

SHRI D. A. MIRZA (Madras): Mr. Chairman, great inconvenience is caused to passengers going to Madras by the Grand Trunk Express not going via Wardha and Kazipet. May I know from the hon. Deputy Minister when through service will be restored? Also the G. T. Express that left Madras on the 30th August has not yet reached Delhi. I understand that that G. T. Express has not yet reached New Delhi. I want to know what has happened to that train?

SHRI V. K. DHAGE (Bombay): It is coming.

SHRI SHAH NAWAZ KHAN: As I have said, there have been unprecedented floods and certain bridges including girders have been washed away. It is a thing for which the Railway Ministry can hardly be blamed.

SHRI D. A. MIRZA: Whenever there is a heavy rain, will there be these breaches in the future also? It has become an yearly affair.

DR. R. B. GOUR: Since it concerns Andhra Pradesh, may I know from the hon. Deputy Minister what is his information? Is it because of the weakness in the track that this thing is happening, or is it because of the floods? I ask this, because everytime in the rainy season cautious driving is resorted to in the Secunderabad Division.

SHRI SHAH NAWAZ KHAN: I think the cautious driving is amply justified by the fact that even bridges have been washed away.

DR. R. B. GOUR: My point is, after the Jangaon and Mahbubnagar accidents, the tracks in the Secunderabad Division were to be re-examined by the Railway Administration. Has it been done? My point is that the track itself is weak.

SHRI SHAH NAWAZ KHAN: A special committee of railway engineers was appointed to inspect all the

bridges and having done so, wherever any alterations were needed, they have made recommendations and all these have been carried out. There is nothing wrong with the track.

SHRIMATI T. NALLAMUTHU RAMAMURTI (Madras): May I know in what way we have advanced from times immemorial and from the ancient past, if we are going to be creatures of nature and be subject to all the natural forces? I thought man had mastered nature . . .

MR. CHAIRMAN: Not altogether.

SHRIMATI T. NALLAMUTHU RAMAMURTI: . . . and science should be used by the Railway Department and they should make use of science to foresee these accidents and prevent them.

SHRI SHAH NAWAZ KHAN: So far, the Railway Ministry has not been able to control the downpour of rains, Sir.

MR. CHAIRMAN: That will do, I think.

THE WORKING JOURNALISTS (FIXATION OF RATES OF WAGES) BILL, 1958—continued

श्रीमती सावित्री निगम (उत्तर प्रदेश) : श्रीमन्, मैं इस वर्किंग जर्नेलिस्ट्स (फिक्सेशन आफ रेट्स आफ वेजेज) बिल का हार्दिक समर्थन और स्वागत करने के लिये यहां खड़ी हुई हूं। इन दो दिनों में संसद् में प्रकट किये गये विचारों को मैं ने ध्यान से सुना और श्रीमन्, मुझे उन ऐतराजों को सुन कर जोकि आर्डिनेंस लाने की आवश्यकता पर प्रकट किये गये, बहुत ही आश्चर्य हुआ। पब्लिशर्स व अखबार मालिकों द्वारा गरीबों के ऊपर किये गये शोषण से वर्किंग जर्नेलिस्ट्स जो गरीबी और कष्ट व कठिनाइयों का अनुभव कर रहे हैं, उसे देखते हुए भी यह

[श्रीमती सावित्री निगम]

कहना कि इस तरह के आर्डिनेंस की आवश्यकता नहीं थी, या इसकी इमर्जेंसी नहीं थी, श्रीमन्, हम सभी को आश्चर्य में डाल देता है। यह सुन कर मैं यह सोचने लगी कि हम लोग कितने इनसेंसिटिव हो गये हैं, विशेष रूप से उन लोगों के कष्ट और कठिनाइयों की ओर से जो आज इस प्रकार के कष्ट और कठिनाइयों में फंसे हुए हैं। इसलिये मैं सरकार को उस तत्परता और उस विचार-शीलता के लिये मुबारकबाद देना चाहती हूँ जो उसने यह आर्डिनेंस लाने में दिखाई।

लेकिन, श्रीमन्, मुझे इस सम्बन्ध में केवल एक ही शिकायत है। वह यह है कि जब से यह प्रेस कमीशन की रिपोर्ट प्रकाशित हुई, तब से लगा कर इस लम्बे कठिन समय तक, आखिर कोई इंटेरिम रिलीफ की योजना इन वर्किंग जर्नेलिस्ट्स को थोड़ा सा संरक्षण देने के लिये सरकार ने क्यों नहीं बनाई? यह कितनी लम्बी अवधि है? इस लम्बी अवधि का अनुमान लगाइये और अनुमान लगाइये उस चालाकी और चतुराई का जो तमाम प्रेस बैरंस और तमाम पब्लिशर्स ने इस प्रेस कमीशन की रिपोर्टों की अवहेलना करने के लिये की है। मैं यह अनुरोध करना चाहती हूँ कि ये सब कष्ट और कठिनाइयाँ देख कर यदि अब भी कोई देर होने की संभावना हो और अगर यह संभावना हो कि ये लोग फिर कोई न कोई अड़ंगा लगायेंगे, जैसा कि पिछली बार उन्होंने किया कि जब बिल्कुल समझौते की स्थिति में हम पहुंच गये थे, तब उन्होंने सुप्रीम कोर्ट में जा कर इस वेज बोर्ड के निर्णय को डिले किया और कहीं ऐसा न हो कि वेज बोर्ड की प्रापर फंक्शनिंग में भी वे कोई देर लगायें, इसलिये, मेरा अनुरोध है कि यदि कोई ऐसी बात उत्पन्न हो तो सरकार को तुरन्त ही कोई न कोई इंटेरिम रिलीफ योजना बनाने की उम्मीद देनी चाहिये।

श्रीमन्, कुंजरू साहब ने कहा कि यह कमेटी केवल अधिकारियों की ही वयों बनी और बाहरी इंडिपेंडेंट लोगों की वयों नहीं बनाई गई। मैं समझती हूँ कि इस कमेटी की यह सब से बड़ी विशेषता है; क्योंकि जब यह कमेटी आफिशल्स की बनाई गई है, तभी तो उस पर पार्लियामेंट का एक डाइरेक्ट कंट्रोल रहेगा और इस तरह एक प्रकार से उस पर नियंत्रण और अनुशासन रखने की सुविधा हमारे ही हाथ में रहेगी।

श्रीमन्, माननीय शिवराव ने और कुंजरू साहब ने जिनका मैं बहुत सम्मान करती हूँ, बड़ी सच्चाई से अपनी राय, अपना दृष्टिकोण रखा। पर जिस साधुवाद और ऊँचे आदर्शों की उन्होंने दुहाई दी है और उन्होंने जो अपील की है कि जर्नेलिस्ट लोग अपना स्तर ऊँचा रखें, इसके विषय में मुझे इतना ही कहना है कि अब तक बहुत कुछ त्याग, तपस्या और कष्ट उठा कर भी वर्किंग जर्नेलिस्ट ने जर्नेलिज्म के स्तर को इतना ऊँचा रखा है कि हम सब लोगों को उस पर गर्व होना चाहिये। लेकिन अब स्थिति इतनी बिगड़ गई है कि बढ़ती हुई महंगाई और उससे उत्पन्न कठिनाइयाँ अब उनकी सहन शक्ति की सीमा को पार कर गई हैं। इसलिये उन्हें आदर्श की बातें बताना उसी प्रकार है जिस प्रकार फ्रेंच रेवेल्यूशन जब हो रहा था तब लोग रोटी रोटी चिल्ला रहे थे, तो बहा की क्वीन ने बागियों को देख कर कहा कि आखिर ये लोग रोटी रोटी क्यों चिल्लाते हैं। उनको मेरा सन्देश दे दो कि थोड़े दिन वे "केक" क्यों नहीं खा लेते। सीधे सज्जन और उदार लोग भी जब वास्तविकता से परिचित नहीं होते, तब वे पूंजीवादी संगठित शक्तियों की दलीलों से प्रभावित हो कर ऐसे ही विचार प्रकट करते हैं। पर उन्हें यह नहीं भूलना चाहिये कि समाचारपत्र जैसा महत्वपूर्ण उद्योग देश के विचार-जगत को, विकसित, नियंत्रित और प्रभावित करता है, उसे पूंजीवादी शक्तियों का दास बनाये रखना

देश के लिये, समाज के लिये अत्यन्त हानि-कारक है ।

श्रीमन्, समाजवादी समाज और प्रजा-तंत्र के समुचित एवं स्वस्थ विकास के लिये वहां के प्रेस का किसी भी ग्रुप-विशेष के प्रभाव या चंगुल में आना, चाहे पूंजीपति हों या कोई और हों, समस्त देश के लिये खतरनाक है । माननीय कुंजरू साहब वेज-बिल की चर्चा करते हुए कह रहे थे कि ३७ परसेंट वेज बिल जर्नेलिस्ट का रहता है पर वे यह भूल जाते हैं कि वेज बिल बनाने के पहले इधर उधर से बड़ी बड़ी रकमों का उलटफेर हो जाता है जिसका अनुमान नहीं लगाया जा सकता है । वहां जो एक्चुअल सिचुएशन होती है उससे बाहर की जनता, विशेष रूप से वे जर्नेलिस्ट जो रात दिन वहां काम करते हैं, अनभिज्ञ रखे जाते हैं । उसकी बहुत सही तसवीर हमें उस समय मिली जब प्रेस कमिशन की रिपोर्ट के बारे में इविडियन्स लिये गये । जब गवर्नमेंट ने प्रेस कमीशन की पूरी रिपोर्ट हम लोगों के सामने रखी तब सच्चे वाक्यात हम लोगों के सामने आये । इसलिये यह सारा मामला हमें यह चेतावनी देता है कि देश में अखबार का जो महत्वपूर्ण उद्योग है उसके स्वतंत्र विकास के लिये और जर्नेलिज्म के स्तर को ऊंचा रखने के लिए कोई न कोई उपाय सोचें । मैं अपने एक एक्सपीरियन्स से यह सोचती हूँ कि यदि सरकार सहयोग दे और वर्किंग जर्नेलिस्ट अपने पैरों पर खड़े हों तो कुछ प्रेसेज को कोआपरेटिव बेसिस पर चलाया जाय । मैं सोचती हूँ कि इस तरह का यह एक बहुत बड़ा एक्सपेरिमेंट होगा । इसी आधार पर बड़े बड़े प्रेसों को वर्किंग जर्नेलिस्ट स्वयं को-आपरेटिव बेसिस पर अपने हाथ में ले सकते हैं । और श्रीमन्, यदि सरकार कोई कारपो-रेशन इस सम्बन्ध में बनाये तो उसे वर्किंग जर्नेलिस्ट के नियंत्रण में रख देना चाहिये ।

श्रीमन्, जिस प्रकार संगठित ढंग से आयोजित हो कर किन्तु अनुचित ढंग से,

तमाम पब्लिशर्स या प्रेस अधिपति आदि और आल इंडिया न्यूज पेपर्स सोसायटी कांफ्रेंस आदि करके वेज बोर्ड के निर्णय का और इस विधेयक का विरोध कर रहे हैं, उसे देख कर बड़े बड़े देश के विचारक भी भ्रम में पड़ जाते हैं । श्रीमन्, वे लोग जो वर्किंग जर्नेलिस्ट की दयनीय और आर्थिक स्थिति से परिचित हैं और उन के साथ पूरी सहानु-भूति रखते हैं वे भी पब्लिशर्स कांफ्रेंस में उनके साथ आवाज मिलाने लगते हैं और उनकी दलीलों से ऐसे बहक गये हैं कि उन्होंने इस महत्वपूर्ण विधेयक की और सरकार के निर्णय की खुले शब्दों में निन्दा कर डाली । सुप्रीम कोर्ट के निर्णय को ले कर जो चर्चा हुई वह भी बड़ी विचित्र है और वास्तविकता से बिल्कुल दूर है । मेरी समझ में नहीं आता है कि जबकि देश में शिक्षा का प्रसार बढ़ रहा है और अखबारों का सर्कुलेशन तेजी से बढ़ रहा है तो केवल एडवर्टाइजमेंट रेवेन्यू में लगभग ३७ प्रति-शत की वृद्धि हुई है । ७५ लाख रुपये के उस लाभ को यदि न भी गिनें जो नये काइनेज सिस्टम से हुआ है तो लगभग तीन, साढ़े तीन करोड़ से ले कर पाँचे चार करोड़ का लाभ हुआ है । तो मैं यह पूछना चाहती हूँ कि इसमें से कितना अंश वर्किंग जर्नेलिस्ट्स को मिला है ?

