

Mock Parliament | Transcript

Introduction

[Marshal first comes in the House to ascertain whether there is quorum in the House which should be at least 10 per cent of total membership of the House. Then the Speaker arrives in the Chamber and the Marshal announces his arrival]

Marshal: “Hon’ble Members, the Hon’ble Speaker”

[All members stand when the announcement is made]

[Speaker walks in and bows to all members (first to the opposition(left), then to the Treasury Benches (right) and then to those in the centre. This is reciprocated by the members. Once this is over, first the speaker takes his seat followed by the members)]

Obituary Reference

Speaker: I refer with profound sorrow the passing away of Shrimati Nagamma, the sitting member of this House, on 20 December 2022 at the age of 75 years. Born in 1947, Shri Nagamma was educated at Government Law College, Tumkur. An advocate, she practised law at the trial courts and the High Court of Karnataka. She worked tirelessly for the upliftment of the poor and underprivileged.

She started her legislative career at the Legislative Assembly of Karnataka where she served as the member of Tumkur (Rural) constituency. Thereafter, she has served three terms in the Lok Sabha representing Shimoga.

With the passing away of Shrimati Nagamma, the country has lost a veteran Parliamentarian and an able leader.

I request the members to stand up and observe one minute’s silence as a mark of respect for the memory of the departed.

Secretary General will convey to the members of Shrimati Nagamma’s family, our sense of sorrow.

Question Hour

Speaker: Now we will have the Question Hour. First, Mr Basavaraju

Mr Basavaraju [Angry tone]: Thank you Mr. Speaker. Question No. 501 – Will the Hon’ble Minister of Consumer Affairs, Food and Public Distribution be pleased to state:

- (a) Is it a fact that the price of onions has gone up by almost 200% as compared to the price at the same time last year?
- (b) What steps are being taken to ensure that the common man is able to buy onions at an affordable price?

Minister of Consumer Affairs: Indeed, sir. A number of steps have been adopted to ensure that the common man is able to buy onions at an affordable price. We have started mass procurement of onions through the Food Corporation of India and the same is being sold at a reasonable price through Fair Price Shops. We have also taken strict measures against those vendors who are hoarding onion.

[Chanting and sloganeering by opposition benches on the price rise:

“This is all a lie; the government has taken no effective measures to control the price rise.”]

Speaker [Firm tone]: No discussion on this issue can be held without first giving notice.

Mr. K. M Matthew:

[raises a question thereafter without the permission of the speaker]

Hon'ble Minister, please tell us if any steps have been taken under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980?

Speaker: Permission has not been taken to raise this question. Please be seated Mr. K. M Matthew.

Mr. K. M Matthew: This Government is useless. They have no concern for the poor—their main aim is to serve the rich and the powerful. Tell me Hon'ble Minister, have you stopped eating onions at home? Does the price hike affect you in any way? Because of the extremely high prices, hotels have stopped serving my favorite breakfast onion dosa. You tell me what to do? Where should I go eat my onion dosa?

Speaker [Angry tone]: Mr. K. M Matthew, this is my last warning. I am asking you to maintain the decorum of the House.

Mr. K. M Matthew: This is a rotten government. They should not be in power anymore...

(Mr. K. M Matthew rushes to the well of the House)

Speaker: Such behavior cannot be tolerated in the House. Marshalls, please remove Mr. K. M Matthew from the floor of the House.

(Marshalls forcefully remove Mr. K. M Matthew from the floor. He continued his protests 'Remove the useless government')

Zero Hour

Speaker: Now, Suresh Rai.

Suresh Rai: Thank you Speaker Sir for allowing me to speak in Zero Hour.

Sir, as you know the 99th Constitution Amendment striking down the National Judicial Appointment Commission, which was passed by this House was struck down by the Supreme Court as a result of which the collegium system of appointing Judges continues. Recently, our Law Minister has been snipping at the Supreme Court and at the collegium system. We did not take him seriously because he is a talkative Minister, Mr. Manish Singh. But now a person in high office, who cannot be criticised except by a substantive motion, has come out to criticise the striking down of the NJAC. The Government is trying to extend its power everywhere, including into the Judiciary. It is not finding the Judiciary pliable. That is why, it is using a high dignitary to run down the Collegium system.

