

**Proceedings of the 'Workshop on Parliament and Media'**

**held on Thursday, 5<sup>th</sup> November, 2009 in the Main  
Committee Room, Parliament House Annexe.**

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**SECRETARY-GENERAL:** Shri Arun Jaitley, hon. Leader of Opposition, Shri N. C. Joshi, Secretary, Rajya Sabha Secretariat, Shri R. Rajagopalan, Vice-Chairman of the Media Advisory Committee, participants of the media workshop, ladies and gentlemen, Shri Arun Jaitley, hon. Leader of Opposition in the Rajya Sabha, needs no introduction. A senior advocate in the Supreme Court, he has held ministerial positions in the Ministries of Law, Justice and Company Affairs, Information and Broadcasting, Disinvestment and Shipping. His idea about the inner working of the media arises out of his being the President of the Delhi District Cricket Association. He will be speaking to us on the subject of Parliamentary Practice and Procedures and their relevance to the media.

I now request Shri Arun Jaitley to address the audience.

**SHRI ARUN JAITLEY:** Thank you very much, Secretary-General, for your very kind invitation to speak on this subject. I don't think Parliamentary Practice and Procedure itself is a subject of any consequence as far as the media is concerned. It is a subject that really relates to an orderly and rule-based functioning of Parliament. An orderly and rule-based functioning of Parliament is one practice which has, for almost six decades now, stood the test of time. And despite comments and criticism, pleas for need for reforms are always made. I think in changing settled practices, it is always good to be conventional and conservative. No reform, which is a knee-jerk reaction, is really required, unless it is absolutely essential. I have now spent almost ten years in Parliament -- and, as a Minister for some time, one had access to both Houses of Parliament -- and I have noticed one very interesting difference in the functioning of the two Houses. The Lok Sabha has

Members who are intrinsically linked to their constituencies. Therefore, the Lok Sabha always would be, in that sense, more fiery and the desire of Members to raise issues which are constituency-linked and constituency-centric would always be inherently more. But, then, the constituencies also carry a burden. Your weekends, at times prolonged weekends, are spent in the constituencies; you spend a large part of your day in the Capital also dealing with constituents who visit you and, therefore, the extent of time that an average Lok Sabha Member would be able to put into his preparation for parliamentary debates, to that extent, gets adversely affected. It gets shared by his other activities. The Rajya Sabha, in that sense, therefore, has that added advantage. And, therefore, time that Members get to prepare would always be there. The kind of Members, therefore, also are significantly different. Now, in the practice and procedure of Parliament, we have devised various areas of functioning of Parliament. First, of course, is the Question Hour. The day starts with the Question Hour. The best instrument to extract information out of the Government is the Question Hour. In fact, it is even more effective than the recently enacted law that deals with the RTI. And the Question Hour has stood the test of time. I must confess that I do not get time to read the large answers to the Unstarred Questions -- I wish I could -- but if one were to only read the answer to the Starred Questions and, if time permitted, to the other ones, you would probably get to know more about how the Government functions and the state of the nation, than through any other process. The answers at times have to be well-researched. They go through various steps of preparation. Having been in Government, I have some idea from my past experience. There is a lot of effort into information-searching that goes into answering questions. Now, I do not know what the current figure this year would be, but I am told that even though we have depleted days of Parliament, the number of questions in both Houses in both the categories, Starred and Unstarred, is about 500 per day in both Houses and,

therefore, it runs into several thousand questions. So, it is an enormity of information. Probably, you cannot get that kind of information if you had a domestic encyclopaedia also from there. I think it is extremely important for both Parliamentarians; it is important for media persons. And, if at a later stage, I think, with the advancement of technology, if these answers are available on the net, and, I think, if one great Parliamentary reform which could do a lot of service is, to put all answers on the net. And, therefore, for the larger body of people in India and outside the kind of details that you would get on future dates when you are working on your stories or news items, the reference available to media persons on the net itself from questions which have been answered three years and eight years ago is huge. Having said this about the strength of this Question Hour, I think, I have noticed, at least, two aberrations, at times, in the Question Hour. Attendance in the Question Hour is not an aberration because attendance in the Question Hour is reasonably high. I don't think we have been able to formulate a system as effective where Members, particularly new Members, are in a position to learn the art of draftmanship of the questions. And, therefore, in a large number of cases -- I have consciously said that this is an aberration -- because of this compulsion, the draftmanship of these questions is getting outsourced. The outsourcing of this draftmanship of these questions can also lead to motivated questions intentionally or even unintentionally put. And, if questions which are motivated arise out of collateral interests, corporate interests, corporate rivalries then they do little credit to the credibility of the Parliamentary institution. This obviously translates into a logical extension when supplementaries are put, the Member asking the question may actually be reasonably alien to the subject matter in an issue, and, therefore, supplementaries also, or the preparation of the supplementaries also, would be equally outsourced. Now, if your grip of the subject is not there, as a Member, the obvious consequence would be that asking the supplementary becomes a mere

formality and the purpose of the Question Hour, i.e., to get the information out of the Minister concerned would really not be satisfied.

The second area is this. I really should not call it an aberration. The Question Hour is a test of a Ministerial competence. The Question Hour is not a period where Ministers can just get up and read a reply. A competent Minister may not find it very difficult to prepare his answers. He still requires a little bit of briefing. Every Minister has his own note pads which are given to him a day or two before the Question Hour. My own experience has been that to answer one question it would normally require, at least, one hour of preparation the previous day. You have to be concerned with the various kinds of possible questions and supplementaries that may be asked to you. And, therefore, you must be present with all the details of that particular question. Now, these are all briefing note pads which are given to you. You have to read them. You are orally briefed, if necessary. You have officers sitting in the Gallery. But, occasionally, one finds there is the other category of Ministers who are not so comfortable answering questions, slips are coming; as response to supplementaries, those little slips are being read out. Ministers unable to answer questions would hide behind that assistance which is being given to them. Now, it is unfortunate that the later category, either on account of language constraints or on account of lack of depth in handling a Ministry, this kind of category of those who are uncomfortable in the Question Hour, this generation is on the rise. So, increasingly, you will find a larger number of people falling in this category and, therefore, for the Opposition it could be a velvet situation where you find an uncomfortable Minister not able to answer or evading the question. The question relates to mangoes, his answer relates to apples. So, these kind of situations would also arise. I think, the real test of Ministerial competence in Parliamentary functioning is a manner in which he handles his questions. And, my own experience, both within the Government and the Opposition tells me that the

Question Hour is not necessarily an adversarial session in Parliament. And, therefore, an attitude by a Minister, who is friendly to the Members, who is polite to the Members, who responds well is able to carry the day with him. I think the media requires to be a little more vigilant in this area. The media obviously is an extension of Parliament. It links the public opinion to Parliamentary functioning, and therefore, one would reasonably expect the media -- and it is done also at times -- if somebody fumbles, you find a reference here and there in the media the next day, and now with live telecast of the proceedings, this fumbling is obviously all the more apparent, and, therefore, when questions which are asked, which really should not have been asked, when answers are being evaded, I think, to pull up the errant Member or errant Minister, and therefore, try and prepare them for a better performance next time is a very nice safeguard that the media really can ensure.