श्रीमन्, आखिर उन परिश्रमी और रात दिन एक करके काम करने वाले जर्नेलिस्ट को जिनके बल पर उनका तमाम कारोबार चलता है वे वाजिब वेज देने में क्यों झिझकते हैं, यह बात मेरी समझ में नहीं आती है । उन पूंजीवादी लोगों ने यह धमकी और निन्दा का जो तरीका अपना रखा है उसे देख कर यह प्रतीत होता है कि जब जमाना आगे की ओर बढ़ता है तो पब्लिशर्स और प्रेस अधि-पति पीछे की ओर चल कर ऐसी शोषक नीति का अनुसरण करते हैं कि ऐसा प्रीतत होता है मानो वे १८वीं सदी में फिर लौटना चाहते हैं ।

[श्रीमती सावित्री निगम]

श्रीमन्, एक बात बड़ी दिलचस्प है। आज इस विधेयक को देखते ही पब्लिशर्स और प्रेस अधिपतियों में ऐसी उदारता और सज्जनता आ गई है कि वे छोटे अखबारों की रक्षा के लिये ही वेजबोर्ड का विरोध करते हैं। उनकी यह दलील और उदारता में उतनी ही सच्चाई है जैसे सारी बिल्लियों के इस निर्णय में सच्चाई होगी कि वे केवल चूहों की रक्षा के लिये यह कहें कि सारे दिल्ली का दूध हमारे सुपुर्द कर दिया जाय। श्रीमन्, इन छोटे अखबारों के साथ से बड़े शोषक और इनको कुचलने वाले तथा तरह तरह के काट देने वाले ये प्रेस अधिपति या पब्लिशर्स आज इस तरह की दलील दे कर वेज बोर्ड के निर्णय का विरोध और उसकी अवहेलना कर रहे हैं।

श्रीमन्, मैं यह निवेदन करना चाहती हूँ कि इन पब्लिशर्स और प्रेस अधिपतियों ने आज छोटे अखबारों का इंटरेस्ट लेकर उनको अपना ढाल बना रखा है। वे आखिर वेज बोर्ड पर विश्वास क्यों नहीं करते? वे क्यों नहीं सोचते कि वेज बोर्ड अपने आप इन सब छोटे बड़े अखबारों की स्थिति को ध्यान में रखते हुए ही फैसला करेगा? श्रीमन्, यदि प्रेस अधिपतियों को सच्ची हमदर्दी है और वे चाहते हैं कि छोटे अखबारों का संरक्षण दिया जाय, जैसा कि हम सब चाहते हैं, तो मेरा अनुरोध है कि सारे एडवर्टिजमेंट का एक पूल बना दिया जाय। एडवर्टिजमेंट किस अखबार में छोड़े, यह कन्ज्यूमर्स की मर्जी पर छोड़ दिया जाय। श्रीमन्, यदि हम पूल बना देंगे तो जिन छोटे अखबारों को कन्ज्यूमर्स पसन्द नहीं करते हैं, उनको भी इस पूल से सहायता मिल जायेगी। यदि इस चीज को प्रेस अधिपति मान लें तो सचमुच छोटे अखबार वालों को काफी संरक्षण मिल जायेगा। मेरा अनुरोध है कि वे इस तरह के सुझाव को मान लेंगे कि जितना भी एडवर्टिजमेंट होता है उसका एक पूल बना दिया जायेगा। प्रेस अधिपतियों का अपने निजी स्वार्थ और

बचाव के लिये यह कहना कि वेज बोर्ड की नियुक्ति प्रेस उद्योग को धक्का लगायेगी यह सर्वथा अनुचित और बिल्कुल बेवुनियाद है।

श्रीमन्, मुझे एक भय है। जिस प्रकार प्रेस अधिपतियों ने अपने प्रचार द्वारा बड़े बड़े निर्णयों को बदल दिया उसी प्रकार अपने प्रचार द्वारा कहीं इस चीज को भी बदल न दें। श्रीमन्, क्लाइमेट चार और पांच में आप देखेंगे कि प्रेस अधिपतियों और पब्लिशर्स को इतनी ज्यादा स्वतंत्रता दी गई है कि जिसका नतीजा यह होगा कि जिस प्रकार बड़े बड़े अखबार ऐसा उलट फेर करके अपना हित साध सकते हैं, उसी तरह के साधनों को प्रयोग करके वे वर्किंग जर्नेलिस्ट की यथोचित मांग को भी प्रभावित कर सकते हैं। जिस उद्देश्य के लिए वेज बोर्ड का निर्माण हुआ है, अगर उसको इस तरह के प्रचार द्वारा नष्ट किया जाता है तो यह अच्छी बात नहीं है। आखिर वेज बोर्ड जो भी निर्णय करेगा वह तमाम फेक्ट्स जो पब्लिशर्स और वर्किंग जर्नेलिस्ट्स उसके सामने रखेंगे, उन्हीं के आधार पर होगा। इसलिये मेरा अनुरोध है कि इस खतरे से बचने के लिये वर्किंग जर्नेलिस्ट का एक प्रतिनिधि इस कमेटी में अवश्य लिया जाय। यदि जर्नेलिस्ट्स अपनी स्थिति से परिचित होंगे और वे कमेटी में जायेंगे तो वे उन सब तथ्यों के बारे में जो वेज बोर्ड के सामने उनके विरुद्ध रखे जायेंगे, असली सच्चाई बतला सकेंगे। इस तरह से वर्किंग जर्नेलिस्ट्स का इंटरेस्ट पूरी तरह से सुरक्षित हो जायेगा।

श्रीमन्, यदि वाकई हम लोग चाहते हैं कि छोटे अखबारों को संरक्षण मिले तो प्राइस पेज शैड्यूल की जो सिफारिश प्रेस कमीशन ने की है उसको कार्यान्वित करने के लिये शीघ्र से शीघ्र प्रयत्न होना चाहिये। जब तक उस सिफारिश को पूरी तरह से हम इम्प्लीमेंट नहीं करेंगे, वास्तविकता यह है कि वर्किंग जर्नेलिस्ट को बावजूद वेज बोर्ड के कोई राहत न मिल सकेगी।

धारा ४ और ५ में इतना अधिक संरक्षण प्रेस अधिपतियों को दिया गया है कि असल में उनको चाहिये था कि वे प्रसन्न हो कर सरकार को बचाइयाँ देते, लेकिन मनमाना शोषण करने की उनकी आदत पड़ी हुई है, इसलिये थोड़ा भी बन्धन उनको खटक रहा है।

छोटे अखबारों के सम्बन्ध में मैं एक सुझाव और देना चाहती हूँ। जिन अखबारों का सर्कुलेशन बहुत है और जो बहुत अच्छे प्रॉफिट पर चल रहे हैं, यदि उनके ऊपर थोड़ा सा, एक या दो पैसा, पेस या लेवी के तौर पर लगा दिया जाय और उससे छोटे अखबारों की मदद कर दी जाय, तो उसका प्रभाव न प्रेस पर पड़ेगा, न पब्लिशर पर पड़ेगा और न कंज्युमर पर पड़ेगा। उसका भार थोड़ा सा प्रेस वाले उठायें और थोड़ा सा कंज्युमर उठायें। मान लीजिये दो नये पैसे, या तीन नये पैसे के हिसाब से लेवी लग जाती है उन तमाम अखबारों पर, जिनका सर्कुलेशन बहुत ज्यादा है और उस लेवी से छोटे अखबारों की मदद की जाती है, तो एक प्रकार से छोटे अखबारों को हम बहुत बड़ा संरक्षण देंगे। साथ ही इसका असर न प्रेस अधिपतियों पर पड़ेगा और न कंज्युमर पर ही पड़ेगा क्योंकि यह बहुत छोटी रकम होगी और इससे वर्किंग जर्नेलिस्ट को बहुत बड़ा संरक्षण मिलेगा। मैं मोचती हूँ कि यदि यह सुझाव कार्यान्वित किया जा सके तो वर्किंग जर्नेलिस्ट और साथ ही साथ प्रेस उद्योग को बहुत बड़ी सहायता मिलेगी और छोटे अखबारों का संरक्षण होगा।

इसके साथ साथ मैं इस विधेयक का एक बार फिर स्वागत करती हूँ। धन्यवाद।

SHRI AMOLAKH CHAND (Uttar Pradesh): Mr. Chairman, I rise to support the Bill as passed by the Lok Sabha and brought before this House. [MR. DEPUTY CHAIRMAN in the Chair]

Sir, I would like to impress on the House as to why this Ordinance was

necessary, and what the Government has done was the only course open to them with the past experience which they had with the proprietors of newspapers. I would draw the attention of the House to the condition of the working journalists, what it was before independence and what steps were taken after independence. The Government of India came out with the Press Commission in the year 1952, but before that I would like to draw the attention of the House to the fact that the condition of the working journalists was so bad that even the State Governments which were interested in the welfare of the newspaper industry appointed committees, and it was on the 18th of June, 1947 that a committee was appointed by the Government of U.P. to enquire into the working of the newspaper industry in U.P. and the scales of pay, etc., of the working journalists. I would not take the House through the history of the condition of the working journalists before independence. We know, Sir, that the then Government was only interested in Anglo-Indian newspapers and English papers and had a particular bias against the Indian language papers, and there was a vast difference in the salaries and emoluments between the two classes of people who were employed in that industry, I mean, the British and Anglo-Indians on the one hand and Indians on the other. Now, Sir, that committee worked and worked and as we know, it was not a committee of Government officials; it was a non-official committee presided over by a Parliamentary Secretary of the Information Minister and it had as its members prominent editors, editors like the late Mr. Gopinath Srivastava, Mr. Chalapathi Rau, the present editor of the 'National Herald', Mr. Firoze Gandhi, Pandit Kamalapati Tripathi, and other journalists of U.P. were on that committee. That committee classified the newspapers, drew up a scheme in consultation with the working journalists and the press and the report they presented was a unanimous report, which was adopted by the Government. The scales of pay of journalists were fixed.

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But what do we find thereafter? Thereafter we find that there was a case instituted by the "Viswamitra" of Kanpur, a chain paper run also at Calcutta. Well, they were not prepared to accept this, and the matter was referred to the industrial tribunal. The industrial tribunal decided in favour of the working journalists. The proprietors went in appeal; they went to the High Court and Supreme Court, and the decision of the tribunal was upheld. In the meanwhile, Sir, another chain paper in Patna the "Searchlight" filed a suit and the Patna High Court held that working journalists were not workmen as defined in the Industrial Disputes Act. That was the case there. But because the judgment of the Supreme Court was binding as far as U. P. was concerned, there was arbitration going on in about five big cases of U. P. and the award was about to be given in favour of the working journalists. By that time, Sir, the Press Commission was appointed, and on the representation of the newspaper proprietors all the proceedings before that tribunal were withdrawn, and it was said, Sir, that because the whole matter was going to be enquired into on an all-India scale, this might be stayed. Naturally, the Government had no option and they withdrew their case from the tribunals. Now, Sir, what I wanted to point out was that it was not before the Press Commission only that this matter was being tackled but also, as the matter was very very urgent, it was looked into by the State Governments also.

Now, Sir, what happened? We know the history; after the Press Commission had reported, there was the passage of the Working Journalists Act, then the Wage Board, then the judgment of the Supreme Court coming in. Now, Sir, we come to a stage where we find that the working journalists have not yet succeeded in what even the State Governments had agreed to in the year 1948.

Now, what was the position before the Government was to some- the Government was to some- how or other settle the matter by negotiations and with goodwill so that the condition of the working journalists may be improved and put on a proper level. Now, Sir, when the Government was doing all for labour, for the working people, how could it be possible for Government to ignore the newspaper industry and the persons who are working there? We know that only one-fifth of the persons there are working journalists. We know that. And what do we find from the employers? What do they say? They say: We have got the other four-fifths who are also working in the press. When they can go to the industrial courts why should not these people take the same course? Now, there is a great fallacy in the whole matter. Now, let us see, Sir, after the judgment of the Supreme Court, what negotiations were made. The hon. Minister wanted to tell us that some negotiations were going on. There was a question on that subject in the last session, Sir, and I wanted to know from the hon. Labour Minister as to what time he was going to take in these negotiations, and he said that as he was proceeding with the negotiations he would not like to say even the time that would be taken. What do we find, Sir? We find that on one side, the negotiations were going on with the Government, and on the other side, preparations were being made to approach the Supreme Court, and as soon as they found that it was not possible to play their game with the Government they went straight to the Supreme Court. Now, there is the judgment of the Supreme Court and I would not go into the details of that because all the points made therein were thrashed out very thoroughly by hon. Members, but the main point taken by them was about the capacity of the industry to pay, and the other was about natural justice. Now, Sir, what do we find? We find that the Labour Minister was

negotiating for the second time with them. What I understand is, and I know the Labour Minister will tell us, that even a sub-committee of the Cabinet went into the matter, went into negotiations and there too the matter stood. Now, what was the option for the Government? Was it for the Government to stay on and leave this matter to the whims of the newspaper proprietors or in accordance with their policy they ought to have proceeded with the matter? Now, what was the question? The question was that a committee should be appointed which may go into the two points on which the Supreme Court held that the Wage Board's decision cannot be implemented. One was about the capacity to pay and the second about the natural justice. Now, we find that under the Ordinance a committee has been appointed. Mr. Samuel yesterday explained the personnel of the committee and I would not like to repeat it for the very simple reason that the persons are those persons whom even the members of the opposition who attack this committee, would say they are honest gentlemen. But they want that they should not be Government officials. Now, at a stage persons do become Government officials and, as was pointed out already, the chairman is now qualified to be a judge of the Supreme Court. Now, what do we find? We find that now under this Bill, under the Ordinance, in that committee these members have only to look into those representations which they will receive after issuing a notice of one month and all the material available before the Wage Board would be at their disposal. Now, to say that the Wage Board is the basis on which this enquiry is to be held, is, in my humble opinion, a perverse opinion. Now, what we find is that the time which has been given by the Government to complete the work is said to be two months. I do not know if they have extended it to three months. I do not know if they have extended it to another two months. Now, if the newspaper proprietor

had co-operated with the Government all along, I can understand that Government ought to have give them another chance. But the Government came to the conclusion, as we also come to the conclusion, that right from the Press Commission stage to the Wage Board stage, the newspaper proprietors were not prepared to co-operate. What I mean by saying that they were not prepared to cooperate is that they were not prepared to disclose their accounts, their capacity to pay and the income from the press. Now, Sir, we know that if you want to take money out of some person, he would not be prepared to show his account books to you. That is what we know from the income-tax cases, that is what we know in our everyday life. So, what was the option now left to the Government? Is it appointing a committee with which the newspaper industry was not going to cooperate? The working journalists always agreed to whatever be the decision whether the Press Commission gave or the Wage Board gave. So, what was the option? The only option was to appoint a committee which may look into all the possible objections that were made by the Supreme Court and then come to a decision. I am sorry that the Government under clause 6 has not taken sufficient powers as they ought to have taken. But I think that when they are coming through an Ordinance, it is better that they should have less powers. I would not go into all those details, but I am sure that after this committee gives its decision, certainly the Government will give an opportunity to the newspaper industry to say what they have to say on that and then the Government will take its own decision, and I am sure and I wish to impress on the Government that all these should not take more than six months at the ment will take its own decision, and I which should be upheld even by the Supreme Court or any other tribunal, because I am sure that the newspaper people will again go to the court and will not allow the working journalists to get a square meal to