At this point of time, our party believes that the Collegium system should continue, not that it is perfect. But the Collegium system of the Supreme Court is actually a bigger guarantee against the tyranny of the power by the Central Government. I oppose the comments made by the high authority and also by the Law Minister against the Supreme Court, and the Collegium system. We will oppose all efforts to run down the independence of the Judiciary, which is one of the pillars of the Constitution, which this Government is trying to bring down

(Interruptions)

Speaker: Please sit down. The Chair has allowed him to speak.

Rupa Lakshmi: Hon'ble Speaker, I only want to make a statement as a member of this House. This is not a reply to Mr. Suresh Rai.

Speaker: The Chair has given you the permission to speak. Please go ahead.

Rupa Lakshmi: Sir, all I want to say is that in this House we respect all members. Hence, it is deeply saddening that Mr. Suresh Rai chooses to say such contemptible things about our Law Minister. I condemn this. He has the right to place his opinion, but it is incredibly wrong to speak this way about a fellow lawmaker.

Speaker: Alright. We will look into later. Now, Shrimati Roop Kaur go ahead.

Roop Kaur: I thank you, Hon. Speaker Sir. The year 2022 has been very bad for farmers of Punjab and my constituency Fatehgarh Sahib. In March-April, heat wave came that reduced the production of wheat by 20-25%. A lot of cattle died due to lumpy skin disease. A Chinese dwarf virus hit our paddy crop. It led to reduction of paddy crop too by 20-25%. My constituency bore the brunt. All farmers are in a dismal condition.

Sir, Punjab contributes 35 to 40% foodgrains in the Central foodgrain stock. Due to less paddy and wheat production in Punjab, the Central foodgrain stock is at its lowest. Climate change is responsible for this. Farmers who have suffered must be bailed out via a special economic package. Secondly, a special fund should be created. India is a competent country where new research should be able to forecast climate change in advance so that farmers are aware in advance. Thank you.

Speaker: Now, Dr. Fathima Sheikh.

Dr. Fathima Sheikh: Thank you very much, Sir, for giving me this opportunity.

I would like to bring to the attention of this august House with a deep sense of anguish and disappointment the lackadaisical and carefree attitude of this Government towards bringing the Women's Reservation Bill, which provides 33 per cent reservation for them in the Lok Sabha.

(Interruptions)

This Government had proudly announced in its manifesto that it would implement and bring out this Bill as soon as it assumed office.

(Interruptions)

It has been nine years since it has come to power and with a thumping majority, but still the Bill has not seen the light of the day.

This shows that their manifesto is a sham and a farce.

(Interruptions)

Our Constitution also assures dignity and freedom from discrimination. Article 14, 15 and 16 of our Constitution protects women from discrimination and guarantees to them equal opportunity as well as equality before law. So, it is high time that this Bill has to see the light of the day because it has already been delayed after so many consultations. Our Prime Minister as well as all the Cabinet Ministers will profess about uplifting women with noble intentions of making them empowered, and if they really mean to do what they say, then it is high time that this Bill should be brought to light. Thank you, Sir.

Papers to be laid

Speaker: Now, onto the next item on the list of business – laying of papers on the table. Minister of Law to lay on the Table of the House a copy of the report (Hindi and English version) of the Working Group on Tribunals.

Minister of Law and Justice: Dear Sir, with your permission, I rise to lay on the table of the House, the papers listed against my name at Sl.No.1 in today's List of Business.

Legislative Business

Speaker: Minister of Information and Broadcasting is now requested to move the motion for leave to introduce the Bill.

Minister of Information and Broadcasting: My dear fellow Parliamentarians I beg to move the motion for leave to introduce the 'Anti Fake News Bill, 2022' that will weed out the core problems of fake news.

Speaker: The question is that whether leave can be granted to the Minister of Information and Broadcasting to introduce the Anti Fake News Bill, 2022. Those in favor will say 'Aye', those against will say 'No'.

[There is a lot of commotion, opposition members are screaming, Speaker calls to order and requests for proper voting; members settle and vote]

Speaker: All the 'ayes' have it. Leave is granted.

