAWN had to agree that some sort of control was necessary. I left it to the editors' conference to impose restrictions on themselves instead of forcing the Government to take action, because I considered it very undesirable for a popular Government to be compelled to take action to curb the liberty of the press. They themselves formed a committee

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in which Government had no hand and they themselves formulated a code of conduct which they undertook to obey. To my regret I found that the code was not honoured, and they themselves in several cases agreed that several of them had been guilty of violating the code or the self-imposed restrictions. When that situation arose I tried to negotiate with and influence those who were responsible for the violation of those restrictions which they themselves had formulated through the leading members of the community who had influence there. But I did not succeed. Eventually I got instructions or advice from several provincial Governments to take immediate action in the matter of putting restrictions on the press in Delhi. The first to come forward with this suggestion was the Governor of the Punjab who approached the then Viceroy and through him asked the Central Government to take some action in this matter. Then I took a copy of the Ordinance which was in existence in the U.P. and on the model of that Ordinance I formulated an Ordinance which was placed before the then interim Government. This Ordinance was passed by the Cabinet; and I thought that after it was passed it would not be necessary to renew it. Unfortunately that hope also was not realised and we were overtaken by the Punjab holocaust whose sparks flew rapidly all round and there was an influx of refugees from the Punjab into Delhi. We had to renew the Ordinance. I had very reluctantly to get this Ordinance through the new Government, and now that the legislature is sitting it is necessary to bring this piece of legislation forward for the approval of the House. Several papers have sprung up anew who hardly

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realise any responsibility as to the consequences of the matter that they have to publish. Apart from the scurrilous and scandalous attacks that are made against the head of the Government and the members of Government, the people who are in charge of publishing these pamphlets and newspapers are full of anger because of the sufferings that they have gone through in the part of the country from which they come. These are not people in whose hands a pen can be safely given. They are not in a fit state to handle a pen. Therefore, with all my sympathy for these people who want to ventilate their anger and to ask their sympathisers to take retaliatory measures, I as representative of a popular Government cannot help coming to you to take this opportunity of helping the Government in recognising the necessity of getting through this emergency legislation.

"It is an emergency legislation to meet with an emergency the like of which India has not seen in the past. You will all recognise that and you are aware of it. It is not necessary for me to dilate upon it. Let us hope that we shall get through this crisis much earlier than the period that might be fixed in this legislation. It is my hope and wish, and I hope it is the hope of all of you that we may not have to put into effect any section of this Legislation.

"I may tell you that when I assumed office I called a conference of the newspaper editors in India and put before them a proposal for framing a legislation to bring

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in the existing legislation on a par, so far as freedom of the press is concerned, with the freedom of the press enjoyed in the most progressive countries in the world, and that Committee is still sitting. But unfortunately, simultaneously, I have to come here for a piece of legislation which is intended to meet with a particular emergency.

"There is undoubtedly some provision in the existing legislation which is called an emergency legislation also but when that legislation was passed in those days, the Legislature never contemplated that a catastrophe of this kind would overtake India and therefore the existing legislation is not enough to meet with the requirements of the present situation. In fact the very evil which we want to prevent, that is the publication of undesirable news and comments, exaggerated and false news, if we have to take action under the ordinary existing legislation gets much wider publicity than the publicity by newspapers because the offender is entitled to prosecution being launched against him. The Government has to file a complaint. It has to come to a court of law and the publicity that the proceedings get in a court of law is well known to all. Therefore we cannot but evade the necessity of having legislation which avoids this kind of process by which publicity becomes widened.

"In this country where we have a secular State where different communities with different religions, different sects, have been residing for centuries and whom we wish should reside in future, we have a responsibility to see that the gulf between the communities is not widened and nothing which is preventible or which can be prevented without violating the principles of justice and fairplay is not done. Therefore, the purpose of this Bill is simply to prevent improper distribution of news which is undesirable, improper circulation of news and comments, exaggerated and false news which tends to create disturbances and violence: that is the only purpose of this Bill, and I do not think there is anybody in this House who will challenge the necessity of this Bill or the recognition of the emergency that faces us.