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maintain their position and dignity in life. Now, we are fortunate in having some of the working journalists in our midst. Mr. Shiva Rao said he is a working journalist of 41 years' standing. I know Mr. Banarsi Das Chaturvedi is also a working journalist of equal standing or even more. I would like that every working journalist should be like Mr. Shiva Rao. We find him a very dignified man, a man who has worked for the industry. Why should anybody grudge that these working journalists should not draw a fair wage? Now, Sir, so much about the newspapers, their capacity to pay. I know that there is a capacity according to law and there is an actual capacity. We who move about in the society know that a man who does not pay even income-tax lives happily and maintains good relations, good social status, and all that. So, capacity to pay as far as law is concerned is quite different from the actual capacity. What we should know in this House in the case of the newspaper industry is their actual capacity to pay, not the capacity according to law, or according to manipulated account books or the like. Now, if we scrutinise the few cases that have come before us, it will be found that the "Times of India", it is said, is running at a loss. What is the loss? The loss is because about Rs. 3 lakhs are deemed to have been paid as commission or selling agency commission to their own relatives. If we say like that, I ask what would be the capacity of the industry? We know how much the Government of India is paying to these big chain papers as advertisements. Now, I shall show some of the papers, even Hindi newspapers. I would show to you that papers which have four pages, contain more than three pages of advertisements from the Government of India. Here is a paper. It is the "Dainik Jagran" of Jhansi dated 30th April, 1958. Now, one page, two pages, three full pages, fourth page, fifth page, sixth page,

seventh page, eight pages advertisement in a four page paper.

SHRI H. P. SAKSENA (Uttar Pradesh): How is that possible?

SHRI AMOLAKH CHAND: Why not? The paper is here. The advertisement is of eight pages. He gets it.

SHRI H. P. SAKSENA: Then, it is not of four pages. It must be an eight page paper.

SHRI AMOLAKH CHAND: That is just what I am coming to. It is a four-page paper getting eight page advertisements. Now, I would explain it. The normal issue is four pages. Because of this eight page advertisement that issue is of ten pages. What I was pointing out is that even in these papers—here is another four-page paper—you will find such a big advertisement. Here Government advertisements are of three and a half columns, then the whole of fourth page is advertisement. Again, you will find this advertisement. What I say is that these papers live only on advertisements and that is the reason why you find that there is always a race for getting more and more advertisements for these papers. Now, Sir, what I beg to submit is that when the Government of India or the State Governments are giving so many advertisements to these papers, does it lie in their mouth to say that they are not going to pay even fair wages to the workers who work for them? That is the point which I want to impress and here it is necessary for the Government to come to their aid and see that the working journalists do get a fair chance, a fair and decent salary, to live. I know about the condition of the working journalists, people who work for days and nights in the press. What is the condition of his home? His wife is suffering from T.B. He has not got the capacity to purchase milk for her. He cannot afford the education of his children. This is the condition. And then we, sitting here say that the Government is not doing what it ought to do and if the Government has set up a committee

to look into this, there is a hue and cry that ordinance powers are being used. This is, I say, a worthy, and proper case in which this power ought to have been used.

SHRI M. H. SAMUEL (Andhra Pradesh): Freedom of the press.

SHRI AMOLAKH CHAND: You talk of freedom of the press. What is freedom of the press? At one time you go and ask the Government to give you advertisements, and at another time you go and say "well, if you do anything, it affects our freedom". Freedom of what? Freedom of exploiting their own men, freedom of moving with their families in the way they like, ignoring the working journalists. I would like to know, Sir, what is the contribution of the working journalists. If you invest your money in a newspaper industry and you want to run it, you take all the appreciations and everything and enjoy the life, being the proprietor; I have no objection to it because you are running the industry. But it cannot be allowed in the year 1958 that a capitalist, while investing his money and taking possession of the newspaper industry, should exploit the workers who are the pillars of that industry. Sir, what I beg to submit is that this capacity to pay is very very suspicious. Have you ever seen a big press magnate travelling in a train? I have not seen. Sir. I have always seen them travelling in planes from place to place to get in touch with the Minister of Information and Broadcasting either at the Centre or in the States. For what? Only to get more quota for newsprint, to get more advertisements and make money right and left. Now, Sir, it is a fact that small papers do suffer. Are we not aware that blackmarketing is going on in newsprint? Are we not aware that blackmailing is going on through some chain newspapers? If they do all this, what are we to do? They must thank themselves for their acts, and the sooner the Government comes down upon them with a strong hand

the better it would be. Taking all these facts into consideration, what I personally feel is that the Government has all along been lenient with the newspaper industry.

Now, Sir, what about the price page schedule? It was a year back here in this House that Dr. Keskar said that he was looking into the matter, that he was negotiating, and that he would come very soon to some decision. There was my question yesterday about the price page schedule, and the one line answer which has been given to me is that the matter is still under consideration. I want to know, Sir, how much time after all the Government is to take in these matters. If the price page schedule had come in, there would not have been cases like this. Then naturally the advertisements will be within that limit. Now, Sir, advertisements are the only basis on which these newspapers thrive. We know our own conditions, we know how many persons purchase newspapers and what is the circulation as compared to other countries. Now, Sir, a Five-Year Plan for this city is being taken up. We do not know in what paper the publicity is done, whether it reaches the proper persons concerned or not. We know about a single page small leaflet newspaper getting court notices. It is only published when there is a court notice. If there is no court notice in a month, probably no issue will come out. What is this? Why should we do all this? Therefore, Sir, it is necessary that the Government should step in with a strong hand to see that newspapers are properly maintained, that advertisements are properly given, and that the relationship between the press proprietors and the journalists is harmonious.

Now, Sir, I would like to take up one more point, and that is about this alternative procedure that has been suggested. The alternative procedure which had been suggested by Dr. Kunzru was that there should have been an independent board or another Wage Board or something which would have inspired

[Shri Amolakh Chand.]

the confidence of the people. I respectfully submit, Sir, that when there is the intention to fight out a case to the last, what can any committee or Wage Board or anything do? I have looked into the constitution of the Wage Boards in Canada in the United Kingdom and in Australia—I would not like to take much time of the House in detailing how those Wage Boards are constituted, how the recommendations of the Wage Boards there constitute and become a schedule of the Act, and all that. If only there is an intention to do a particular act, no law is necessary. What was the impediment in the way of the newspaper industry in saying “All right, we agree to the recommendations of the Press Commission and we raise the salaries according to that standard”. And wherever it was possible to give something more, you give something more. But now, Sir, they have taken up an attitude of fighting the working journalists. They are capitalists, they have got money, they can say that they have no capacity to pay them, but they have the capacity to pay the senior-most lawyers in the Supreme Court and other courts to the tune of 2 to 3 thousand rupees per day . . .

DR. R. B. GOUR (Andhra Pradesh): They spent Rs. 1½ lakhs in the Supreme Court.

SHRI AMOLAKH CHAND: I know, Dr. Gour knows more about them, about their money, about their expenditure and accounts and all that. I have never cared to look into that. Sir, what we find is even if it is only a small press case, one of the senior-most lawyers will be engaged to defend them. There, there is capacity. They have the capacity to do that.

SHRI SHEEL BHADRA YAJEE (Bihar): It is the sign of decaying capitalism.

SHRI AMOLAKH CHAND: That is the sign today.

MR. DEPUTY CHAIRMAN: You must wind up. It is getting time.

SHRI AMOLAKH CHAND: So, Sir, their capacity is known and also how the accounts are manœuvred. I do not know how far the income-tax officers which this Committee has appointed to look into the accounts would be able to do that. I wish that the Government should be firm in their stand and ask their officers to look into these accounts very carefully and report to the Government, and the Government also should take a very reasonable step without causing any feeling in any quarter.

MR. DEPUTY CHAIRMAN: The House will meet again at 2-30.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half past two of the clock, THE VICE-CHAIRMAN (SHRIMATI MAYA DEVI CHETTRY) in the Chair.

DR. A. N. BOSE (West Bengal): Madam, in spite of all the differences of opinion which have been expressed over some aspects of the Bill, it is pleasant to find . . .

SHRI BHUPESH GUPTA (West Bengal): Madam, what has the Food Minister got to do with this Bill?

THE VICE-CHAIRMAN (SHRIMATI MAYA DEVI CHETTRY): Any Minister . . .

SHRI BHUPESH GUPTA: No, no. The Minister should be brought in. It is not a question of other Ministers being present. When we are discussing such an important Bill as this, at least the Minister of Information and Broadcasting should be present here.

THE VICE-CHAIRMAN (SHRIMATI MAYA DEVI CHETTRY): Any Minister can represent him. He will take notes.

SHRI BHUPESH GUPTA: I know that already that any Minister can represent him. But I think they will be benefited by being here.

THE VICE-CHAIRMAN (SHRIMATI MAYA DEVI CHETTRY): Anyway, he is taking notes.

DR. A. N. BOSE: It is pleasant to find that there is a large measure of unanimity over the main objective of the Bill, that is, to give the working journalists a square deal for which they have been fighting for so long and which has been opposed tooth and nail by the newspaper publishers. I welcome this Bill in so far as it is a modest approach towards the fulfilment of the aspirations of the working journalists.

The newspaper industry has grown to phenomenal proportions since the attainment of our independence. It is no longer what it was before our independence. Madam, references have been made about the glorious traditions of journalism in our country. It is true that the newspapers, during the British days, had to fight against great odds. There were severe press laws hanging like the sword of Damocles over their heads. The editors had very often to suspend publication to remain true to their ideals, to hold aloft the ideal of a free press, and sometimes, they had even to court jails. But those are things of the past. Journalism or newspaper publication was a pursuit of sacrifice and suffering. It has now become a profession of profit. Newspapers have grown into monolithic organisations. They have spread their chains far and wide; they have grown into monopolies. They are making and unmaking public opinion and there is hardly anything to distinguish between a newspaper and a commercial concern. What is more ominous is the close association of the various Ministries with the press. I am reminded of an incident which happened in West Bengal about a year ago. One of the leading newspapers of West Bengal which has a long and glorious tradition behind it, of fighting the repression of foreign imperialism, and which had changed its tone for quite a few years now, inadvertently made a critical comment about the Congress organisation of West Bengal. The son

of the editor who is also the proprietor of the newspaper happens to be in the West Bengal Ministry. He was immediately taken to task openly by the Congress Chief of West Bengal for adverse criticisms being published in his paper. The minister had to tender his resignation and after some time, a sort of patch-work was made. The minister had to eat the humble pie and to recant and apologise for the statement which was made against the West Bengal Congress. Madam, these things are alarming. A free press is the very corner-stone of a democratic State.

SHRI SHEEL BHADRA YAJEE: Who has brought this Bill—the Congress Government or the P.S.P. Government?

DR. A. N. BOSE: Wait, wait. Don't be impatient. This thing must be taken serious note of.

The Press Commission observed in their report that the newspapers are making an overall profit of one per cent. over the invested capital. On the face of it, it appears to be very modest, but there are several factors which deserve notice, factors which have been pointed out by the Press Commission themselves. In paragraph 115, page 42, of the Report, it says:—

"In one concern substantial advances had been made to employees on the managerial side who, in a number of cases, were also relations of the proprietor. This was not a satisfactory feature, particularly since the concern was depending on loans for its entire working capital. In another concern, we noticed that large investments had been made outside the business and that heavy loans had been raised for this purpose."

These are also very disquieting features. Loans are given to employees on the managerial side out of the capital which mainly is built up with loans. Then further, in paragraph 143, page 54, it says:

"It has been represented to us that some Managements of the papers.

[Dr A. N. Bose.]

have followed certain practices that have increased the cost of production and thus reduced the profit available for distribution as bonus. The methods are mainly:

1. To employ a number of persons (mostly relations of the employer) on high salaries. In some cases an excessive number of posts are created on the managerial side and the resources of the concerns are thus drained away to pay excessive commission to concerns in which the main shareholders or directors are interested. These payments may be by way of commission for the purchase of newsprint, for acting as Sole Selling-Agents, Sole Advertising-Agents or Managing-Agents and sometimes even without any business justification."