Speaker: The Prime Minister will now have the floor.

Prime Minister: Honorable Mr Speaker, my dear fellow Parliamentarians today is an important day for the future of India as a democratic nation. The Government is introducing a crucial law that will tackle the menace of 'fake news' and 'disinformation' and proposes solutions to uphold peace and stability in our nation.

I will take this opportunity to first talk about the digital revolution of the 21st century also known as the 'Third Industrial Revolution'. We are currently living in times where technology is so evolved that it can achieve things that we could never have imagined years ago. We have the ability to make inter-planetary travel a reality; we can connect with anyone in this planet in a fraction of a second and technology has also made it possible to develop sophisticated interventions related to health, environment, climate etc. While I can go on about the marvels of the new technological age, like any revolution, it has come at a cost of heavy burdens – if these burdens are left unregulated it could have the potential to destroy democracy.

One of the dangers of unregulated technology is the manufacturing and spreading of fake news. As several credible news reports have mentioned, fake messages on online message applications have resulted in lynching and death of several persons. These fake messages had very specific details and description of individuals which it claimed were involved in child abduction and organ harvesting. These messages also carried morphed videos. Because of these fake messages several people were wrongly identified as criminals and were killed by the general public. The people who committed these violent acts were overcome with passion and took the law in their hands. This happened as a result of disinformation being fed to them on message applications. These instances have taken the lives of innocent citizens. It is deplorable and condemnable that lives were lost through fake messages. We have to bear in mind not to brush these incidents as isolated or one offs.

Speaker: The Leader of the Opposition will now speak.

Leader of the Opposition [Angry Tone]: Honorable Mr Speaker, the Bill tabled by the Government is fraught with problems and will have a chilling effect on freedom of speech. As we all know, after this Government came to power, there has been a concerted effort to undermine the right to free speech. Targeted actions against media organizations and anyone who dares to speak up against the Government have been the norm of the day. This Bill is merely a continuation of the Government's clamp down on free speech. Let me bring this House's attention to how Singapore passed a similar legislation in the garb of curbing fake news only to utilize it as a vehicle to silence opposition voices. In Singapore, a politician raised concerns about the Singapore government's investment related decisions. The government then used its version of anti-fake news law to brand the politician's concern as fake news.

[Interruptions from the Government bench on these statements]

It is clear from the attempts of the ruling party members to disrupt my speech that they do not in any way value free speech. I am in no way denying that fake news is a problem worth tackling. In fact, it is the ruling party which has benefitted the most from the spread of fake news. It has helped them push propaganda, win elections and what not. Nevertheless, the bill does in no way address the problem of fake news and if passed into an Act, will become a weapon in the hands of the Government to muzzle dissent. What is instead required is a robust law, which takes into account the nuances of the fake news problem and addresses it holistically.

Given this, I urge that the Bill be referred to a Joint Parliamentary Committee, which can then come up with a holistic version. I will leave it to my fellow members to point out the specific problems with the Bill.

Speaker: The Law Minister will now have the floor.

Minister of Law and Justice: Our honorable Prime Minister has raised a very important issue. I would like to add that technology has changed the way we consume news and information. To support this statement, I would like to bring the attention of this house to an important study conducted by the Reuters Institute and the University of Oxford titled ‘India Digital News Report’. This study shows how technology has reshaped the way we consume news. It indicates that 68% of the people who participated in the study adopted a ‘Mobile first approach’ – which means that for most of the news they relied on their smart phones. They use search engines, social media, and messaging applications for consuming news. This study also highlighted that a majority of the participants also engaged with the online news – they either shared it in their networks or commented on the news items. This heavy reliance on digital environment establishes a clear need for regulation.

Speaker: Now, the Member of the Opposition may address the House.