If the Question Hour really is the art of extracting information from Parliament, I think, Zero Hour remains the heart and soul of Parliament. Parliament is a live functioning institution. It must necessarily reflect what goes on in the whole country and, therefore, events of recent relevance must find relevance and must find their echo in Parliament. And, therefore, Zero Hour is that lively session where controversial issues, contentious issues, adversarial issues are to be raised. And, naturally, when they are raised, there will be a little commotion. Now, it is this commotion of the Zero Hour which is a double-edged weapon. It is a double-edged weapon because on the one hand it adds to what I call the life and soul of Indian democracy, i.e., raising issues of importance; on the other hand, it also has the effect of making Indian public opinion more cynical. Is this the way to shout; is this the way to behave; is this the way to raise your point; is this the way of allegation and counter allegation?

Now, the few lively moments of the Zero Hour are mistaken in a popular public opinion as the only function of Parliament, which is factually not true. Now, a recent

tendency that I have seen in the media reportage, particularly in the 24x7 reportage in the last one-and-a-half decades that news channels have come into play, there is a certain change in the definition of news which has come. News today is what the camera can capture. And, the character of the camera is that it captures news which is sensational. A camera can capture news which has a particular value as far as the television is concerned. A camera can capture fire on a building; it can capture the Members exchanging heated arguments or even blows with each other. A camera can capture a drought. A camera can capture unhappy people. A camera can capture people making a grievance. A camera does not like a very happy or a normal situation. So, if there is a scholarly speech made on a matter of public importance by a Member or a Minister, it is not news for the camera. Now, the camera has, therefore, changed the definition.

Now, friends in the print media are now confronted with a situation the next morning. They obviously cannot repeat what the camera has shown 48 times the previous day! Therefore, they have to go behind the news and bring in a new pungency or angle to that news which the camera could not show. This is a corresponding change which is taking place. The next change would be that you will have the internet newspapers which would probably be competing more with the camera and it will be both print and what the camera has to show. In such a situation, I think, we can live with this sensational reportage of Zero Hour. For the camera today, the Indian television is still in the formative stages and everything that happens in Zero Hour is breaking news! The CNN which has started the breaking news concept in the U.S., could show once in a while with some international development taking place. But, in India, there is a complete break down of the institution of breaking news. In a cricket match, if a wicket falls, it is breaking news! So, breaking news itself has lost its value and relevance in India. Everything that happens in Zero Hour is breaking news! As a result of which, I still feel that we can

live with the aberration that the song, noise and tone of the Zero Hour continues to be the life and soul of Parliament and, therefore, if it is even sensationally presented, I think, Indian democracy has broad shoulders and we can live with it. But, it has one negative effect that if there are some unfortunate reactions to some incident, then people tend to become more cynical about the Indian democracy and Indian Parliamentary functioning as though this is all that goes on in Parliament.

Then, I come to the legislative business, the post-lunch business. It is a serious business for Parliament. I am one of those who hope that importance should be given that this business is reduced. Because, we in India have become an over-legislative society. A country does not need so many regulations, so many controls; and, one of the reasons is that when new Ministers take over in a department, when the media asks a question, there is a tendency to say, 'I am thinking of legislating on this point.' For the last 25 years, every I&B Minister has told you that the Broadcasting Bill is under consideration. Why does India need a Broadcasting Bill? Nobody has answered this. But everybody says, 'I am still considering it.' It is not necessary. It is rightly not being introduced. The Law Minister, if he is asked a question, he would say, 'We will consider and we will legislate on that.' Now, a lot of these areas in order to show that there is a generation of activity, we are at times coming out with legislations which are not required. I am glad that in the last few Sessions, the number of legislations being enacted by Parliament is actually coming down. One great error in calculating the performance of Indian Parliament used to be that at the end of every Session, the Parliamentary Affairs Minister, as a mark of his performance, used to come out with a list of laws passed in that Session. He thought, if he passed 22 legislations in the Session, it was a very successful Session for the Government, but little realising the basic question that you do not need 22 more laws in the country. It will be better if you repeal unnecessary ones. I remember, when I was the Law Minister, on a single day, I

repealed 1600 laws! It was done probably in 2001-02, if you check up the records. A lot of obsolete laws are still lying. You legislate these laws but you do not need those laws and we are becoming an over-legislated society. Therefore, we must stop judging the performance of Parliament or the Parliamentary Minister by the number of legislations passed in each Session. We must have only the necessary and essential laws and not non-essential legislations.

Now, on the process of formulation of these legislations, I think, needs to be seriously improved. If you check up the old legislations which have been drafted in the country, it is very easy to say that the Evidence Act was drafted by McCauley; but even today, you cannot make an amendment to a single section! It is a textbook example of a perfect drafting. But, if you check up the recent legislations you have drafted, you run into difficulties with courts for interpretation, we come back and start amendments to those legislations to fill the gaps which we had left behind in those legislations. We still do not have, after 63 years of Independence, a proper institution in India which trains people in legislative drafting. Our draftsmen are virtually self-trained. There was once a proposal to set up an institution in Delhi which will train people in the art of drafting legislations, because every law has to have rules, sub-regulations, subordinate legislations. We do not have an institution of legislative drafting. Therefore, we need to have one or two institutions assisting the Parliamentary committees and various Governmental Ministries. You need these institutions essentially.

Secondly, a legislation must never be prompted by populism. Parliamentary procedures and Ministries often have a tendency to subject themselves to a kind of populism in the matter of legislative drafting. If one seriously analyses, one of the very important and good laws in the recent past, in the recent years, I have often cited this example; some of my other friends in Parliament---one of them have written on it and he was even threatened by the party; or, at least he was

commented adversely by some of their party colleagues for having taken that view. It was a very good piece of legislation. The object was very good with the Domestic Violence (Prevention) Bill. In an overkill, we subjected ourselves to populism and introduced one or two provisions in the Bill which are unenforceable. The object was to compensate for violence, the objective was to prevent violence. A very good object. But, you immediately went into an area which left a lot of ambiguity where XY could have a right to share the residence where you are living with the second wife after divorce! It is something which under the Indian conditions looked highly improbable and impractical. I remember, at least in Rajya Sabha, when it came up, some Members including myself wanted to ask a question; or at least a clarification because we were under a whip to support this legislation. All the lady Members decided that it should be passed without a discussion and it was passed without a discussion! Now somewhere Parliament will have to reconsider this and amend it because a good legislation had one provision prompted by populism. These are the areas at the times of drafting we have to be careful. Often element of populism comes into various other forms. Every time I find discussion on the functioning of television in India, I have never been able to see it actually on TV in India, not that I have tried to see it, but if I hear parliamentary debate I get an impression that all Indian television is obscene. This is populism prompted and highly overstated. There would be aberrations. If there is a controversy about a television programme, as indeed in the last few months there was about one such programme, the first reaction would be to ask for a ban. Now you cannot be over legislative society, you cannot be a society, which just goes on banning everything. Therefore, in these areas one has to seriously consider that these are, as I said in the beginning, very conventional exercises where the conventional conservative approach must guide us and therefore the debate on legislation in Parliament must be a well thought out debate. Indeed I must say for some of us who attend these debates in