When we speak so much about the capacity to pay these observations made by the Press Commission are worth noting. It is true that all the newspapers are not like this. There are some which do not follow these unfair practices but which try to remain true to their ideals. It has been pointed out already, Madam, that the period during which the Press Commission went into enquiry was a period of abnormal times, when the price of newsprint was more than double the normal. The price of newsprint has since come down. It has also been pointed out that circulation of newspapers has increased, that advertisement revenue has multiplied and that as a result of conversion to the metric system of currency, large profit was made at the expense of the consumers. When so much is spoken about the capacity for payment, it is worth noting that the small newspapers came forward and implemented to a large extent the decisions of the Wage Board, while the big newspapers challenged those decisions and went to the Supreme Court. The decisions of the Wage Board were set aside not because of any inherent fault in them but because of some technical lapses, because the Wage Board did not take into consideration the

capacity to pay in terms of section 9 of the Working Journalists Act and because the Board did not circulate the decisions and invite objections from the employers. The Wage Board themselves have admitted—the Chairman of the Wage Board has admitted—that the Board had to work under severe handicaps. The Board could not calculate the burden that might be imposed as a result of their decisions with any degree of precision. This was because of the fact that much necessary information was withheld from them. Information regarding the capacity to pay, information about accounts, information about the terms and conditions of service, were all withheld from them. So from the very first the Wage Board had to act under serious handicaps. My submission is—while I welcome the bill—that the Wage Board should be treated with due respect. In many other countries the decisions of the Wage Boards are treated as schedules to the statutes. Every impediment in the way of its operation should be removed. Composed as the Board is of representatives of workers and the employers themselves, the Board is the most competent body for prevention of disputes before they actually come up. Prevention, it is said, is better than cure. It is better that the Wage Board is given sufficient latitude for the prevention of disputes rather than the disputes are taken up for settlement after they come up. I fully agree with Dr. Kunzru who criticised yesterday the composition of the Wage Committee. The Wage Committee should have been composed of independent members. It should not have been an official body. And I would also ask the Ministry to take note of the underdogs, those who remain even under the working journalists, who do not come within the category of working journalists and whose interests are not protected by the Bill—I mean the clerks, typists, menials, etc. They also deserve a square deal. And in the end I would remind the Ministry once again to keep themselves above board, to keep themselves clear of any publishing interests because it is a more serious

threat to the future of democracy, to the future of a free press than any additional burden that might come upon them as a result of giving a square deal to the working journalists. Thank you, madam.

श्री शीलभद्र याजी: उपसभाध्यक्ष महोदया, श्री मेहनतकश पत्रकारों के वेतन दर निर्धारण के लिये जो श्रमजीवी पत्रकार विधेयक हाउस के सामने विचारार्थ रखा हुआ है, उसका मैं हार्दिक समर्थन करता हूँ।

आप जानती हैं कि करीब १२ वर्ष से सारे हिन्दुस्तान में जो श्रमजीवी पत्रकार हैं उनकी मजदूरी और हालत में सुधार करने के लिए प्रचण्ड आन्दोलन हुआ और उसके फल-स्वरूप प्रेस कमीशन की स्थापना हुई। यह आशा की जा रही थी कि जो श्रमजीवी पत्रकार हैं उनकी हालत में सुधार होगा और उनका न्यूनतम वेतन निर्धारण होगा और यही समझ कर वेज बोर्ड बना। उसके बाद जो हमारे पत्रकारों के मालिक हैं उनकी ओर से बहुत सी कोशिशें हुई। युद्ध के ज़माने में ये जो पत्रों के बड़े बड़े मालिक हैं उन्होंने खूब चांदी पीटी और हिन्दुस्तान के जितने उद्योग हैं सभी जगह वेतन और एलाउंसेज में वृद्धि हुई, लेकिन पत्रकारों को उन्होंने कुछ भी देने से इंकार किया। आप जानती हैं कि सब चीजों की महंगाई चार गुना, साढ़े चार गुना और पांच गुना तक बढ़ गई है, तो जो पत्रों के मालिक हैं उनके लिए मुनासिब था कि वे सरकार की तरफ नहीं देखते बल्कि अच्छे सम्बन्ध स्थापित करने के लिये जो श्रमजीवी पत्रकार हैं उनके वेतन में वृद्धि करते। लेकिन गवर्नमेंट की तमाम कोशिशों के बावजूद पत्रों के जो मालिक हैं, बड़े पत्रों के जो लोग हैं, जो पूंजी-पति हैं वे सर्वोच्च न्यायालय में, सुप्रीम कोर्ट में गये और हमारे कुछ माननीय सदस्य भी बार बार यह फरमाते हैं कि सर्वोच्च न्यायालय का जो फैसला हुआ है, उस फैसले के मुताबिक यह जो विधेयक लाया गया है यह उसके खिलाफ जाता है। ऐसी बात एक बार नहीं अनेक बार

हुई हैं। हमारे बिहार में जमींदारी प्रथा का एबोलिशन हुआ और वहां के लोग हाई कोर्ट में और सुप्रीम कोर्ट में गये और उस जमींदारी प्रथा के एबोलिशन के कानून को उन्होंने एनल किया, रद्द किया। इसके बाद फिर सरकार को उसमें सुधार करके दूसरा कानून लाना पड़ा। यहां भी जितने कानून बनते हैं—चूंकि सुप्रीम कोर्ट को यह अधिकार है कि जो कानून हमने बनाया है उसमें यदि कुछ दोष हो तो उसको बतायें—उनको सुप्रीम कोर्ट के फैसले के मुताबिक सुधारने की कोशिश करते हैं। लेकिन सर्वोच्च न्यायालय के जो फैसले हैं वे मेरी समझ में दकियानूसी होते हैं और आज सरकार की जो समाजवादी नीति है उसके खिलाफ होते हैं। इसलिये यदि सरकार को श्रमजीवी पत्रकारों की हालत सुधारने के लिये यह विधेयक लाना पड़ा तो जो इस तरह की आवाज दी जाती है कि यह सुप्रीम कोर्ट के खिलाफ जाता है, इस तरह की आवाज में समझता हूँ कि उठनी नहीं चाहिये।

श्री डी० पी० सिंह (बिहार): इसमें दकियानूसी की कोई बात नहीं है। कानून बनाने में गलती हुई।

श्री शीलभद्र याजी: मैं कहता हूँ कि दकियानूसी है और जोर से कहता हूँ।

श्री डी० पी० सिंह: यह उचित नहीं है कि सुप्रीम कोर्ट के बारे में इस तरह की बात कहें।

श्री शीलभद्र याजी: यह अपनी समझ की बात है। मैं सुप्रीम कोर्ट से इस हाउस को बड़ा समझता हूँ। हम कानून बना कर देते हैं कि वह उस पर विचार करे।

श्री डी० पी० सिंह: कानून आप ठीक से बनाते ही नहीं हैं।

श्री शीलभद्र याजी: यह आपकी समझ है, मैं इस ख्याल का ही हूँ। पंडित नेहरू ने भी यह कहा था कि समाजवाद की स्थापना के लिये

[श्री शीलभद्र याजी]

हमारा जो तेज कदम चलने वाला है उसके मार्ग में यदि कोई हाईकोर्ट या सुप्रीम कोर्ट रुकावट डालता है तो उस रुकावट को हम बर्दाश्त नहीं करेंगे। तो सुप्रीम कोर्ट ने जो कुछ दोष बताया उसको ठीक करने का इस हाउस को अधिकार है, लेकिन सुप्रीम कोर्ट का हवाला देकर यह चुनौती दी जाती है, यह चैलेंज और धमकी दी जाती है, इस हाउस में मालिकों की तरफ से बोलने वाले जो लोग हैं, उनको तरफ से यह धमकी दी जाती है कि यदि यह विधेयक कानून के रूप में आया तो फिर मालिक लोग सुप्रीम कोर्ट में जाने वाले हैं। यह तो उनकी मर्जी की बात है, उनके पास रुपया है और वह तीन हजार, चार हजार रुपया वकीलों को दे सकते हैं लेकिन पत्रकारों को नहीं दे सकते हैं।

डा० डब्ल्यू० एस० बार्लिंगे (मुम्बई) :
तीन-चार हजार या चालीस हजार रुपया ?

श्री शीलभद्र याजी : जितना भी दें। लेकिन मेरा कहना है कि सरकार ने बहुत सोच समझ कर आर्डिनंस को जारी किया था और उसको जारी करने के बाद वह इस विधेयक को लाई है और मैं समझता हूँ कि इस विधेयक का किसी ने दबी जवान से विरोध किया हो तो दूसरी बात है, लेकिन इसका सहर्ष समर्थन कुंजरू साहब ने भी किया, सपू साहब ने भी किया और जो इसके मुखालिक है, विरोधी हैं, उन्होंने भी किया है।

श्री हर प्रसाद सक्सेना : हमारे कम्युनिस्ट फ्रेंड्स ने भी किया है।

श्री शीलभद्र याजी : जो समाजवाद को चाहने वाले हैं वे तो करेंगे ही, कांग्रेसी करेंगे, पी० एस० पी० वाले करेंगे और कम्युनिस्ट करेंगे ही, लेकिन मेरा कहना है कि जो समाजवाद को नहीं मानने वाले हैं उन्होंने भी किया है। जो मजदूरों के लिये, श्रमजीवियों के लिये मरते हैं उनका तो यह धर्म है, ड्यूटी है, फर्ज

है कि वे इसका समर्थन करें। तो मैं यह कहना चाहता था कि इस विधेयक में अभी भी त्रुटियां बतलाई जा रही हैं और खासकर जो इंडियन लेगुएज पेपर एसोशिएशन है और जो पब्लिशर्स कान्फ्रेंस है, उन्होंने जब यह देखा कि यह आर्डिनंस विधेयक के रूप में पार्लियामेंट में आने वाला है तो उनकी बड़ी आवाज बुलन्द हो रही है और वे धमकी दे रहे हैं, लेकिन इस धमकी से सरकार को घबराने की जरूरत नहीं है। हम लोग भी छोटे मोटे पत्रकार रहे हैं और उस हैसियत से हम जानते हैं कि पत्रकारों की क्या हालत है। वे रात भर जागते हैं और जैसी कि हिन्दी में एक कहावत है कि जहां कोई भी नहीं जा सकता है वहां प्रेस का भूत जाता है, जहां कोई आदमी प्रवेश नहीं कर सकता है वैसी वैसी मुश्किल जगहों में श्रमजीवी पत्रकारों को समाचार संग्रह करने के लिये जाना पड़ता है और मुसीबतें झेलनी पड़ती हैं, लेकिन काफी पढ़े लिखे होने पर भी उनकी मजदूरी क्या है ? उनकी हालत क्या है ? इसको सारा हाउस अच्छी तरह से जानता है।

तो समिति का जो गठन हुआ है उसके बारे में कुछ लोगों की यह राय है कि जो सरकारी मूलाजिम है, जो आफिशियल्स है, उनकी कमेटी नहीं बननी चाहिये थी और इंडिपेंडेंट जुडिशियल ब्रेंस की, हाईकोर्ट के एक्स-जर्जों की या ऐसे लोगों की कमेटी बननी चाहिये थी। मेरी राय इससे जुदा है। मैं समझता हूँ कि जो इंडिपेंडेंट होते हैं वे एकदम ही इंडिपेंडेंट होते हैं, वे बिना लगाम के घोड़े हैं और वे सरकार की जो नीति है उसको अच्छी तरह से नहीं समझते हैं। सरकार की तो यह मंशा है कि जो श्रमजीवी पत्रकार हैं उनकी मदद करें, लेकिन जो इंडिपेंडेंट्स आर्यो वे तो अपनी मर्जी से काम करने वाले हैं, इसलिये सरकार की जो मंशा है वह पूरी नहीं होगी। सरकार श्रमजीवी पत्रकारों की हालत को सुधारना चाहती है और उनका एक उचित न्यूनतम वेतन निश्चित करना

चाहती है और सरकार की प्रो-वर्किंग क्लास और समाजवादी नीति है, तो यदि इस समिति में सरकार के आफिशियल्स रहते हैं तो वह सरकार के इशारे पर अच्छी तरह से इस काम को कर सकते हैं लेकिन यदि सभू साहब की और कुंजरू साहब की राय मान ली जाय तो फिर इसमें भी जैसी कि सुप्रीम कोर्ट की राय हाता है उसी तरह की राय हो सकती है और भी दूसरी दूसरी बातें हो सकती है और मैं समझता हूँ कि जो गवर्नमेंट की मंशा है वह ठीक तरह से पूरी नहीं हो सकती है।

डा० डब्ल्यू० एल० शर्मा : थानी, आपको न्याय नहीं चाहिये ?

श्री शीलभद्र याजी : क्या न्याय वही लोग अच्छी तरह से कर सकते हैं ? हमारे जो गवर्नमेंट आफिशियल्स हैं वे क्या अन्यायी हैं, वे सब भी न्याय करना चाहते हैं और न्याय करना जानते हैं, वे भी कानून जानते हैं। गवर्नमेंट आफ इंडिया के लेबर डिपार्टमेंट के जो सेक्रेटरी हैं वे दिन भर बड़ी बड़ी इंडस्ट्रीज के मजदूरों की मजदूरी वगैरह निर्धारित करते रहते हैं और उनके बारे में फैसले करते हैं। जो वे सब चीजें जानते हैं और समझते हैं। इसलिये आफिशियल्स लोगों की कमेटी बनाने से जो सरकार की नीयत है, जो सरकार की मंशा है उसको वे अच्छी तरह से पूरी कर सकते हैं लेकिन अगर इंडिपेंडेंट लोगों को यह काम दे दिया जाय तो जिस तरह से इंडिपेंडेंट राय यहां दी जाती है और हाउस के बाहर दी जाती है उसी तरह से कमेटी में भी दी जायगी और हो सकता है कि इस वजह से पत्रकारों के साथ न्याय नहीं हो। इसलिये मेरी समझ में जो आफिशियल लोगों की कमेटी है वह बहुत उपयुक्त कमेटी है। यदि ला का, कानून का कोई सवाल उठता है तो उसके लिये इसमें कानूनदा भी हैं और यदि कोई मजदूरों के हित की बात सामने आती है तो उसके लिये इसमें श्रम विभाग के मंत्री लोग हैं, इसके अलावा और भी लोग हैं और यदि इस काम में

कोई कानूनी अड़चन आयेगी या मजदूरों के वेतन वगैरह के बारे में कोई अड़चन आयेगी तो उन सारी चीजों को मैं समझता हूँ कि वे लोग अच्छी तरह से हल कर सकेंगे। इसलिये मैं समझता हूँ कि इंडिपेंडेंट जूडिशियल ब्रेन की या हाईकोर्ट के एक्स-जज की जो राय दी गई है उस राय को सरकार को ठुकरा देना चाहिये और उसे मानने की कोई जरूरत नहीं है।

SHRI M. H. SAMUEL: If we have a judge, it will again go up to the Supreme Court.