Amal Jose [Strong and passionate tone]: Thank you, Sir. I completely agree with the Hon’ble Opposition Leader’s views on the potential dangers if this Bill is allowed to be passed. This Bill will further tarnish India’s image in the international community as a liberal democracy. It is opportune to note at this point that in 2022, India dropped eight places in the global ‘Press Freedom Index’ and is now placed 150th out of a total of 180 countries ranked. Although

I request all members to pause for a moment and think: ‘Does this law suit a democratic nation like ours, which has always taken pride in its commitment to free speech?’. This ranking reflects the continued efforts of the present Government to crush dissenting voices. As the Hon’ble Leader of Opposition pointed out, this Bill will be a final nail in the coffin of free speech in India.

The Bill imposes harsh penalties on those who spread fake news. But, how does one determine what fake news is? What if someone publishes fake news without knowing that it is fake?

[Interruptions from government members:]

“there is sufficient protection in the bill for those who create/publish fake news believing it to be true”---Member resumes]

In conclusion, I want to reiterate that this is going to be a dangerous weapon in the hands of the government capable of cutting free speech into pieces

Speaker: Mr Home Minister, now you may speak.

Home Minister: Thank You Mr. Speaker for giving me the opportunity to speak. Like the fellow members of the Government have highlighted, leaving technology unregulated is dangerous to a democratic nation where the rule of law holds the last word.

I recently read a survey conducted by the BBC, a credible news agency. This survey was on the issue of fake news in India. It found that most of the people shared news online without even verifying its credibility as they assumed that they were sharing a true version of the story. This survey also demonstrated that people behave under the confidence that they have the ability to spot fake news.

This brings forward the social aspect of fake news. Most of the people who share may not even know that it is fake news. Moreover, the technological advancements have made it possible to produce highly sophisticated doctored images and videos which a normal lay person would find it impossible to identify as fake news. The onus is now purely on the person reading the news to exercise reasonable judgment to spot fake news. It becomes virtually impossible to train millions of people in detecting fake news produced by technology.

It becomes imperative to rope in the agencies or persons producing such news items and the intermediary platforms which facilitate online news and media ecosystem. Through our new law, which our Honorable Law Minister will now introduce, we have sought a balance between making the individual, the news agency and the intermediary liable.

Speaker: Now, Ms Rangini Gupta, independent member, may address the House.

Rangini Gupta: The Hon'ble Minister has highlighted the merits of the Bill. I not only concur with his arguments but also want to separately highlight how there is an impending need to bring in legislation to control fake news. I wish to illustrate this through some incidents in my own constituency.

As you may know, my constituency has a substantial population of the 'Wurundaki' tribal community, most of who prefer to avoid modern technological advancements. They also have a life style which is in harmony with nature and follow practices that may be alien to the outside population.

Given that they live in a part which is close to a popular tourist destination, they often accidentally come in contact with the tourists. We have had a number of incidents last year, where tourists shot pictures of the community members. Some of these pictures were widely circulated on social media with distorted and completely false accounts of their lifestyle. Such false accounts were completely against the right to dignity of the community members.

Thus, it is my humble request that a strong anti-fake news bill be drafted to combat such falsehoods. The Bill tabled in this House today is a strong step towards this effort. Although the opposition members have pointed out certain flaws, I don't think they are in any way major or incurable.

All considered, I request this house to pass a bill which is robust and keeping into account both free speech and right to dignity and reputation of citizens.

[At this point government introduces the clauses of the bill]

Speaker: The Information and Broadcasting Minister may now address the House.

Information and Broadcasting Minister: Honorable Speaker and respected members of the Parliament. I am glad that the motion to introduce the Bill was passed.

First, coming to the aim of the Bill, it strives to prevent and punish manufacturing and spreading of fake news. As the members of this House who previously spoke highlighted, fake news has emerged as a threat to life and liberty of individuals and has the potential to demolish the democratic ethos of our country. Through this Bill we are in fact furthering the mandate under Article 21 to protect and preserve an individual's right to life and personal liberty. In the 'Definitions' section, 'fake news' has been defined in a manner to include all instances of disinformation and misinformation in any media ecosystem. The definition also includes instances where images or video files have been used, thus virtually covering all instances.

Next, we law makers, have the notorious reputation of drafting a law in a language that escapes common man's understanding. We have also been accused of making bulky legislations. Keeping this in mind, I am proud to present the Anti Fake News Bill which defies these common notions about law making. This Bill is one of the rare legislations which merely has 8 clauses and captures reforms and proposals in these clauses, written in a manner to ensure that even people without legal training will be able to understand its essence.