Parliament on the legislation, at least, some of the Members make very effective interventions. Where it is lacking it is in two areas, that at times parties nominate Members to speak on legislation at very short notice and therefore those speeches are an empty formality and not a serious contribution. The second area, which is a ministerial limitation, that draft legislation has been cleared by the Cabinet, a Minister feels unable to correct it on the floor of the House. So, even if a patent error is pointed out on the legislation, he probably cannot amend it then and there and therefore has to somehow bypass that criticism and leave it for future generations to correct it rather than to be able to correct that error if it is pointed out at the discussion stage in Parliament itself. I think the various other discussion opportunities - Call Attention, Short Duration Discussion, Adjournments, etc., these are all rights available outside the legislative business, which are available to individual members. I do not see any need to change these. There is a big debate whether Standing Committees be opened up to camera itself. Then a viewpoint is that if you make it available the camera people will also know and get a feel of the debate, what the debate is all about. I do not see any difficulty as far as that is concerned. There are other areas on which, I feel we must have a look at. I think the number of days the Indian Parliament functions is highly inadequate and the recent proposal of the Government to increase it to about 100 days of actually functioning of Parliament seems to be a very sensible proposal. What is that it creates and the areas where it can be improve upon? I think the process of electibility itself reflects on the quality of Members get elected. Now elctibility may depend on several factors and therefore we are still not in a situation where the best Indian public life get into politics and therefore the best Indian public life do not get into Parliament. We have to learn to live with those who get into it. That being the situation you always have limitations in the quality of debates. But then I think at times for Members who come very well prepared for the debate, who make

effective points, Parliament itself can be fascinating forum for self-satisfaction and also for making your point across. The language you use, the expression you use, the turn of phrases you bring about, subtleness you can bring about in your punches, the value that you can add to your arguments, if adequately used can add to the quality of the debate. I think Members are genuinely crippled for a lack of a lot of facilities at the stage of preparation. I just now mentioned that for a Minister to prepare for answering a question, the average time taken would be about one hour per question. But then he has the whole Ministry backup to support him. What does an individual Member do? If an individual member has to speak, let us say, on any subject of seriousness, let me just look at issues as of today assuming Parliament was in Session today, I think, the India-China relationship would be the important subject, our Commonwealth Games preparation would be an important subject, the Copenhagen meet on Climate Change would be an important subject. Of course, there would be some subjects relating to governmental internal functioning. Now in order to prepare for each one of them a Member requires a very large assistance. You require to read up a lot fortunately that information is available on the net, a lot of valuable information is now available to Members, the Parliament Library has set up a very effective system of assisting Members. The research institutes you have tied up with give you readymade material. But the argument and the vision that you have to put across you have to determine it. Therefore, a serious intervention of 45 minutes to one hour by a Member of a leading party would actually mean preparation, which can last the whole of the previous day. The whole of the previous day is spent in preparing a serious point because you cannot just go filibustering. You have to make effective points and therefore you have to pick up those five or seven arguments and make it in a period of 45 minutes of an hour. You actually had to spend 8 to 10 hours. There may be a serious subject on which you know very little and in order to prepare for

that subject you have to actually spend 15 hours to read up some reports, read up documents of eminent authorship in order to reach to that conclusion. I think it is extremely important with all the library assistance available and the other assistance available, the research facility available with individual Member has to increase. We need a pool of those researchers. This assistant that is given to each MP for which Parliament pays, I think, in the case of the most of the MPs who have a large number constituency responsibilities and various other responsibilities is not effectively functioning as researcher. I think I think it is a freelancers or a pool, you need a pool of huge researchers, and those who have the aptitude are therefore, able to contribute more. And if we want the serious improvement in quality this will have to increase. The same is the comment that I have to make before I conclude on the role of media in improving the importance of parliamentary functioning. The Zero Hour is over and the media galleries become a very lonely place. Because of this changed definition of news that I mentioned, there is very little space in the media for serious parliamentary debates being reported, and, therefore, the incentive for good debating in Parliament gets partly reduced. The incentive for sensationalising in the Zero Hour -- because that is the one which has picked up -- in fact increases. Just as I said that the Members need a lot of more structured research assistance, the disinterest of the media in serious Parliamentary debates must end. There is a lot more seriousness in Parliamentary functioning than just the bites outside on television cameras and some reportage of a sensational incident which has taken place. The incentive to speak well, the incentive to research well, the incentive to come out with a nice turn of phrases all disappears if the media is present in the Central Hall but not in the galleries and that is the tendency which has increased. I shall be pardoned for saying that I have always believed that there is a certain amount of motherhood complex which has developed in the television anchors. Therefore, the desire to preach and pontificate has increased. That, of

course, travels to friends in the other mediums of the media also. Now if I may be permitted to just adopt the same role for my last comment, a serious look within the media as to how serious Parliamentary debates are looked at, I think, it is something which is required. Media can never be compelled to do so. But, then there is a lot more in Parliament than merely the Zero Hour. The media has to remember that. Thank you very much.

**SHRI R. RAJAGOPALAN:** A thought provoking speech, Mr. Arun Jaitley. From our side, from the dais, I would like to put only one question. Why is the Opposition weak? You are criticising the media. But, Opposition parties, including your own party, BJP, the people have elected you in Karnataka and you are bickering, fighting etc. Maharashtra elections have taken place 15 days ago and there is no Government so far. The second thing you mentioned was about outsourcing of questions. The Government itself has been outsourced. You have not talked about it. In the Cabinet, many ministers do not attend the meeting. You don't criticise it. You look for media for that. We have to project that. Why is Opposition not taking this up in the House?

**SHRI ARUN JAITLEY:** I am not for a moment suggesting an Opposition versus a media debate with you. All that I am suggesting is don't jump to instant conclusions. Always follow an advice. In India, never write political obituaries. Those who have written it have always realised after a reasonable period of time that the day of political obituaries does not exist in public life. After an election, you will normally find a certain amount of churning that takes place in an opposition. In some cases it might have gone on for a little more than what is really required. But, then if you look at the Parliamentary functioning I think the last session itself will belie your question that 'the Opposition is weak.' The Government was on its toes virtually everyday on a large number of subjects. There are issues which are raised. Now, you mentioned Maharashtra. Yes, it is a problem that the Government functioning

has been delayed and I think, the Opposition in the State has been raising that particular issue. The issue is not whether Ministers attend cabinet meetings or don't attend cabinet meetings. I think, if you come back to the core issue, how do you improve the present functioning of Parliament within its rules of procedure. I think, you empower Members with better research, better ministerial preparation, better reportage of Parliamentary functioning and a better critique where the failure of functioning is taking place either by individuals or by the Government or the Opposition as a whole. I think that is really required when we interact on a subject of this kind.