श्री शीलभद्र याजी : अब हमारे छोटे पत्रों की बात भी उठती है कि उनकी हालत में सुधार होना चाहिये। यह ठीक है कि एक लाख या दो लाख में भी प्रेस चलता है और अच्छी तरह से चलता है। तो उनकी हालत में सुधार करने के लिये सरकार कोशिश करेगी। जैसा कि हमारे कुछ माननीय सदस्यों ने राय दी है कि जिस तरह से विज्ञापन, एडवर्टिजमेंट, बड़े बड़े पत्रों को मिलते हैं उसी तरह से उनको भी दिये जायें, तो मैं समझता हूँ कि सरकार ऐसा करेगी और उनकी हालत में सुधार करने के लिये उनको विज्ञापन देगी। यदि इस तरह से उनको विज्ञापन मिलता है और विज्ञापन के जरिये से उनको ग्रामदानी होती है तो उनकी हालत में भी काफी सुधार हो सकता है।

[MR. DEPUTY CHAIRMAN in the Chair.]

तो मैं समझता हूँ कि जो मौजूदा विधेयक है वह ठीक है। इस तरह के विधेयक की बहुत दिनों से मांग थी और यह बहुत अच्छा हुआ है कि सरकार इस तरह का विधेयक लाई है। इस बिल का जिस तरह का समर्थन इस हाउस में हुआ है वह मैं समझता हूँ कि एक अच्छी निशानी है। इससे मालूम पड़ता है कि सब लोग श्रमजीवी पत्रकारों की तरफकी चाहते हैं। सब लोग चाहते हैं कि जो श्रमजीवी हैं, जो मेहनत करते हैं, जो मेहनतकश हैं उनकी हालत में सुधार हो और उनकी

[श्री शीलभद्र याजी]

हालत में सिर्फ सुधार ही नहीं हो बल्कि उनको उचित मजदूरी भी मिले ।

3 P.M.

यह बात भी उठाई गई है कि यदि इस तरह का कानून बनता है और उसका प्रयोग होता है तो बहुत से जो ग्रन्थवार हैं, समाचार-पत्र हैं उन पर आफत आयेगी, विपत्ति आयेगी और उनके बन्द होने का भी नज्जारा आ सकता है, लेकिन जो लोग समाचारपत्रों की हालत और उनकी खुशहाली के बारे में जानते हैं, किस तरह से वे दूसरी दूसरी जगह कितने ही मकानात बना रहे हैं, कितने ही शेरर दूसरी जगहों में लिये जा रहे हैं, वे लोग जानते हैं कि वह बात सही नहीं है । सरकार और खासकर जो सरकार की कमेटी है वह यदि कड़ाई से काम ले तो मैं समझता हूँ बहुत दिनों की जो श्रमजीवी पत्रकारों की मांग थी, और जो सारे हाउस की मांग है जो कि मजदूरों की और श्रम-जीवी पत्रकारों की भलाई चाहते हैं, इस मामले में सभी की एक आवाज है कि जल्दी से जल्दी उनकी हालत में सुधार होना चाहिये । इसलिये मैं तहेदिल से इस विधेयक का समर्थन करता हूँ और उम्मीद करता हूँ कि जिस तरह सर्व सम्मति से लोक सभा ने इसको पास किया है उसी तरह से हमारा यह हाउस भी इसे पास कर देगा ।

DR. P. V. KANE (Nominated): Mr. Deputy Chairman, I want to say that the present Bill causes a great deal of confusion and it is not clear what is aimed at. The present Bill, I feel, is unnecessary also and what is sought to be done could have been done by amending certain sections in the old Act. That, in brief, will be what I am going to drive at in my speech. My first point is that the Bill is unnecessary, secondly, that it creates confusion and the same object could have been served by making certain amendments. The

reason given here, namely, that on account of the decision of the Supreme Court something has to be done, is not a sufficient reason for this measure. They say that the old Act, so far as the Wage Board is concerned, has been repealed. But in another place—Section 4 (4)—they say it will be taken into account. I am going to refer to that later. The drafting is not proper. If they feel that something had to be done on account of the decision of the Supreme Court, then they can very easily have effected it by means of certain amendments in the concerned sections.

As regards the decision of the Supreme Court, in my opinion, they have not said anything beyond that the Wage Board's award is bad on account of two things. Many things were put forward before them. But so far as I can understand the judgment, what they have said is that the Wage Board did not take into account the capacity of the employers as regards the payments and also they have not gone into the question of natural justice. I may be wrong, but that is what, I feel, is the sum and substance of the Supreme Court's judgment. In order to effectuate this intention, all that is necessary, in my opinion, is to make certain amendments in the rules relating to the Wage Board. For that purpose, I shall invite your attention to the provisions in the old Act, The Working Journalists (Conditions of Service) and Miscellaneous Provisions, Act, 1955. The preamble of that Act says:

"An Act to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments."

So the preamble says that the measure is for regulating certain conditions of service of working journalists. That is the old Act. I need not go into everything in that Act; I am only pointing out the relevant

and important provisions there. In section 8, it says:

"The Central Government may, by notification in the Official Gazette, constitute a Wage Board for fixing rates of wages in respect of working Journalists in accordance with the provisions of this Act."

So they say the Central Government may constitute a Wage Board. That is important. And the purpose will be to fix rates of wages in respect of working journalists. So section 8 does contemplate a Wage Board whose only purpose is the fixing of rates of wages. Then Sub-section (2) of section 8 speaks of the number persons on the Board. With that we are not concerned just now. Then comes section 9 which is important. It says:

"In fixing rates of wages in respect of working journalists, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the newspaper industry in different regions of the country, and to any other circumstances which to the Board may seem relevant."

Here comes the Supreme Court's decision. The section speaks of "any other circumstances which to the Board may seem relevant." So it is given discretion and so we could have by an amendment added here after "any other circumstances" the words "such as the capacity of the employer and also calls of natural justice". So they may consider these and any other circumstances which to them may seem relevant. So this is an important thing.

Then we come to sub-section (3) of clause 9 which says that after hearing everything, the Board when it comes to a decision, fixing the rates of wages shall communicate it as soon as practicable to the Central

Government. Then section 10 says: in sub-section (1):

"The decision of the Board shall, within a period of one month from the date of its receipt by the Central Government, be published in such manner as the Central Government thinks fit."

And in sub-section (2) it says:

"The decision of the Board published under sub-section (1) shall come into operation with effect from such date as may be specified in the decision, and where no date is, so, specified, it, shall come into operation on the date of its publication."

DR. R. B. GOUR: May I interrupt? The Wage Board was formed and it has given its decision. Because the decision of the Wage Board was set aside by the Supreme Court, the Government has come forward with this Bill. So how can a modification of the old Act serve the purpose we have in view?

MR. DEPUTY CHAIRMAN: What he is going to show is that it could have been amended in the light of the Supreme Court's judgment.

DR. R. B. GOUR: The same Wage Board?

DR. P. V. KANE: Yes, the old Wage Board still exists. It is the decision of the Wage Board that has gone. That is the confusion. I am coming to it latter on. My point is, the Wage Board does exist. Please let me know under what section it has ceased to exist. There is no repealing section. It is not said that the Wage Board is abolished. There is no kind of even implied repeal. And you must have an express repeal. Therefore, I say this Wage Board still remains. Under sub-section 10(2) if there is no date fixed then *ipso facto*, it comes into operation. That is important.

[Dr. P. V. Kane.]

Then section 12 says:

"The decision of the Board shall be binding on all employers in relation to newspaper establishments and every working journalists shall be entitled to be paid wages at a rate which shall, in no case, be less than the rate of wages fixed by the Board."

I am leaving the other sections and I come to section 20 which is practically the last section. It says:

"The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act".

And then follow the various matters for which the rules are to provide, from (a) to (f). I will not refer to them in detail, but only invite your attention to what stated under (d):

"the procedure to be followed by the Board in fixing rates of wages;"

Here you can make an amendment to the procedure. First appoint a small committee, and taking the advice of the small committee which the Government will publish in the Gazette, the whole Act could have been put in there. By procedure you can make the Government appoint a committee to help the Wage Board. This is the original Act.

Now, we come to the present measure. You will find there is a preamble in clause 3, for in my opinion, that clause should really have been the preamble to this Bill, for it says:

"For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists in the light of the Judgment of the Supreme Court" etc.

"and in the light of all other relevant circumstances, the Central Government shall, by notifi-

cation in the Official Gazette, constitute a Committee consisting of the following persons,"

Well, I have no objection to the persons. My point is, this is really the preamble. The preamble has been put down like this:

"to provide for the fixation of rates of wages in respect of working journalists and for matters connected therewith."

What is the difference between this preamble and clause 3 of this Bill? It is merely a repetition. This is also to provide for the fixation of rates of wages and clause 3 speaks of "enabling the Central Government to fix rates of wages." I don't find any difference.

Drafting is also not proper. Apart from the drafting, new difficulties will come in under clause 3. Under this clause, certain people who are all officials more or less are appointed to the Committee. At present I do not take objection to them but that is most objectionable. I come to clause 4 which says:

"The Committee shall, by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the Wage Board...."

That is, the Wage Board is still alive and the Committee should call:

"other persons interested in the Wage Board decision to make such representations as they may think fit as respects the Wage Board decision and the rates of wages which may be fixed under this Act in respect of working journalists."

Later on comes the sub-clauses relating to procedure, etc, with which we are not concerned. Sub-clause (3) of clause 4 says:

"The Committee shall take into account...."

Here again comes the same question—

"....the representations aforesaid, if any, and after examining the materials placed before the Wage Board...."

That is, the Wage Board is still there—

"....and such further materials as have since been obtained by or made available to it under this Act, make such recommendations, as it thinks fit, to the Central Government for the fixation of rates of wages in respect of working journalists, whether by way of modification or otherwise...."

My point is this: Is this Committee to sit as a court of appeal against the Wage Board? That is a point which is not quite clear to me because, it is said that the Committee has to take the material collected by the Wage Board and also collect materials, if any, and then make recommendations which may mean modification of the Wage Board decision. Is this Committee a court of appeal, as it were, sitting over the Wage Board? This is confusion. I am not quite clear. Confusion is worse confounded if we read sub-clause (4).

"In making any recommendations to the Central Government, the Committee shall have regard to all the matters set out in sub-section (1) of section 9 of the Working Journalists Act."

They have to look to so many things apart from the question of capacity to pay and also the question of natural justice. That could have been added here. I do not want to trouble you with other clauses but let us now look at clause 11. This confuses me a lot. It reads as follows:

"Sections 8, 10, 11, 12 and 13 of the Working Journalists Act shall have no effect in relation to the Committee."

What does this mean? Does this mean that the other sections have effect? They should have said that the whole of the Act is under repeal

and this new Bill is a substitute for that. I can understand that. That would be quite clear but here you say that sections 8, 10, 11, 12 and 13 will have no effect in relation to the Committee. We cannot make any sense at all. Either those sections remain or they are repealed. My submission is that this must be enlarged and whatever meaning the legislating authority wants to give to this should be brought out and made clear. The Wage Board Act is still there; there are some sections which will be considered by the Committee, sections dealing with the Wage Board and you say that all those sections are not repealed but only sections 8, 10, 11, 12 and 13 are repealed. The Wage Board, the Act and everything remains and now you have got a confusing enactment saying that these sections will have no relation. What does it mean really? Does it mean that these sections are repealed or, does it mean that some thing new must be made by the Committee which, under these sections, you did not do? I am saying that this particular clause is very badly worded. The meaning is not very clear. The marginal note says:

"Effect of Act on Working Journalists Act, etc." Of course, the marginal note is not necessarily binding on us. The point is that it is not known what Government wants. Does it mean that the Committee may do some things which, under these sections, could not be done by the Wage Board? Is that the meaning, or is it that the Committee is going to sit in judgment as it were? You will see that clause 11 makes the whole thing confounded. Further, look at the proviso. Anyhow, I need not go into that. My point is this. Look at clause 13.

"The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act."

The sub-clause following deals with the procedure to be adopted, the manner in which notices are to

[Dr. P. V. Kane.]

be issued and so on. You will find, Sir, that 13(2) (b) is the same as (d) of section 20. There is no difference. Section 20(d) deals with the procedure to be followed by the Board in fixing the wages. Here also, the Committee has to make rules about the procedure to be followed in the exercise of the powers under this Act. This Act is for the fixation of wages and it means the fixation of wages only. My point is that it looks like a case of overlapping and confusion. I do not want to go into greater detail with regard to the other points. With great respect to the Law Officers, I say that it is confusing. I do not say that I am a very great lawyer but for 45 years I have worked in a High Court and I cannot make out as to what they are driving at. Are they saying that the old Journalists Act is gone? Are they saying that the Wage Board is dead and gone or, are they saying that this Committee is going to be a super-appellate court against the Wage Board? All these points must be made clear.