Speaker: Shri Ravi Verma Kumar from the opposition will now speak.

Ravi Verma Kumar: Much has already been said by my fellow members about the perils of having the Bill in its present form. I hope to further elaborate on these points, but with specific reference to the clauses of the Bill.

As to Clause 3, which provides for the offence of creating and disseminating fake news, the same is extremely vaguely worded. Allow me to read out portions of the clause for the benefit of the House:

“Creating, publishing and disseminating fake news or publication containing fake news

1. (1) Any person or body corporate who maliciously creates, publishes or disseminates any fake news or publication containing such fake news commits an offence. Such person, upon conviction, shall be liable for imprisonment up to one year and fine not exceeding Rs. 5,00,000 (Rupees Five Lakhs only).

Provided that any person or body corporate who can prove that such fake news was created, published or disseminated believing it to be true and after exercising due care to verify it, shall not be liable under this provision.

Further, if the allegation of dissemination of fake news is made against a news organization belonging to the government, a preliminary enquiry shall be carried out before the registration of the First Information Report.”

First of all, it is not clear what is meant by the word ‘maliciously’. This should be read along with the proviso which exempts those who create or disseminate fake news believing it to be true and after exercising due diligence. What is the extent of due care one has to exercise? Can someone be expected to fact-check a text/WhatsApp message every time they receive it and want to forward it? What about people who don’t have the resources to fact check – should they be now completely prevented from forwarding any messages? The effect of this law will be that people will develop a pathological fear of forwarding messages even if it is accurate. As already mentioned, this will have a definite chilling effect on free speech in the country and violates the fundamental right to free speech and expression as guaranteed under Article 19 of the Indian Constitution.

Moreover, this Bill gives undue advantage to the government owned news agencies. This is arbitrary and very unfair. How can government get blanket protection from its own law? Shouldn’t government be a model for its citizens.

I leave it to my fellow members to address any other issues with this Clause as well as the problems with other Clauses.

Speaker: The Minister for Electronics and Information Technology will now address the floor.

Minister of Electronics and Information Technology: Hon’ble Speaker, thank you for allowing me to speak. Before I go ahead with my remarks, I would like to remind Mr. Ravi Verma Kumar that our Constitution does not give us an absolute right to free

speech. He is getting inspired from the American examples – in America they have unfettered right to free speech. However, our Constitution provides for reasonable restrictions to free speech including on grounds of public order, decency and morality. So this Bill is well within the constitutional limits.

Following on from the Honorable Information and Technology Minister, I would like to take this opportunity to further elucidate on the merits of the Bill.

The Bill criminalizes creation, publication and dissemination of fake news. Any person who indulges in this crime will be liable for a prison sentence up to one year and a maximum fine of five lakhs rupees. If the perpetrator is a body corporate including a trust, society etc. then the head of such an organization will be subject to imprisonment and the body corporate can be fined up to ten lakh rupees.

However, if a person disseminates the fake news under the belief that it is true, it does not constitute an offence. This exception is well in line with the fundamental principles of criminal law. Accordingly, every crime must have two elements: intention and act. If one of them is absent, it does not constitute a crime. Therefore, if a person merely commits the act of disseminating the fake news without the intention to do so he will not be liable.

Members of the Parliament kindly note that if any person or body corporate assists in the manufacture, publication or dissemination of fake news they will also be punished.

With this, I would like to conclude that this Bill is the need of the hour to prevent loss of life and liberty and uphold democratic values of the world's largest democratic nation.

(One of the members was found reading a newspaper.)

Speaker: Ms. Rama Nair, why are you doing reading newspaper in the House? Don't you know that the time in the House must be strictly be used for Parliamentary business? Consider this as a stern warning.

Speaker: Deepika Kumari from the Opposition will now speak.

Deepika Kumari: I completely agree with Mr. Ravi Verma Kumar on the vagueness of Clause 3. In fact, this is a theme which cuts across the course of this Bill. I want to point out a few more problems.