**SHRI VIJAY NAIK:** Mr. Jaitley, we have been covering Lok Sabha and Rajya Sabha for quite some time. We see that in the Zero Hour there is a tendency of the opposition -- whether it is the BJP or earlier it was the Congress Party -- to raise issues in such a manner that the working of the Houses comes to a standstill. Secondly, the people who are sitting in the Press Gallery are unable to know what exactly the Members are speaking and ultimately it happens that where there are arguments which are being made on the floor of the House, the Members go to the Well all the time, sit there and create a scene and ultimately, if it is in a heat of Parliamentary debate in the Zero Hour, how do you serve the purpose of any Members of Parliament or the Opposition to bring out the point which they want to make. Thirdly, in the Hindustan Times Summit which took place recently, Mr. Sitaram Yechury himself said that we need not telecast even the Zero Hour and the Question Hour. He made an argument recently. Mr. Agnihotra yesterday told us that in Rajya Sabha, the Zero Hour has been regulated in such a manner that each Member of Parliament gets at least two or three minutes and in half an hour or in an hour's time about 30 Members of Parliament are able to speak. In Lok Sabha, why this happens? Why are you blaming the media? We sit there in the gallery and in the Zero Hour the galleries are empty. Sensationalisation is there on the

floor of the House. It is promoted by the Members of Parliament and we are not able to get the real fact of what the issues are on the floor of the House. This is always there.

**SHRI ARUN JAITLEY:** I don't think the position is as bad as you mentioned. I will answer your second question first. Zero Hour has multiple functions. Zero Hour has a function in permitting Members to raise issues of a particular kind. My own experience of Zero Hour has been that the wisdom and the flexibility of the Chair can make a very crucial difference to the functioning of the Zero Hour. Obstructionism to enable an issue to be raised can at times take more time than the actual time in raising the issue. Therefore, a flexible Chair can always say, 'I will allow you to raise, I will allow you to respond for three or two minutes,' and therefore, at the end of five minutes the tension on account of the issue is relieved. The Members have exhausted themselves by raising the issue and the Chair has performed remarkable well. But, if you gag a section of the House, particularly the Opposition and say this issue won't be raised, it is only in that event that Parliamentary obstructionism becomes a part of Parliamentary tactic Parliamentary obstructionism, to a limited extent, to enable a section to get its rights in order to voice its issue, is a legitimate part of Parliamentary tactic. Only when it is carried out beyond a certain point and is used too frequently, then it loses its effectiveness. Therefore, I think, events, in recent history, have led to a certain amount of realisation in all sections. There have been instances where the Government have also obstructed the Houses. The ruling party members have also obstructed the Houses. There will always be issues in Parliament which will be raised and blocking those issues does nothing good to Parliament. The Chair, therefore, has to be flexible in allowing it to be raised. The Government has to be liberal in allowing the Opposition, its role in Parliament. If Parliament is only about legislative function, Government's business and nothing else, probably, your newspaper would withdraw

its correspondent from covering Parliament and only cover the Government's handouts. It is because of the life and soul of Parliament that the Opposition adds to it, you require that effective functioning. Therefore, when you go back to the first question, I have seen, in the last 6-8 months, it has effectively come down. A lot of parties do not believe in going into the Well. But, there may be the rarest of the rare case where obstructionism and protectionism is a part of the tactic. I don't think that one should regard it as complete alien to Parliamentary functioning. But, if a particular instrument is often used, it loses its effectiveness. Let it be used only in the rarest of the rare cases.

**SHRI R. RAJAGOPALAN:** Now, there are no more questions.

**(A memento presented to Shri Arun Jaitley)**

**(Adjourned for Tea at 12.02 p.m.)**

(The Workshop resumed after tea-break)

**SHRI R. RAJAGOPALAN:** With flowers, we welcome Shri Pawan Kumar Bansal, the Union Minister of Parliamentary Affairs and Minister of Water Resources. Mr. Secretary-General will give him the bouquet.

**(The bouquet were presented to the hon. Minister)**

Now, I request the Secretary-General to welcome Shri Pawan Kumar Bansal.

**THE SECRETARY-GENERAL:** Shri Pawan Kumar Bansal, hon. Minister of Parliamentary Affairs and Water Resources, Shri Rajgopalan, Vice-Chairman Media Advisory Committee, Shri N.C. Joshi, Secretary, Shri Tapan Chatterjee, Joint Secretary, participants of Media Workshop, ladies and gentlemen, it is my pleasant responsibility to introduce Shri Pawan Kumar Bansal, hon. Minister of Parliamentary Affairs and Water Resources. An advocate by profession, Shri Pawan Kumar Bansal has been a Parliamentarian for a very long time and from a very young age. He was elected to the Rajya Sabha, in 1984, at the age of 35 years. This is his fourth term in the Lok Sabha, of which last three were consecutive terms, a record

in some manner. Shri Bansal is, thus, eminently suited to talk to us on the subject of 'Parliamentary Privileges and the Media' a fore taste of which was provided to you by our hon. Deputy Chairman yesterday. Now, I would request Shri Bansal to make his presentation before the audience.

**SHRI PAWAN KUMAR BANSAL:** Shri V.K. Agnihotri, Secretary-General, Shri Rajgopalan, Vice-Chairman of the Media Advisory Committee, Shri N.C. Joshi, Secretary, Shri Tapan Chatterjee, Joint Secretary and friends, it is indeed a privilege to speak to you and I know this is for the first time ever that a conclave or workshop of this nature is being held. Though you are veterans, as such, in covering the Parliament, you, through your practice, know about the nitty-gritty of the working Parliament. But, perhaps, it was rightly felt that there is a need of sitting together and interact also on important matters concerning the parliamentary procedure and practice and the media. The most important of those, I feel, is the parliamentary privileges because this is a subject which has always evinced interest, which has always evoked debate and this has always, in fact, even on many, many occasions been an issue of discussion in the courts by the Press Council as also the Privileges Committee of the two Houses. Today, I would not like to dwell on the entire gamut of parliamentary privileges, that is, the privileges collectively of the legislature. I would cut down that and speak only of what concerns the media, as the subject that I have been asked to speak is parliamentary privileges vis-a-vis the media -- I mean, what is your role in that; how do you look at it and so on. That is the subject. Before I go forward, I must say that this has not ever caused or posed any difficulty for any one of us. There may have been occasions when any matter reported in the Press may have been taken up for deliberation by the Privileges Committee, but, fortunately, this has never posed any problem for us. As you would all otherwise know that normally by privileges we mean the special prerogatives, the rights and immunities which flow to a person by virtue of one's