SHRI RAGHAVENDRARAO (Mysore): Mr. Deputy Chairman, I rise with a feeling of helplessness over the present state of affairs in the Indian Press. I have been saying all along that I am a firm believer in the freedom of the Press and that I oppose any interference from any quarter and oppose it with all the vehemence at my command but, at the same time, I want to make it clear that I stand by the working journalists. Myself being a journalist, I do not want that any journalist should economically suffer, should spiritually suffer and should mentally suffer. He stands in a different category. He was, in the past representing practically what the Parliament today represents. He has been a fighter in the cause of freedom and he has fought side by side with the others in the national movement and as such, I do not believe that we are in any way help-

ing him by having this kind of piecemeal legislation. Sir, the real cause is to be found somewhere else. Since independence or since the formation of the Press Commission, trouble for the Indian Press started. The Press Commission recommended the formation of a Press Council and that has been completely ignored by the Information Ministry. A self-governing Press Council which could alone deal with the problems of a Press should have been brought in. The Press Commission was appointed by the Information Ministry and that Press Commission produced this Press Council idea but it is something identical to the case of Shakuntala. Dr. Keskar, the Information Minister today, now disclaims the Press Council. If the Press Council had been formed, brought into existence, all these problems would not have arisen and I may be allowed to say here that no such measures will ever be able to cow down the Indian Press. For the last six or seven years you have been passing resolutions and things like that. Have you been able to implement any of these things? Has a single pie been added to the salaries, the emoluments of the journalist? It has not been possible because the Indian Press, and particularly the people who handle the Press, are not submitting to you. They will never submit because the Indian Press was born in the fight for freedom and the threat of an ordinance is nothing to them. We were born under the heels of the ordinances. What is the meaning of the ordinances that you have been promulgating these days? It means that you yourself have no faith in the judicial administration of the country. You say that by going to the judiciary, it will take time, it will go to the second generation but, Sir, what about the common man who believes in your administration? Has he to wait for the next generation? Being a Minister if you yourself do not believe in this administration,

how you can carry on the administration, I do not understand. Only recently, this House was reverberating with the sanctity of the judiciary and to-day on the face if you brandish this ordinance to dispense justice I do not quite understand.

DR. W. S. BARLINGAY: What has the promulgation of the ordinance to do with the sanctity or otherwise of judicial pronouncements?

SHRI RAGAVENDRARAO: Then why do you bring this ordinance? Because you are going against the judgment of the Supreme Court, you are bringing this ordinance.

(Interruptions)

MR. DEPUTY CHAIRMAN: No cross-conversations.

SHRI RAGHAVENDRARAO: Well, Sir, I am standing here to make clear one thing. I believe in the newspaper industry, as a profession, and if the working journalists want to be treated as workers, let them be treated so; I have no objection. Let them be benefited, but at the same time let there be no discrimination in the newspaper industry. Let everyone be treated alike, whether on the managerial or the editorial or the printing side or the circulation side. All these people should be treated on an equal footing. Only then we can achieve our purpose. Perhaps many people may not be knowing that along with the editor every time the printer has gone to jail for some of the items published by his correspondent—a working journalist. He has fought shoulder to shoulder with you and he has stood by you. And to-day by ignoring his services and sacrifices and by not allowing him to be treated on an equal footing with the working journalist and to be given the same facilities as the working journalist gets you will be doing great injustice to him. Those who are conversant with the newspaper industry will see that every man in the industry puts his heart and soul in doing his work and every day he is

giving something new; he is creating something new. He puts his heart and he produces something and that something is not merely produced by the so-called working journalist but also by the printer. Even the linoman, even the man who works on the stone, the man who looks after the circulation of the paper and the man who sells the paper, everyone has to put his heart. Then only the paper will survive, and it all helps to build the industry.

Sir, as I said, I stand by the working journalist. The thing is about the fixation of their wages. Members were saying that it was an essential service. I know. If it was an essential service as our friends were saying yesterday, then nationalise the industry, and if you cannot nationalise it, then let the appointments be made through the Public Service Commission and let there be proper emoluments as obtain in Government service; let there be gazetted posts and gazetted officers. Only then we will be able to improve the lot of the newspaper industry and decide on the merits a newspaperman should have.

Sir, the Press is a powerful weapon and any settlement between an employee and an employer based on economic reasons would not solve the problem of the Indian Press, because the Indian Press has a social responsibility. Any unscrupulous proprietor can pay you any amount. But that does not help to build the Indian Press.

With these words, Sir, I take my seat.

DR. W. S. BARLINGAY: Mr. Deputy Chairman, I must confess that I am frankly in sympathy with the working journalists, and so far as the spirit behind this legislation is concerned, I feel I have little to add to what the hon. Mr. Nanda said the other day both in this House and in the Lok Sabha.

It seems to me quite plain, Sir, that there cannot be any discrimi-

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nation between one industry and another, and if journalism or the Press is a species of industry—and there is no doubt at all that, constituted as we are today, it has become an industry like any other industry—I do not see any reason whatever why any discrimination should be made between labour,—whether it is intellectual labour, or manual labour, it is labour, nonetheless—why any discrimination should be made between the labourers in the field of journalism and any other species of labour.

In this connection, Sir, I would draw the attention of the House to article 39 of the Constitution, and also articles 13 and 14 of the Constitution, which in terms lay down that there shall be no discrimination of any sort between citizen and citizen, that all citizens must have equal protection of the law and the law shall treat all citizens as equals. So far as article 39 of the Constitution is concerned, it lays down in the clearest terms that if a person works in the same way as any other person—let us take it that both work for seven hours a day—then both must have equal emoluments. That must really form part of the State policy. So I must say that so far as the spirit behind this legislation is concerned, I am in complete agreement with the hon. Minister who moved it, and I feel, as he did, that if there is any corruption in society, then the worst type of corruption is the corruption of the intellect.

Sir, the working journalist is an intellectual; but today he is not properly fed, and if he is not properly fed, it is bound to corrupt his soul. That is the ordinary law of nature, and if the soul of the journalist in this country is corrupt, then I submit the entire society will go wrong. Sir, I do not want to repeat the many extremely good arguments that have been advanced on the floor of this House by many eminent Members in this connection but, so far as I am concerned, I want to deal with certain legal aspects of the Bill.

Sir, let us recapitulate the history of this legislation. Under the old Act of 1955 a Wage Board was formed, obviously to do justice as between the employers and the employees in this particular industry. Now, that Wage Board gave a decision, and that decision, because it did not comply with certain provisions of that Act, namely section 9, that was set aside by the Supreme Court. Certain speakers yesterday said that this decision was still alive, and I was a little surprised at that sort of statement because I have got here the judgment of the Supreme Court itself, and I shall, with your permission, Sir, read out only a sentence from that judgment. "On a consideration of all the grounds of attack thus levelled against the validity and the binding nature of the decision of the Wage Board we have come to the conclusion that the said decision cannot be sustained and must be set aside." Therefore it follows and very clearly follows that that decision of the old Wage Board is as dead as dodo; it does no more exist. Now, after this state of affairs what was the proper thing to do? What could we have expected the Government to do?

DR. R. B. GOUR: Did the Supreme Court go into the merits of the decision? It only set aside the implementation of the decision because the method followed in arriving at that decision was objectionable in the opinion of that court.

DR. W. S. BARLINGAY: I am sorry Dr. Gour is not a lawyer. If he had been a lawyer, he could have easily understood it. Whether it is a decision on merits or not, does not matter at all.

The whole point is that that decision offended against section 9 of the old Act of 1955 and it has been declared *ultra vires* that particular section of the old Act and, therefore, the decision, as I said, is as dead as dodo. It no more exists. Now, the question is after this state of affairs what do we expect the Government to do?

MR. DEPUTY CHAIRMAN: Will you please read that sentence again?

DR. W. S. BARLINGAY: I would read out the further paragraph also:

"On a consideration of all the grounds of attack thus levelled against the validity and the binding nature of the decision of the Wage Board, we have, therefore, come to the conclusion that the said decision cannot be sustained and must be set aside. The petitions will, therefore, be allowed and the petitioners will be entitled to an order declaring that section 5(1) (a) (iii) of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Act No. 45 of 1955) is *ultra vires* the Constitution of India and that the decision of the Wage Board, dated April 30, 1957 is illegal and void."

Now, that is the state of affairs. In this state of affairs what would you expect the Government to do? I am really very grateful to Dr. Kane who spoke before me and pointed out certain irregularities in the whole procedure that was followed by the Government. What would you expect the Government to do if it was very anxious? The Government was very anxious that it should do justice to the working journalists. As Dr. Kane very rightly pointed out the decision was no more there. That is quite clear. But the Wage Board apparently was not defunct. Either it was defunct or it was not defunct. If it was not defunct, then surely the same Wage Board constituted by the Act could have again functioned and it could have come to another decision with regard to the wages of the working journalists after having taken into account the full implications of section 9 of the old Act. Now, I understand that there is a view of certain people here that this old Wage Board has become defunct and it is no more in existence. Very well. If it was not in existence, there was another alternative and what was the alternative? The Act was there. You could have constituted another Wage Board and I must say with all respect

to the hon. Minister that the Wage Board constituted under the old Act was in a way much better constituted, was more calculated to do justice as between the parties concerned than the present Committee which has been constituted under this Bill. What did the old Act say? According to the old Act, representatives of the newspaper industry and representatives of the working journalists were represented on that Board and therefore, it was to be expected that that sort of Board would be more fair to all the people concerned, to both the sides. Now, Sir, here we have another Committee and that Committee does not consist of any representative either of the working journalists, on the one hand, or of the representatives of the industry itself on the other. Now, in these circumstances, can we say that this Committee, which will be constituted under this Bill, is likely to do more justice to the case of the working journalists than the Wage Board which was constituted under the old Act? I feel very great doubt about this matter. However, what did the Government do? The Government immediately issued an ordinance. Now Sir, like Mr. B. K. P. Sinha who spoke the other day, I feel this was a very wrong step and also an unnecessary step to take. I do not want to repeat the many good arguments that Mr. B. K. P. Sinha gave yesterday so far as the promulgation of the Ordinance is concerned. One has only to read the provisions of the Constitution and to understand the spirit behind the Constitution in order to come to the conclusion that the issue of ordinances is a very extraordinary procedure and ought not to be resorted to except in times of extreme stress and difficulty. But nonetheless an ordinance was issued. Now, apart from the validity or otherwise of this ordinance, I wish to point out very respectfully that under the old Act there was a provision, section 13, which reads like this. The old Act was a comprehensive Act and it was a good Act:

"Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is

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necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists."

Now, what was there to prevent the Government from using this section and fixing interim wages for the benefit of the working journalists instead of issuing an ordinance of the kind they did? I am one with Dr. Kane when he says that this whole Bill is entirely misconceived and wholly unnecessary. The old Act could have done and it was quite sufficient for purposes of meeting the situation as it has developed today so far as the working journalists are concerned. What does the new Bill say? And I must say although after a very careful reading of the Bill I feel that the Bill may not be declared *ultra vires* the Constitution or may not be *per se* illegal, it does seem to me anyhow that the drafting of the Bill is extremely confusing. The State, as we all know, performs—the State in the wide sense of the term—three types of functions—the legislative, judicial and the executive. And for performance of these three types of activities, you have got three different institutions or bodies. So far as the judicial function is concerned, it is now vested, under the Constitution, in the Supreme Court. So far as legislation is concerned, that power is vested in the Parliament—of course, both the Houses of Parliament, including the President. And so far as the executive function is concerned, that is vested in the Government. It is a part of our administration. Now it seems to me with all respect to our draftsmen—let them not take my remarks amiss, there is nothing personal about anybody, I mean this is only a general discussion of the principles of drafting involved so far as this Bill is concerned—it seems to me that all these various functions of the State are being confused in this Bill. It is really an extraordinary piece of draft. Normally what would you expect? Suppose, for instance, there is a decision of a certain statutory

body. Legislation after all means law-making; that is to say, you may make general rules of law which lay down the general policy of the State. You do not make rules of law with regard to particular individuals. But here as the Bill has been drafted it is extraordinary to find that you appear to be concerned with the Wage Board decision although it seems to me after a very careful reading of the entire Bill that that would not be a correct interpretation of the entire Bill. I feel that this Committee is really an independent Committee and the decision to be arrived at by the Committee will be an entirely independent decision. It will have nothing to do with the decision of the old Wage Board. That is my view as a lawyer. But apart from that it does seem to me that the way the whole Bill has been framed is extraordinary. Normally you do not make any law, you do not legislate for the purpose of adding to or amending or setting aside or subtracting from a decision of a statutory body. You do not do that by legislation. Suppose a statutory body is formed and that statutory body takes a decision. Then you cannot make a law to alter that decision. All that you can do, if you like, is to amend the original Act or form another body and ask that body to take another decision. That you can very well do. But here you will be surprised to find—and that is what is apparent on the face of the Bill—here you find very curiously "Wage Board decision" being defined under clause 2 of the Bill—a most extraordinary procedure. Then you will find that in clause 4 the draft is like this:

"The Committee shall, by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the Wage Board decision to make such representations as they may think fit as respects the Wage Board decision....."

Where is the Wage Board decision? It is no more in existence when it is declared void. To somehow or other

resurrect the ghost of that sort of decision seems to me most extraordinary.

Anyhow, what seems to me to be the case is this: If you interpret the law properly, it seems to me that all this is absolutely wrong wording. Whether we refer to the decision of the Wage Board or whether we do not refer to that decision, the Committee constituted under this measure seems to me to be an entirely independent Committee, and it could take into consideration any statements made by anybody, I mean the parties concerned, and after taking into consideration those statements and so on, it could come to any decision as it might like. It is an independent body according to the interpretation that I put upon it, because that is the only interpretation which will uphold the validity of the Act. Otherwise it seems to me that the whole Act will be thrown out by the Supreme Court on an application.

Now, apart from this fact that you cannot change the decisions of statutory bodies by means of legislation, it does seem to me that this entire Bill reads like executive instructions. You cannot for that matter write an essay or write executive instructions and call them a Bill. You may do so, if you like, but it is open to the House to pass or not to pass it. You cannot write an essay and call it a Bill. A Bill is a Bill and it has to be properly drafted according to well-known principles. Here is an example of the drafting of the Bill which has been very rightly pointed out by Dr. Kane. Here is the wording:

"For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists in the light of the Judgment of the Supreme Court, dated the 19th day of March, 1958, relating to the Wage Board decision, and in the light of all other relevant circumstances, the Central Government shall, by notification...."