For instance, Clause 4 makes it an offence to provide assistance for the commission of an offence under Clause 3. But, what kind of assistance are we talking about – monetary? Logistical? Intellectual? The Bill provides no answers to any of these.

Hon'ble Speaker, please note that in this information age, it is very difficult for internet companies and websites to control what appears on their platforms. If this Bill is passed,

it would mean that all such websites will be held accountable under Clause 4 for providing 'assistance' whenever any fake news crops up on their websites. It is to be noted that no exception is provided to such internet platforms if such fake news appears on their platforms for no fault of theirs.

I would also like to add that the fines for individual offenders are extremely high. In a country like India, it is unreasonable to have such heavy fines. Is the Government getting inspired by the traffic fines, which too they recently increased.

I am also concerned about the broad powers given to the Government to make rules to implement the provisions of the Bill. This could be a further weapon in the hands of the Government to curb free speech.

To be honest, the content of this Bill is very worrisome....

Speaker: Ms. Deepika, your allotted time is over.

Deepika Kumari: If I may request an additional one minute of this House's time?

Speaker: I cannot allow it. I need to ensure the allotted time is spent correctly. The Education Minister may now take the floor.

Minister of Education: Speaker and my friends from the House, in my brief speech I will talk about some of the novel measures proposed by the Bill. It casts a duty upon everyone to remove fake news if they come to know or have reasons to believe that they are in possession of fake news. This is an important measure as it will create a responsible online media environment among our citizens.

Another unique feature of the Bill is that it mandates all education institutions to come up with study materials on fake news and conduct outreach activities. The Bill requires the involvement of Bharat Scouts and Guides –exemplary students volunteering service in equipping our future leaders to develop responsible online media behavior. It is imperative that we nurture our citizens from a young age. The ability to discern between fake news and actual news is an indispensable one.

I truly hope that this Bill, when put to vote, gets cleared easily.

Speaker: Suhail Rahman, independent member, will now speak.

Suhail Rahman: I wish to thank my fellow members for highlighting the merits and flaws in the Bill. I am not sure whether a law is required to fight fake news. But, I do know that there are a number of other measures which can be used to solve this issue.

In the long term, the best solution to curb fake news is to make sure that our younger generation is well versed at spotting such news items. Given the younger generation's

grip over technology, this can be easily achieved if adequate training is given from a young age. Our younger generation can then impart these lessons to their elders as well.

One of the proposals in the Bill – to use the Bharat Scouts and Guides – is an excellent idea. Given their strength in numbers and vision to ‘Creating a Better World’, I am certain that they can conduct awareness campaigns across the nation for capacity building to spot fake news.

I also wish to bring to your attention that we already have a number of online portals as well as offline courses which help detect fake news. If these resources are adequately tapped, we can soon weed out the problems associated with fake news.

I hope these suggestions are taken into account when formulating an action plan against fake news.

Thank you.

Speaker: Mahadev M, independent member, will now speak.

Mahadev: Numerous strong arguments have already been raised by my fellow members as to why the present Bill is going to destroy freedom of speech in India. I am in full agreement with each of them.

No liberal democracy in the world has a similar legislation. This itself is a strong indication of how this Bill is against the fundamental values of our Constitution. It is going to give police unbridled powers to wrongly arrest those who speak up against the Government.

Nevertheless, I do not have any doubts that if this Bill gets passed, the judiciary will immediately strike it down as being unconstitutional. I wish to remind my fellow members about how the Supreme Court of India has a consistent track record in upholding free speech – decisions like *Romesh Thapar v. State of Madras*, *Indian Express v Union of India* are all examples of this. Given this, this Bill is going to be confined to the dust bin as soon as it is passed.

If this is proceeded with, it will nullify the hard fought freedom of free speech. Thus, I strongly request the Government to reconsider the passing of this Bill. Jai Hind.

Speaker: I think we have had a good discussion here. Now, it is time for the House to take a final decision regarding this Bill.

The Question is that the Anti Fake News Bill, 2022 be passed. Those in favor will say "Aye, those against will be 'No.'

[overwhelming 'Ayes']

Speaker: The Ayes have it. The Bill is passed. The House is adjourned.

[VANDE MATARAM]