office. And in this case of Parliament, this would be those special immunities, those special rights which are necessary to enable the Member of Parliament to function as a Member of Parliament -- and, when I say Parliament, it is both the Houses of Parliament and the legislatures also, -- and discharge his responsibilities and duties as an elected representative of the people fearlessly and fairly. And these are not peculiar in the granting of any special rights. When it comes to his position as a citizen, he is no better than any other citizen of the country. A person who happens to be elected as a representative of the people in the Parliament, any action done by him outside the Parliament or not connected with his functioning as a Parliament has nothing to do with his parliamentary privileges. That is the first thing which, perhaps, not you, but the Members of Parliament often confuse. We feel that once we are elected, well, we sort of become above-law. It is the constitutional protection which is given to them in the form of parliamentary privileges. And I am sure, you may have all referred to article 105; of course, I don't want to be sounding as if I am talking in a class-room but I would certainly like to refer to that article. There are only one or two constitutional provisions which I would refer to in this connection. Article 105 says, "Subject to the provisions of the constitution and the rules and standing orders regulating the procedure of parliament, there shall be freedom of speech in Parliament". Then, the important part is, "No Member of parliament shall be liable to any proceedings in any court in respect of anything said or done, any vote given by him in Parliament or in any committee thereof and no person shall be liable in respect of the publication by or under the authority of either House of Parliament, of any report, paper, votes or proceedings". I am just stopping here for a moment. So, firstly, anything that a Member of Parliament says in the House is his right. He cannot be prosecuted. He cannot be given notice by any court or, for that matter any authority for anything said and done by him in the House because that right has to be given to him if you

were to see the genesis of why this right has been conferred; it is not just a right to the individual but it is again a right to the people that he represents because there he wants to espouse the cause dear to or connected with the constituents as such, with his State, with his constituency, with his country and if that were to be fettered in any way, it is not only fettering the right of a Member as an individual to speak in the House, but it is also the collective right of the Parliament and, for that matter, of the people because he has to represent the people and, therefore, he has got to be accorded this right to speak in the Parliament what he wishes to. Here, I would only say, when this right is given to him, this is no blanket immunity to him for all his acts as an individual. A question which has often arisen is that we keep talking of privileges but there is no codification of this. This is a question which often the media asks because at times they say, "We do not really know as to what the privileges are and, therefore, we may not be proceeded against for violation of the privileges". I will not go into the details as to what actions can be taken. Maybe, I will refer to them in passing. But I would like to come to the crux of the issue as to what the privileges are, what a Member is entitled to, what privileges he enjoys, what is the immunity accorded to him and what is the role of the media therein. Media often says if we report something, maybe we are hauled up for that saying that we breached some privilege of the Members of the House or the collective privileges of the House as such and, therefore, they say if this is codified, this would not lead to a situation like that. This has been discussed on many, many fora earlier also and I would straightaway say that I have had occasions to discuss this myself with various friends from the media. The clear view that emerges after a dispassionate view thereof is that any attempt to codify this would lead to greater problems for everybody concerned and it would not serve the salutary purpose for which privileges are accorded to Members of Parliament. Firstly, there is a clear separation of, as you know, functions between the Judiciary,

the Executive and the Legislature. That is for very valid reasons that the founding fathers of the Constitution provided for that. Any law made would always be subject to judicial scrutiny which means that interpretation of any action ever initiated under that hypothetical law would have to rest with the judiciary, because if any action is taken by any committee or any one, right or wrong, this has to go then to the courts. Automatically, it would mean obfuscation of the fact of salutary objective of separation of functions between the Executive and the Legislature and then subjugating an important instrument of the polity of democracy to another organ thereof. Also, as I say, and your experience would be that, though some matters may have been raised alleging or reporting violation of the privileges, hardly has there been a case; maybe in the 60 years, there is not a single case where some action has been taken by the Parliament in calling the contemnor or the person violating the privileges of the House to the bar of the House to reprimand him or taking any other action which includes power to imprison a person till the session of the House which means prorogation of the House. Hardly has there been a case. If there were to be a law, my individual feeling is action would have to be taken. If you feel that this particular piece of story violates or breaches the privilege and if a person is held guilty thereof, there is no other way than to punish the person. Here, I have been on the Committee on Privileges myself. I have had the opportunity to go through various other reports. Invariably, though Members at times express their anguish, their concern about any particular action, but finally, they always end up by saying that the objective, the purpose, would be better served by only bringing it to the notice of the person who they feel has breached the privilege. The purpose would be better served by not initiating action. Only to highlight the point, i.e., where finally the matter ends. I think that is a very important reason why this demand for codification of law should not arise, besides the Constitutional and other formal grounds. Therefore, I feel this is one important reason why this should

not arise. If we were just to take a little look at the past, I think, there is not really any difficulty also to understand as to what the privileges are. No privileges can be added. When the Constitution was framed, when this article 105 was brought on the statute book, the Founding Fathers clearly said because ours was a new democracy then, based on Westminster System, so we relied upon the practice in the House of Commons, and we said 'the privileges which are enjoyed by the Members of the House of Commons shall be the privileges of the Members of Parliament'. It was much later, I think, it was through the 44<sup>th</sup> Amendment, when we thought, well we have been through our game for so long, a sovereign country does not have to refer to the Constitution or to the privileges of another country and, therefore, we say, 'what were the privileges of the Members still on that particular date shall continue to be the privileges'. And, I would just hurriedly go through that list of privileges, what we say are the privileges. Speeches or writings reflecting on the House -- I am leaving out the individual privileges, as such, which a Member accuses anybody else -- I am only talking of the privileges which concern the media -- reflection on the character and impartiality of the Speaker in the discharge of his duty; publication of false or distorted report of the proceedings of the House; publication of expunged proceedings of the House; premature publication of proceedings, evidence or report of a Parliamentary Committee; publication of proceedings of secret Sessions of the House; reflections on the report of the Parliamentary Committee; circulation of petitions before presentation; molestation of Members on account of their conduct in the House or obstructing Members in the performance of their duties as Members while on their way to or from attending the House or a Committee thereof; intimidation of Members to influence them in their Parliamentary conduct; offering bribes to Members to influence them in their Parliamentary conduct; obstructing or molesting officers of the House in the execution of their duties; giving false or misleading evidence or information

deliberately to the House or a Committee thereof by a Member or a witness; obstructing or molesting any witness during his attendance in the House, disobedience to the orders of the House or its Committees; misconduct in the House or in the Committee thereof; presenting false, forged or fabricated documents to the House or its Committees; tampering with the documents presented to the House or its Committees.