Now, the only operative part of this clause is "the Central Government

shall, by notification etc.", and all that goes before that ought to have gone into the Preamble. It has nothing whatever to do with the operative part of the clause of the Bill.

Sir, it is a very well-known principle of legislation that the purposes of the Bill or the causes which have brought the Bill into existence do not form part of the Bill. If anybody were to interpret this clause, what addition to the meaning of the operative part would this particular phraseology make, how would it add to the meaning of this clause, I would ask. This is not an operative part at all. I am therefore really surprised that a thing which ought to have gone into the Preamble now finds a place in the body of the clause itself. Sir, as far as the practice of the British Parliament is concerned, we know that there are certain peculiar types of Bill which were being passed by the British Parliament in the old days. A student of the British Constitution will be able to say about those types of Bills, but I know that, for instance, the British Parliament could pass what was called a Bill of Attainder or an Act of Grace or an Act of Indemnity. These had reference to particular persons or to particular acts and so on. I do not know whether this type of Bill would be all right if it is placed before the British Parliament, but I certainly think that so far as this Parliament is concerned, it is not a sovereign law-making body like the British Parliament.

MR. DEPUTY CHAIRMAN: Why not?

DR. W. S. BARLINGAY: It is not a sovereign law-making body. Its powers are defined by the Constitution. In England on the other hand, they have no written Constitution.

MR. DEPUTY CHAIRMAN: Parliament is supreme.

DR. W. S. BARLINGAY: I am sorry to say this is an entirely different thing. This is not a sovereign law-making body. It may become sove-

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reign only in certain circumstances, that is to say, when for instance, it sits to amend the Constitution itself by two-thirds majority and so on.

MR. DEPUTY CHAIRMAN: The Constitution defines the powers of making laws, and so long as the law that this Parliament makes is in consonance with the Constitution, it is supreme.

DR. W. S. BARLINGAY: I respectfully agree with the statement . . .

MR. DEPUTY CHAIRMAN: Then how do you say that it is not sovereign?

DR. W. S. BARLINGAY: Such a body is not called a sovereign law-making body. There is a difference between States which have got written Constitutions and States which do not have written Constitutions, which have unwritten Constitutions as in the case of England. No Act of the sovereign British Parliament can be questioned by any sort of law. But here, any Bill of this Parliament can be questioned; its validity can be questioned by the Supreme Court. It can always come to the conclusion that an Act which has been enacted by this body is *ultra vires* the Constitution. That does not happen with regard to a sovereign law-making body as in England. At any rate that is the meaning that I attach to the word 'sovereign law-making body.'

Therefore, I feel that this Parliament is not competent to pass an Act such as an Act of Attainder or an Act of Grace. I doubt very much whether that sort of an Act could be passed by a Parliament like the Indian Parliament. I also doubt whether this particular Bill is a good Bill, is a Bill which is according to the Constitution. It does seem to me that it is an extremely confusing Bill and it is confusing because it confuses between legislative, judicial and executive functions of the State, I repeat, with your permission, Sir, that we have no right to legislate with regard to

particular decisions which a statutory body may arrive at, although we may get rid of that particular statutory body itself by amending the Act. It is entirely a different matter.

SHRI SHEEL BHADRA YAJEE: The hon. Member is confused.

DR. W. S. BARLINGAY: I am sorry that my friend, Shri Sheel Bhadra Yajee, is not a lawyer. If he had been, he would have understood it.

Therefore, what I feel is that, instead of this measure, the proper thing to do would have been to constitute another Wage Board. If the constitution of the old Wage Board was not appropriate, if there was any objection to it, then the old Act could have been suitably amended and another suitable Wage Board could have been formed. After a suitable Wage Board is formed, there would be no objection at all, so far as that particular statutory Board is concerned, for it to go into the whole question once more. What was the objection to that sort of a course, as was very rightly pointed out by Dr. Kane?

MR. DEPUTY CHAIRMAN: Clause 11 says that sections 8, 10, 11, 12 and 13 of the Working Journalists Act shall have no effect in relation to the Committee.

DR. W. S. BARLINGAY: I am saying that it does not mean that those old sections are non-existent. So far as this Committee is concerned . . .

MR. DEPUTY CHAIRMAN: So far as this is concerned, those sections do not bind it.

DR. W. S. BARLINGAY: I admit it. But what I am saying is this. Instead of taking recourse to this sort of an Act, if the old Act of 1955 had been suitably amended and the Wage Board reconstituted under that old Act itself, that would have been very much better. There was no need for having this sort of an Act at all. I, therefore, submit that I have got great sympathy

for the working journalists and I feel that justice ought to be done to them. They have been treated very unfairly till today and justice has got to be done to them, and as early as possible too. But then, this was not the way to do it. The proper way was to constitute another Wage Board with or without an amendment of the Act of 1955 and if that sort of thing had been done, then probably early justice could have been done to the working journalists. Thank you.

DR. R. B. GOUR: Mr. Deputy Chairman, the hon. Dr. Barlingay who spoke just before me went into the niceties of the law. I am afraid I shall not be able, at any rate, to challenge his arguments because, happily, I am not a lawyer. Sir, in medical terminology we use a word 'valetudinarian', about a person who is too much careful in his approach to health. He weighs himself before he takes any food. He weighs himself after he has taken food. He takes the calorific value of the food taken and the health value of the entire thing. That valetudinarian approach to life itself makes him very miserable and he cannot lead a happy life. So, I think that a suitable terminology must also be created in relation to law. Let us not have a legal valetudinarian here, as we have a medical valetudinarian. Too much of law is also creating a little problem. As you know, the President himself told us the other day while inaugurating the Law Association.....(*Inter-ruption*). That is what we want. There is exactly something of law which we have in this Bill.

MR. DEPUTY CHAIRMAN: This is a law-making body and you are making law and it has to be interpreted.

DR. R. B. GOUR: I say, there is too much of law. They are not expected to make too much of law. We are expected to make something of it so that we do not err this way or that way.

Sir, as I understand the Supreme Court judgment or as the country

has understood it—well, I am not here to speak on behalf of the gentlemen of the Secretariat—it is that the Supreme Court has said that the Wage Board appointed under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, did not stick to section 9 of that Act. That means that the paying capacity of the newspapers was not taken into consideration and therefore, the decisions of the Wage Board are declared illegal or they cannot be sustained. That is the idea as I have understood it. That means, it will be too much to read into the Supreme Court's judgment, to think that the Supreme Court went into the wage structure, classification and all that and declared its opinion on that. Therefore, what is it that we have to do? We have to take steps to see that the particular procedure under section 9 is adopted. What is it that the Supreme Court has said?

SHRI P. N. SAPRU (Uttar Pradesh): Have you read the judgment of the Supreme Court that the decision of the Wage Board is set aside? It does not exist. The other reason has no significance.

DR. R. B. GOUR: That is true. But my point is that the decision of the Wage Board has been set aside because it has not been arrived at properly. That is what the Supreme Court says. But setting aside means, for what? For implementation purposes? They cannot be implemented. But if the Supreme Court's objection in regard to the approach to the decision is satisfied, then that illegality does not stand. That is why, what we are doing through this Bill is, we are making this Wage Board decision open again. Let me remind you of the Supreme Court's judgment again. The Supreme Court, in the course of its judgment says that the Wage Board could have circulated its recommendations to the various newspapers and asked for their opinion and if they had done it, it would have been better. That means, what we are

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doing today under this Bill is, we are making open the Wage Board decisions again for newspapers' opinion, for working journalists' opinion, for everybody's opinion. When the interests concerned express themselves again to satisfy the requirements of section 9 of the old Act, the Committee will take a decision, that decision will again be reviewed by the Government and it will finally come in the shape of wage fixation to the workers of the various categories. Even materially, the Wage Board decisions will be altered after having come out of the proceedings of this Committee. The Wage Board decisions will qualitatively and quantitatively be different from what they were. Therefore, the objections of the Supreme Court are supremely met by the provisions of this Bill and I do not think there is any reason to attack this Bill from that angle. That is why I say that it is not too much of law, but sufficient law is there. That is my contention and I would request all the legal luminaries of this House kindly to ponder over this question.

4 P.M.

Then, Sir, I shall come to the other arguments that have been advanced. Here, there have been arguments by certain gentlemen who styled themselves as working journalists. Fictitious working journalists, I should say. Now, they have come forward and said this. I am sorry I have to make a strong criticism of such an hon. Member, elderly as well, as Mr. Shiva Rao. He told us that he was a working journalist. I do not know but recently he has been a witness for the management. I have got it here—the judgment of a tribunal—the notification of the Delhi Administration, dated 17th June. Mr. Shiva Rao has appeared for the management as witness No. 4 when the case of victimisation of Mr. Ramamurti of the *Hindu* was under consideration. There he has appeared as the management's witness and I am sorry to say, he has appeared in this House as management's advocate.

Sir, here is a simple case of that great institution called the *Hindu*, so much praise for which was lavishly expressed by our friends—and by Dr. Thomas also. Here, let me remind the House that Mr. Shiva Rao equated the Editor of the *Hindu*, the Editor of the *Indian Express*, the Editor of the *Hindustan Times* and the Editors of all these papers that are existing today with such old figures like Surendranath Banerjee, Bal Gangadhar Tilak and Mahatma Gandhi who were editors of certain papers in the past. Firstly, I think by no stretch of imagination can this comparison be taken as correct and secondly it is a great injustice to these great leaders like Surendranath Banerjee, Bal Gangadhar Tilak and Mahatma Gandhi to be equated with Kasturis, Goenkas and Birlas of today. Never was there a case when Gandhiji victimised a correspondent of the *Harijan*; never was there a case when Bal Gangadhar Tilak victimised a working journalist of his paper; and never was there a case when Surendranath Banerjee victimised an employee. Here is the *Hindu* with which Mr. Shiva Rao himself is associated which has victimised Mr. Ramamurti. And Mr. Shiva Rao himself approached Mr. Ramamurti on behalf of the management to ask him to quit and here is the judgment which shows that Mr. Ramamurti was victimised because he was associated with the Delhi Union of Journalists and he was the Secretary of the Indian Federation of Working Journalists. And these are the gentlemen who talk of the freedom of the Press—these Kasturis, Goenkas, Birlas and the like.

Sir, here is a story published, a sordid story I should say, by the *Hindu*. These upholders of the cause of the freedom of the Press publish every statement against the working journalists but not a single statement given in reply by the working journalists is published in that. Now, a worker is victimised by the *Hindu* and Dr. Thomas said yesterday he was absolutely correct that a few workers prevented the majority of the workers

from going in. No, Sir. They themselves have said in this pamphlet that out of 800 and odd workers employed in the *Hindu* 200 and odd were working inside. Even then 200 do not become a majority out of 800. I cannot tell you to what extent they have gone and they are being compared to Gandhijis, Tilaks and Surendranath Banerjees.

In Madras there is another case. These gentlemen try to take signatures from their employees asking them to say that they have nothing to do with the case. Is that the way to deal with the employees? Is that a democratic way—to coerce them to affix their signatures to a document which they do not subscribe to? Then 30 workers opposite the *Hindu* office were cordoned by the workers from Simpson. Who were they? When the police interrogated them, they revealed that they were hired by the *Hindu* management to attack the workers who were on strike—the working journalists of the *Hindu*. These are the methods of the so-called upholders of the cause of the freedom of the Press and we are equating them with the Surendranath Banerjees, Tilaks and Gandhis. This is the sordid state of affairs.

SHRI BHUPESH GUPTA: And we are a little surprised that the Congress party allows such comparison to be made, which is a defilement of the memory of the great leaders.

MR. DEPUTY CHAIRMAN: Order, order.

DR. R. B. GOUR: Now, Sir, some people have talked about the small papers. That reminds me of an argument that we hear. When we come to the question of absentee landlordism, they ask, what will happen to the old widow in that remote village whose land is being tilled by some fellow? She is an absentee landlord. Sir, nowhere does the Working Journalists Act or the Wage Board decision demolish the small papers. Complete safeguards are there. The classification itself shows that—Class I, Class II, Class III, Class IV and Class V. And for the last class it is only the minimum wage that will be fixed. I do

not know why that should be objected to. And let me tell you, not a single small paper has ever gone to the Supreme Court or to the High Court against the decisions of the Wage Board. They have not pleaded incapacity to pay before anybody. They have not gone to the big chambers of the I.E.N.S. and pleaded with them, 'please fight our case on our behalf'. But it is these big gentlemen who have gone to the Supreme Court, spent a lakh and a half rupees, and are pleading incapacity to pay. Therefore, that small paper argument is absolutely irrelevant. Sufficient safeguards are there in the decisions of the Wage Board for small papers. I say, sympathy for the small papers must be reflected in getting the price page schedule as soon as possible, in giving them more advertisements, and all that. State aid must come through these methods. But these things are all opposed by these gentlemen. The price page schedule is opposed. They want to grab all the advertisements themselves. And Mr. Shiva Rao said, 'what will happen to their service?' If they have to increase the wages, will they be able to appoint correspondents abroad? What will happen to the freedom of the press? Then we may have to depend only on *Reuters* but now we can depend on the *Times of India* service. You pay to a correspondent in London, not according to what you feel but according to what the law of London demands. But in India you want to starve them. To newsprint you will pay what the newsprint magnates demand. To the London correspondent you will pay according to the law there.

SHRI BHUPESH GUPTA: For the *Hindu* it is 150 pounds.