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"We have with great difficulty been able to prevent a great catastrophe in Delhi. A number of this legislation is meant for the provinces governed by the Chief Commissioners, that is the province of Delhi and the province of Ajmere-Marwara and one or two other provinces where there might be necessity. But really it is intended for these two small areas of Delhi and Ajmere-Marwara. In both these areas there is considerable communal tension and I must say that in both these areas there is the existence of a group of people who hardly realise their responsibility and who have started the profession of editors for which they are not fit. In Delhi there is a great number of responsible papers. Some of them have erred but we have taken no action against them. But in both Delhi and Ajmere-Marwara, considerable literature has come out recently because of the communal disturbances and because of communal tension existing in both these areas. Therefore, we have to be wide awake and I hope that in the consideration of this small piece of legislation, you will view the provisions of this in the light of the existing circumstances that surround us. You may be aware that there is no province in India where today a legislation of this kind is not in existence. Perhaps we have put in a milder piece of legislation and a more drastic piece of legislation has been passed by the United Provinces, Bihar, Bengal, East Punjab and other provinces. Therefore, we cannot, when we are surrounded by this atmosphere, evade our responsibility. Provinces governed by Chief Commissioners are the special responsibility of the Central Government because they are centrally administered areas. Therefore, I move:

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'That the Bill to continue certain special powers conferred on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter / be taken into consideration.'

Concluding the discussion on the motion, the Hon'ble Sardar Vallabhbhai Patel said: "Sir, I have no doubt in my mind that the House is fully aware of the situation in the country and the necessity of having a legislation of this kind. I am glad the various speakers have spoken in an emphatic tone about the necessity of the measure. Now I wish to say a few words by way of digression and I hope with your permission the House will appreciate and tolerate it. I have the experience of this House for a short period only but outside the House also I have taken some interest in the proceedings of this House and I have no doubt that the proceedings of this House in the past have been utilised to serve the end which is the object of this legislation to prevent. (Hear, hear). In the past it has been so. We have used this House for the purpose of creating communal tension inside speeches and often in the matter of Bills also. We have put in questions and outside, both in the matter of interpellations, deliberately with the object of creating the situation for the purpose of canvassing the support of particular sections of communities. I appeal to the House also to take this matter into consideration that in a new India, in the new Parliament, this House is not the forum to be utilised for the purpose of creating any such situation or any such atmosphere. (Hear, hear). I appeal to all Members not to give interpellations in the manner in which we were giving in the past. I have seen some questions that have been received and I only appeal because all these questions and answers and all these proceedings that are taking place here are published in the Press and the Press will take advantage of the attitude we take here and then they will be justified in saying that 'what we are doing is not worse than what you are doing. You are enjoying certain privileges. We are also enjoying certain privileges.' That is a digression by way of precaution."

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"Now with the partition of the country the atmosphere of this House and the tone of the debate must have a different tunc and we must be helpful in establishing traditions and creating conditions, -- an atmosphere in the country for harmony, unity and peace in the land, which is the greater responsibility of the members of this House.

"Now so far as the bill is concerned, I do not think that I can say more than those friends who themselves are editors and who know where the shoe pinches. As has been rightly said this Bill is a check not against the liberty of the Press, but against the liberty which has been turned into a worse form of licence. As has also been acknowledged, although this Ordinance has been in force for more than a year we have held our hands and rarely we exercised the powers that are given by the Order. Our friend from Ajmer-Marwara read out a passage from a newspaper. Even in an advanced province like Bombay the newspapers are carrying on in such a manner that an old liberal friend of mine sent me a cutting in which it was stated that as this Government had been bitterly criticised in the foreign press, particularly in England, the representative of the Home Department of Government had selected some girls to send them to England and give one to each of the editors in Fleet Street. When that cutting was sent to the Home Minister of Bombay he said he could do nothing because there is no section of the

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law under which he could take action. Is the Home Member to go and file a suit of defamation for the publication of these scurrilous and malicious libels? You will see that there are many papers of this kind who realise that freedom has come and freedom can be used in this manner. If you do not teach people how to enjoy freedom you will lose that freedom because, as has been said, there are many people who have dreams that as the British power which was an established power and used to protect everybody has disappeared, now the place of that power will be taken by anybody who can organise, a few goondas. This Government is strong enough to resist any pressure from any quarter of that type. But in this House we must see that we protect every legitimate right and interest which must be protected in a free country. But we must not allow either the press or public assembly meetings or public platforms or privileged places like the Assemblies to be used for the purpose of destroying the freedom which is won by hard struggle and considerable sacrifice.

Sir, I am grateful for the support that has been given to this measure."