When I say so, I must and without referring to the provisions, i.e., article 19 of the Constitution, I have said, the most important, I would say, provision that we incorporated in the Constitution besides others is the freedom of speech and expression. That is from where the media, both print and electronic derives its strength, its *raison d'etre* and there is no denying the fact that for the success of democracy, a free Press is the *sine qua non*, I would say. It is the most important thing for a democracy to thrive that media is given full freedom to report anything that happens in the country, world outside as also the proceedings of the House. And that is essential also for both the Houses of Parliament and all the State Legislatures to convey to the people as to what is transacted in the House, what goes in the House. As for anything else, for any other development, the role of media, we all appreciate, is also to inform and educate the people about the Parliamentary System, about the Parliamentary practices and as to what goes on in the Parliament. And, therefore, it is my considered view that the Members of Parliament or the Parliament, as such, has to be liberal enough while approaching the question of any breach of privilege of the House by the media. Nevertheless, the provision that exists, as such, or the right that exists or vests in the Parliament to take action for breach of privilege is also necessary. It is only with those checks and balances that our system can work well. We cannot rule out the possibilities where for any ulterior reason anyone out of the entire lot is motivated by considerations other than free reporting, fair reporting, seeks to somehow influence

the proceedings of the House through the Members, even in varied forms. And, for that, I mean, the law is clear on that. Even the Member of Parliament can be hauled up for breach of privilege of the House of which he is a Member. Earlier, I was talking of the immunity of the Members of Parliament, the immunity that they have for any action or any vote given in the House or any opinion expressed in the House, there can be cases where they can also be responsible for violation or breach of the privilege of the House. But, that is a matter which we need not really discuss again. We should confine ourselves to the Press. Since the opportunities or the possibilities cannot be ruled out, when that freedom of expression, that freedom of speech, that freedom to report, there may be a propensity; there may be a tendency of someone to use that privilege, in this case of the media, to somehow influence in any particular form the proceedings of the House. That is where, I suppose, it would be the responsibility, it would be the duty of the House, as such, or, if the matter is referred to the Committee, of the Committee, to take action into that matter. Therefore, what I feel is that, in fact, it is a fine balance which has to be drawn between the role of the Members of Parliament in the House and the role of the Press in reporting the proceedings of the House in the media. There were some provisions, which I had noted while I was travelling today, about the provisions of the Constitution and the rules which concerns us, but, I would deliberately not like to refer to them so that to avoid making it quite pedantic, as such, and all that I would say is that I would, in fact, like more of questions from you to discuss various aspects in response to the questions. Having only made these introductory remarks, I would welcome questions from you through which I would try to give my views on those. Thank you.

**QUESTION:** Thank you, Mr. Minister. You mentioned about the free Press. We all realise that the free Press is essential for functioning of Parliamentary System in India. Now, I want to connect what you said, Mr. Minister, to what we had

discussed yesterday in the Panel Discussion, when we were discussing political economy of the media. Now, I wanted to pointedly ask you, Mr. Minister, one thing. The recent elections, last month, brought out a particular kind of a scenario where there was selling of packages running into crores. Is the Government seized of the matter? If it is so, what is the Government planning to do about it?

**SHRI PAWAN KUMAR BANSAL:** I am sorry, I could not really follow you when you said 'selling of packages'.

**QUESTION:** Selling of packages by some media houses.

**SHRI PAWAN KUMAR BANSAL:** By some media Houses! I am happy that this question has been asked.

**QUESTION:** Shri Prabhash Joshi wrote about it earlier.

**SHRI PAWAN KUMAR BANSAL:** I happened to attend a conference where a gentleman from the media was very candid in speaking this matter. It was immediately after the elections; more than a politician could ever have said, it was this gentleman from the media who spoke on this. This is not, strictly speaking, a matter concerning the privileges of the Parliament. But, nevertheless, it is a very important matter for the running of Parliament, I would say. Well, people somehow succumb to it or willingly become partners or some times people encourage; the candidates encourage that to steal a march over his opponent who may not be as resourceful as one particular person would be. This would in many ways impinge upon the impartiality or on the strength of democracy as such. Everybody has heard of this. As far as free press is concerned, we have to see how the press has to be free. To what extent it has to come out of the hands---this is a very difficult question which I am approaching myself. If the media work is of a lesser concern, then it is for monetary concern. If running a newspaper is entirely a business proposition, a commercial concern, then, perhaps, things like that could happen. Because, there are limitations; there are orders under the Representation of the

People Act. It prescribes the limit for every election, State-wise. A person cannot show more expenditure than what is prescribed there. That is perhaps where, without any exception, we all begin our political career by trying to keep our official expenditure under that limit. You are finding other ways, maybe your friends; that would be one of those going in for packages which is otherwise not recorded anywhere.

Somehow, I suppose, a united effort by all of us concerned is required; particularly, I think, this is one matter where the limits could be reasonably enhanced. I feel so. If the limit of expenditure is suitably enhanced which provides for reasonable publicity, to that extent a Member should be able to spend money. Thereafter, there should be no expectation from him. Then, the role of the media would come; they do not raise those demands from the candidates.

**SHRI VIJAY NAIK:** Mr. Bansal, you have just talked about the codification of the privileges of the Members of Parliament and you see that any attempt to codify would lead to some kind of complications; and, then, it would be subjected to the judicial review also. It would be open for some kind of judicial review and scrutiny also. I just want to ask you, when you look at the privileges, does it include the MPLADS which is being talked about right now? There, the MPs would like the amount to be increased from Rs.2 crores to 10 crores per year per MP! Is it not a kind of an arrogation of financial power under the garb of privileges for an MP in spite of the fact that a number of frauds have come to light? In the constituencies we would like to know whether the money is allocated or whether it is really spent on the particular schemes or not. If you go on arrogating this kind of a financial power to Members of Parliament, a time will come when the amount may go from Rs.16 crores to 80 or 800 crores just for the MPLADS!

Because you have not codified, therefore, you can arrogate power of asking for more and more and more successively in years. Does it really help the

development? There are schemes of State Government also, Central Government also. Why cannot they be combined to have development of an area? Secondly, what do you think about the MPs like Babubhai Katara? What do you think about Mr. Madhu Koda? What is happening on what we are listening or reading these days? He is amassing, accumulating wealth from just a few lakhs to thousands of crores of rupees! He happens to be an MP, a former Chief Minister, he has got all the right to do these kinds of things! What kind of a limit is there for such kind of people?

**SHRI PAWAN KUMAR BANSAL:** Firstly, an MP has some kind of right to make recommendations under the MPLADS; and it is not a Parliamentary privilege. This is a right given to MPs by a decision of the Parliament and the Government, after setting up a committee to look into that. But, when we are talking about Parliamentary privileges, let me again make it clear; let me repeat for the sake of only adding emphasis to it that this is not a Parliamentary privilege. Therefore, when you find anything wrong happening anywhere in the discharge of that function, howsoever critical you may be in your reporting, you do not attract the chance of breaching the privileges of Parliament. Now, justifying this, I am one of those who justify this scheme. Let me be very honest about it.

The Constitutional objection against this, which you did not raise in that way, is in fact only one. That is, this is rather infringing the separation of power. MPLADS is essentially an executive function whereas the role of an MP is only to legislate. That is the ground which is often taken against the MPLADS. When you come to the other point as to misusing, that can happen anywhere and wherever you come across with any instance, I think, strictest possible action should be taken against anyone. When something is reported to Parliament, you know that, a Parliamentary Committee went into that matter, hauled up the Member against whom there was an allegation, thanks to the pro-active role of the media in that particular

case; steps were taken to rectify the situation. As to what should be the amount, one can differ with it. I personally feel that for the moment, Rs. 2 crores is good enough. But, I would like to justify after having said that. Firstly, when you talk of the separation of powers, it is really not an executive function, as the word is understood. What does it mean, then? Here, what has been conferred on an MP is not to execute something. It is to make recommendations. If you look into the guidelines of MPLADS, the MP has been only given the right to make recommendations up to Rs.2 crores at his discretion, to a work in his constituency. That right he had even otherwise. The only difference was, earlier I go to a constituency; my constituency is much better off; an MP goes to the remotest area of his constituency; there is a small village and there is a school over there. The teacher there points out that the school does not have a toilet for girls. He would make a recommendation to the Deputy Commissioner or to the concerned officer. He says, 'Well Sir, we will put this in our Plan next time', and the Plan may take five years or ten years. The much-needed toilet would not come up. He could make that recommendation. Now, if he makes the recommendation, it is his right to see to it that it comes up. There are guidelines laid down which work should be taken up and which should not be. Very meticulously drawn guidelines these are. It is only for asset generation. I cannot at my discretion give funds to a dramatic society or to a religious institution. No, I cannot. There is no discretion like that. It is often misunderstood when I see even editorials in newspapers. It is projected that this is under the MP; many of you may have written about it; on the one hand you talk of salaries. 'Besides the salary, he is given two crores of rupees under MPLADS!' It is not really that. The only right of an MP is to make recommendations. He is given a little more right than the normal right---up to a fixed amount, the work should be carried out. Earlier, the officers might not have carried out those recommendations. Now, if the recommendation falls within those guidelines, the work has to be carried

out. He is not supposed to touch the money. The money does not come to him. It is a different matter if I am the MP and you are the DC, we collude, we decide, 'Well, I give computers to the colleges', you will not know whether it would cost Rs.20,000 or a lakh of rupees. If we get together, somehow siphon off that money, disproportionate to ourselves, it is possible anywhere in our society. When you talk of the plan, that is possible in the plan also, people who work on the plan or who are given the allocations to spend. You have to bring in a systemic monitoring system so that nothing like that happens. But, I think personally there is nothing wrong with the scheme as such. Now some Members have a feeling that when they go, now with great awareness, people approaching them, they are coming for more things and some people may have said, well, it should be raised. But this is a question, which has to be decided separately. The basic question is whether MPLADS is needed or not and whether it infringes the Constitutional framework. I think, it does not and I think it is needed. The second question when, without referring to any name, a Member of Parliament who becomes a Minister or a Chief Minister, it does not give him a right to indulge in corruption and if action is initiated against him there is no violation of parliamentary privilege. The only thing is if he is a Minister or a Chief Minister of a State and he comes to the Parliament, in the precincts of Parliament, the police cannot arrest him. Those are the things, which I did not refer earlier. The warrants cannot be issued to him there. You cannot approach the Speaker to hand him over here in the House. They have to wait till he goes to his State Bhawan or wherever he is putting up where the police can serve summons on him. But those are separate things. It gives him no immunity from his actions outside.

**QUESTION:** You talked about the monitoring mechanism. Is it possible for the Parliament to have a kind of monitoring mechanism so far as the expenditure on the MPLADS is concerned?

**SHRI PAWAN KUMAR BANSAL:** I think it is in place to some extent, even Comptroller and Auditor General of India, they conduct audits from time to time and things are reported but not on micro level. Suppose somebody has spent Rs.20000/- for some small work somewhere, say, fixing of doors somewhere in a school, it may not be. But generally it is taken care of and there are reports on this.

**QUESTION:** Mr. Minister, China has already built a large dam on the source of Brahmaputra in Tibet. That was substantiated by our secret agencies such as RAW and all documents have been submitted with photographs. But the Prime Minister is continuously denying the fact that no dam has been built by China. But it has been proved by the security agencies. Is it not a violation of privilege on the part of the Prime Minister? Has he got the right to confuse the people?

**SHRI PAWAN KUMAR BANSAL:** I think I have to invite you to the Ministry of Parliamentary Affairs or the Ministry of Water Resources. Well, I suppose I should have claimed privilege for not answering this question here at this juncture. Let me say there is nothing like that what you have inferred from the speech of the Prime Minister.

**QUESTION:** He has denied several times. Even the foreign Minister also denied.

**SHRI PAWAN KUMAR BANSAL:** Let me also say the same thing, I have been saying the same thing, maybe, you did not report me. You see there is no evidence whatsoever. Now what is the thing you must understand? The point that they are making a dam which is 1100 kms away from our border, from where the river enters India, that is, the Great Bend. There are no treaties between the two countries, there are no MOUs between the two countries about sharing the water, and there is no Indo-China treaty on this. It is their river in their country. As a riparian state we have a right to use water when it come to our country. So, our concern has to be only that no water is diverted therefrom. When it enters India

the quantity of water is 79 billion cubic meters. When it passes through India and other tributaries join it, it become 629 billion cubic meters. So, our concern only is that 79 billion continue to flow to us. Otherwise during that entire 1000 kms or rather more because 1000 is from the point, they already have 15 dams, that is the delta sharing between the two countries. Their case is that they are using it only for local use. They are small dams and there are no reservoirs made as such, high dams as we call, no water is diverted. As on date, though this report has come, this Committee of Secretaries has talked of it, this is only what you talk amongst yourselves that it is a concern. And it has to be an obvious concern that one day they should not raise the dam and start using water otherwise depriving India of water. There is nothing like that. They have dams otherwise, small dams, which they use for local purposes for generation of electricity and irrigation. There is no evidence of diversion of water so far.

**QUESTION:** About codification your personal opinion is that you are against codifying the privileges. But recently there is an indication from the official circle that there is going to be a committee for codification. Now what is the Government's thinking on that?

**SHRI PAWAN KUMAR BANSAL:** Now what do we mean by codification? Codification means we will have to have a law, say, something like the Privileges of Members of Parliament Act, 2009, or like this. Then you have to define that these are privileges, with minutest details you have to define those. That will be definition part. Then you will have to say that anyone who violates this shall be liable to punishment of one year and a fine of Rs.5000/- and for continued violation, this much, this much. So, all those things will have to be provided. If there is an instance, then the jurisdiction will have to be provided as to who are the people authorized to take action under that. Let us presume that we are able to define those, which will be a very difficult task and nobody would like it neither the Press

nor the Members of Parliament. Suppose you are able to draw a long list of those after wide discussions with the stakeholders, and then where has the complaint to be filed, who has to try it, what has to be the appeal against that, that all will have to be provided. Even if that is all provided, once it will be an ordinary law of the country, you cannot bar the jurisdiction of the court. Suppose you bar also that the judicial court will not be entitled to take action under this, but then in any case any person can move High Court under article 226 of the Constitution. Their interpretation to that effect that no law can bar the right of article 226, right of the High Court under article 226, that means invariably all those matters will end up in the High Court in the writ jurisdiction. Would you want that? It is not a question of tussle between the high courts and the legislature. But would you want that all go to the court there? Here debate is taking place in the House on a particular matter, then there is a case of breach of privilege by the media, it could be a breach of privilege of the House by a Member or anything for that matter, that means, any discussion which is taking place in the House, something happens there in the meanwhile, if action has to be initiated, from Parliament as such or the Committee on Privileges and the Presiding Officers of the House, the scene would shift to the court. They will be deciding on what goes in the Parliament. If we look into it and as I say and we have seen the cases, in the most gravest cases I have come across, the Committee has finally ended up saying that it is better that we close the matter here, we feel that it should not have been done, but it is better that the matter is closed here and here invariably the person against whom there is an allegation of breaching the privilege, he also comes to the Committee and says that this was not my intent, I hold the Parliament in the highest esteem, and the matter comes to an end. Once it goes to the court, you cannot say that. If technically it is proved that one is guilty of this, action would have to be taken. I think rather the dignity of the Parliament would be compromised or freedom to report would also to

some extent curtailed. Now when you write something you can be sure, I am using the word 'sure', you can be quite clear about the fact that no action would be taken. That would not be the case otherwise. When you are defining existence and extent of privilege, what is the privilege? Suppose you are defining it then each privilege would be interpreted by the courts. Its existence and extent would also be the matter of the judicial review.

**QUESTION:** So, the privileges go on increasing.

**SHRI PAWAN KUMAR BANSAL:** You can keep on adding to it. Now, I said, MPLADS is not a Parliamentary privilege. If we mention MPLADS, it becomes a Parliamentary Privilege then.

**SHRI R. RAJAGOPALAN:** But when I reported, one AIADMK MP was sleeping in the House. He moved a privilege resolution against me. How do you codify that? It is visible in the camera. It is visible everywhere. My colleagues saw it, other Ministers saw it. But, he threatened me and my editor pulled me up. कान इतना खींचा कि भगवान जाने।

**श्री पवन कुमार बंसल :** आपके editor ने खींच दिया होगा, लेकिन मैं समझता हूँ कि it is not a breach of privilege.

**SHRI N. C. JOSHI:** There is a ruling also. Sleeping is permitted but snoring is not permitted.

**QUESTION:** My question is about the long drawn debate of opening the Standing Committee proceedings to the media. What is your view on that?

**SHRI PAWAN KUMAR BANSAL:** At the risk of earning your disapproval, to my view, at the moment I feel that the proceedings of the Standing Committees should not be thrown open to the media not because I have something against it but we do need a strong Press. The Press is a watchdog, it is the Fourth Estate. It keeps an eye on the functioning of the Government and reports to the people. Therefore, it keeps the Government functioning on track. Therefore, all possible

efforts have to be made to see that the Press gets access to everything. The Right to Information Act was precisely for that purpose, which made a sea change in the scenario of the country though we have somehow not repealed Official Secrets Act but that has almost rendered redundant because of the enactment of the Right to Information Act which has actually armed the media and the ordinary citizen about the functioning of the Government. But, when it comes to the proceedings of the Committee there are various things. For instance, some evidence is being given before the Committee. Every time you will have to invoke the provision that this is a secret proceeding because that is a right which vests with the Parliament to have secret sessions, the sessions of Parliament. Similarly, every time the Chairman maybe called upon to declare a particular Session of the Committee as secret. Therefore, the right will would also be redundant. Till the time the report is presented, it is said, nothing has to be disclosed outside. Some person gives a particular view; the other person gives a different view. Based on that, the Committee comes to a conclusion which is presented to the Parliament. If all that has to be reported I think, to some extent, not by the media, but, per se, by the very nature of the working, then, the proceedings or the quality of debate or discussion that take place in the committees would be compromised with. Today, I find and happily find that in the Committees, often, the Members rise above party considerations and that is the beauty of the working of the Committees. They discuss matters there not as we do in the plenaries. In the plenaries we are looking up always trying to catch your eye so that this particular matter I say only because it should find mention in the media next day and my people get to know of it. We don't do that in the Committee. Otherwise, we will be somehow overpowered by the same desire to go to the Press everyday and for that matter I feel it should not be done because once the matter is discussed it comes to the House. Once the report is presented that becomes the property of the House. Then, you are at

liberty to discuss and report on the basis of the findings of the Committee or the matter can be taken up for discussion in the House. There is a vast difference in the working of the plenaries in the House and in the Standing Committees.

**QUESTION:** Sir, I have a suggestion. Why don't you try it for one month? If you are not satisfied, close it. That is my suggestion.

**SHRI PAWAN KUMAR BANSAL:** I don't find fault with this question. I have talked of only my view. Now, I talk of logistics. We have 24 Standing Committees. We have equal number of other Parliamentary Committees. Presently also, every Ministry wants time for holding its meeting and they have to give a requisition. At times they don't get the rooms. But, then every time we will have to have our meetings only here or in some big hall which we don't have. Now, we have Committee meetings only in the Conference Room. If hundred or fifty Members of the media have to come, you will have to have enough space for them. You will have to have galleries for them. Maybe the entire logistics would turn topsy turvy then. But that is just by the way. The reasons are basically that those Committee discussions are closed-door discussions and before the beginning the Chairman in fact tells the witness also that you can be free and frank on any particular matter that is put to you. Any view you can give that could be quite contrary to the official view or the view of his seniors. Then, after he has given, you have not to disclose it to the public till the time the report is presented in the Parliament. Even outside he can't talk of it. When I was referring to the media, I said, premature disclosure. That refers to the Committees only. Till the time the report of the Committee is presented to the House, anything said and done in the Committee cannot be reported. I can't come outside as a Member and tell you that this is what went on in the Committee. If I do so, you will be guilty and I will be guilty thereof.

**SHRI R. RAJAGOPALAN:** Now, Secretary General shall present a memento to the speaker, Mr. Pawan Kumar Bansal.

SHRI N. C. JOSHI: On behalf of this workshop and on behalf of the Rajya Sabha Secretariat, I thank you, Sir. From your busy schedule you spared sometime and spoke to us on the contents and contours of Parliamentary Privileges and I hope many doubts of our participants might have got cleared by your presentation. Thank you very much.

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(The Workshop then adjourned for the day)