DR. R. B. GOUR: But the Indian working journalist is the one gentleman who must be axed in order to see that all this paraphernalia is maintained. Why don't you come up and suggest something should be done to reduce the cost of newsprint, something should be done to import newsprint on a large scale and see that it is

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sold at proper rates? It is the news-print that makes up for 45 per cent. of your cost of production. Why should the axe fall on the working journalists and not on others?

And let me remind the House that the *Press Trust of India* approached the Government of India that because of the Working Journalists Act, their wages will have to be increased and therefore the Government of India must increase the amount that they are paying to the *Press Trust of India* and the amount was increased but not the pay Bill of the working journalists. Let me also remind the House that the *Hindu* sent a letter round to its advertisers that the Working Journalists Act has come and they would have to pay a little more to their working journalists and therefore the rates of advertisements will have to be increased. Sir, the rates were increased for advertisements but not the emoluments of the working journalists. That is how matters are taking place. Do you call it honesty? Do you call it democracy? And is it this which we have to defend.

Hon. Dr. Kunzru adopted quite a different line and I should say, he appeared to me absolutely innocent. Probably he did not know anything about it. He said, "The Industrial Disputes Act was there and why do you come with this?" Let me remind Dr. Kunzru and the House that the Government tackled these darlings of the Government with the deepest care that it could. Our complaint is: Why is it that they are treating these gentlemen with such tender care? The point is that you appointed the Wage Board. They did not cooperate with the Wage Board. Who violated section 9? Not the Wage Board but the employers who refused to cooperate. This is what they say. Here is a pamphlet published by Shri Upendra Nath Acharya, President of the Indian and Eastern Newspaper Society, Old Mill Road, New Delhi. This is for their private circulation. This is what they say in page 6:

"The majority decision of the Wage Board".

That means that they themselves did not agree with it—that is why they call themselves minority—

"The majority decision of the Wage Board is not based on a comprehensive assessment of the data relating to the newspaper industry but on such information as was placed before the Board."

What do they want the Board to do? The Board went into the information that was placed before them. A comprehensive study of the data that was placed before them was there. What they wanted was 'Appoint your own inspectors, have your inspectors to go round the whole country, investigate into every newspaper and into the paying capacity of every paper and then come to a decision.' Even 10 years will be required if the Board had to appoint its own investigators who had to go round the whole country. I don't think even the Government of India with its big paraphernalia will be able to do that. They have not been able to do it in the industrial field—to collect the wage census. The employers will not cooperate with the Wage Board, they will not submit to the Wage Board figures concerning the cost of production etc., they will want the Board to appoint investigators and now they say that Section 9 was not considered by the Wage Board. Why was it so? Because, you did not go before the Board with the statement. The Government says now: "Here is a committee, submit your memoranda, the Committee will go into them and give its own recommendations to the Government and Government will do it." They treated the Wage Board like this. Then what happened? After the Wage Board decisions were announced, the Government took it into its own hands to see that certain compromises were arrived at between the working journalists and the newspaper employers. A Sub-Committee of the Cabinet itself tried to meet. The Home Minister was there, the Prime Minister was there,

the Labour Minister was there and the I. and B. Minister was there. Even before this Sub-Committee they came. Certain amendments were made and probably some adjustments were also made in the Wage Board decisions and these gentlemen came out and immediately went to the Supreme Court—from the room of the Sub-Committee of the Cabinet to the room of the Supreme Court. That is what they did in 24 hours. They were not co-operating with the Wage Board, with the Government, with the authorities who wanted a settlement and these are the gentlemen who are to be equated with and who are supposed to be the heirs of Surendranath Banerjee, Tilak and Mahatma Gandhi. It will be disastrous. I must confess that Mr. Shiva Rao performed a herculean task. He performed, I would say, a feat of gymnastics. He not only distorted what my friend Dr. Sapru said by physically mis-appropriating him to his side. Dr. Sapru only said: 'Please keep a lawyer or the Deputy Law Minister there, a judicial authority to see that the judicial aspect is judiciously taken into consideration and you don't commit mistakes.' But Mr. Shiva Rao physically took him and said: 'He is on the side of management and he also does not want this.' This is distortion and misappropriation to an amazing extent. This is how things are done. I, therefore, request you and through you, the House, to consider this question very seriously and I may also suggest and very humbly suggest—I am sure Mr. Sapru will be a little angry with me when I say—that there is something that should be done with the Supreme Court also. Let me be very frank. Every Trade Union in this country is feeling this that there is something of extra-power in the Supreme Court to prevent social justice. I cast no aspersions on the Supreme Court.

DR. W. S. BARLINGAY: It is absolutely wrong.

DR. R. B. GOUR: You may be wrong but I am not wrong. I am say-

ing from experience. The point is, if Dr. Barlingay is so much interested in judgments, let me quote to him the judgment itself. The famous Bharat Bank case was there. In the first instance, I think the Supreme Court had to discuss that case whether it can discuss it at all. Therefore, there was a difference of opinion among the judges themselves that the judgment of a tribunal or an award of a tribunal cannot be subject to a revision by the Supreme Court. That was the contention raised. Because a tribunal is doing a job of delegated legislation. It is not a judicial body itself that it is subject to review by an appellate authority. It is a body which is, under legislation, appointed to do certain delegated job, that is, fixing wages, settling disputes etc. Therefore, Justice Patanjali Sastri and some other judge in the dissenting note said that this cannot be subjected to review by the Supreme Court. Justice Patanjali Sastri was then a judge in those days but the majority of judges of the Supreme Court held, 'No, it is a quasi-judicial affair and therefore it is subject to review by the Supreme Court.' Therefore, there is a majority judgment and a minority dissent. You just see. I want you to think about it. The employers have got money, the employers have got lawyers, they have many resources in their hands. Therefore they immediately jump into the Supreme Court and the very purpose of social justice is lost. Therefore, that is one aspect. Therefore the working journalists also raised this question whether the Wage Board which was doing a job delegated to it by the law of the land or was it a quasi-judicial body itself whose judgment could be reviewed? Without going into this matter . . .

DR. W. S. BARLINGAY: You must remember that so far as the Supreme Court is concerned, it merely interprets the law which is made by this Parliament. It does nothing more than interpret.

DR. R. B. GOUR: I am not going into it. I want you to decide this. Now, in the Bharat Bank case, the Supreme Court held that in quasi-judicial or judicial cases they can review the judgments. Therefore, we raised this question in the Supreme Court again whether the Wage Board could be construed to mean a quasi-judicial or judicial body. Could its decisions be subject to review by the Supreme Court? Or is it a body appointed by the Government to do a job delegated by the Government, by the law passed by Parliament? Now, the Supreme Court without answering this query whether the Wage Board was a body which was only discharging a job delegated by law or it was a quasi-judicial body whose decision was subject to review, without answering this, they simply went into this and decided as they did. So my point is, that that answer has to come. Therefore, this question must be very seriously considered because labour as a whole, the trade union movement as a whole, is facing this trouble and difficulty. This must be decided. Or give us an equality of opportunity to go to them with all these big lawyers and others.

A point was raised that we should not question our ex-Governors and others appearing before the Supreme Court. No. I don't think in the past, when we were fighting with British Imperialists. Mr. Bhulabhai Desai ever appeared in a case which was not just. Why should he appear for the employers? Why could not you offer your services to the working journalists free of cost? You were a servant of the country. You have served the country as a Governor, as a Minister and as a Member of Parliament.

SHRI P. N. SAPRU: May I say to my friend that the ethics of the profession is that you have to accept a brief and you have nothing to do with the right or wrong of your client's case. By appearing for your client, you don't identify yourself with your client.

DR. R. B. GOUR: I entirely agree with my friend, Mr. Sapru. But I

would also request him to tell me whether the ethics of the profession is a written or unwritten one and the ethics of our legal profession during the freedom struggle was that they refused to appear in wrong cases. Gandhiji himself refused when he was in Africa. That is also ethics. After all, it gives weight to the case when the Attorney General appears on behalf of the employers. It gives social weight, political weight and administrative weight. Why don't you offer your services to me, to the working journalists and to their case? After all, you are lawyers knowing full well that here is a socially oppressed class of people who have not the money to put up such lawyers. Why don't you do that? That would have been superior ethics.

MR. DEPUTY CHAIRMAN: We are not sitting in judgment on lawyers.

DR. R. B. GOUR: But the point was raised.

MR. DEPUTY CHAIRMAN: If you are a lawyer, you can appear on your free volition. You cannot compel a lawyer to appear for a particular party.

DR. R. B. GOUR: I am not criticising the legal profession. I am criticising our national leaders, those who have served the people, who have come up as the leaders of the people, as politicians and as Ministers and Members of Parliament. They have not got merely the capacity of lawyers. Let me be frank with you. If they are only lawyers, I have nothing more to say, I have no quarrel with them. If they have only the principles of the profession and only these apply to them, and no other principles apply to them, then I have no quarrel with them. That is my contention. Then, Sir, these gentlemen of the press are supposed to be the heirs of Gandhiji, of Balgangadhar Tilak and Surendranath Banerjee. You can see what they have done to the working journalists. When the old Bill was being discussed, a list was produced,

in the House, of 28 persons who were victimised. Since then, by now already 20 are victimised. I don't know how many of the actual working journalists would be there and how many new working journalists would be in their place by the time wages are fixed. This victimisation is going on on a large scale. And these are supposed to be the heirs to Surendranath Banerjee, Mahatma Gandhi and Balgangadhar Tilak.

DR. P. J. THOMAS (Kerala): What evidence is there?

DR. R. B. GOUR: You want evidence? In the *Hindu*, Shri Ramamurthi was victimised and the Industrial Tribunal's judgment is there as the evidence. If you want more evidence, you have the working journalists roaming about who have been victimised, who are unemployed. Meet them and talk to them and you will have ample evidence. If you want judicial evidence, here it is—the judgment on the victimisation of Ramamurthi for trade union activities. Even in the recent *Hindu* dispute—the working journalist was on night shift in the *Hindu* and after working his night shift he came out and started doing day shift. He worked for about an hour. Then suddenly the management said, "You are to go to night shift. So you go away." What is it? Are they to cancel that one hour?

MR. DEPUTY CHAIRMAN: According to your own argument, there has been a decision given under the Industrial Disputes Act. So you may go to the next point.

DR. R. B. GOUR: To say that these magnates, these upholders of the cause of the freedom of the press in our country are the heirs of Balgangadhar Tilak, Surendranath Banerjee and Gandhiji appears to me to be a fantastic idea. My hon. friend is very fond of the *Hindu*. May I ask how such a leading person in our country like Shri Chelapathi Rao himself, when he delivered the presidential

address at the Working Journalists' Conference at Hyderabad, his speech was blacked out by the *Hindu*, the great upholder of the freedom of the press? And may I add that the *Hindu* is supposed to be the only paper in the world which gives so much information. But even Shri U. Krishna Rao, Speaker of Madras Assembly, had to criticise the *Hindu* on something being blacked out from the engagement column. Why talk of the freedom of the press when the press is in the hands of these people, these Kasturis, Birlas and Goenkas? Let us not speak too much about these gentlemen. They are not the same gentlemen who had suffered for the country, who had suffered police repression and government repression. You cannot compare them and say these are the heirs of those people. They are no more their heirs. They do not have those noble ideas any more. They have converted themselves into exploiters and money grabbers. That is why we need a law to protect the working journalists. Otherwise, do you mean to say that with Surendranath Banerjee, Balgangadhar Tilak and Gandhiji, a law was necessary to protect the working journalists? Because they are no more there, because those high ideals of journalism are no more there with these proprietors, we need this law. We have been asking for it. You can see how during the last two or three years there has been victimisation on a wide scale. There is no wage increase, but the rates of advertisements have been increasing, not the wages. What is it? Therefore, very effective steps are very necessary and this Bill, Sir, we wholeheartedly support for the simple reason that the Government can now appoint the Committee and that Committee will, more or less, review the decisions of the Wage Board and finally it will be the decision of the Government, directly and indirectly, fixing the wages. Let us see. My only fear is that the Government in order to make this decision acceptable to the employers—I use the word "acceptable" within quotations—might not whittle down the Wage Board's decision. That

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is my only fear. Therefore, I think this Bill should be supported and my appeal to the Government and my request to the Government would be to see that they deal with this question with sufficient strength. The employers have been bargaining from a position of strength. Let the Government now, through this Bill, deal with the employers from a position of strength. The working journalists have been absolutely cooperative. What to talk of cooperating with the Government? They are in the hands of the Government. The working journalists have been telling Government to do it. Suggestions coming from the Government have hardly been rejected by the working journalists. Therefore, I say, this class of employers are not so simple as they look. Some of them have even been attacking the Government and Parliament. Let me draw your attention to that. Last year Shri Gulzarilal Nanda made a speech with regard to the labour demands in the Lok Sabha and in that speech he hit out at the employers. He hardly hits out at the employers, but he gives warnings, for he is after all, a non-violent Gandhian person and he cannot hit out. He just gave a warning. That warning, being the speech of a Minister was to be published and the *Hindustan Times* published it. But explanations were called from the reporter, the sub-editor and the editor and that speech was removed or partly removed from the "Dak" edition. That, Sir, is this so called freedom of the press. And recently, Sir, they held a meeting to teach the Government a lesson and * * * suggested at the meeting that there should be a one day strike by all newspapers, that they should stop publishing Ministers' speeches, that they should stop or cut short Parliamentary proceedings. That was the proposal made * * * at the meeting to teach the Government a lesson. Let them say that this sugges-

tion was not made * * * And these are the gentlemen who are the up-holders of the freedom of the press in our country, to whom we are told we should approach reasonably.

MR. DEPUTY CHAIRMAN: That will do. Just wind up.

DR. R. B. GOUR: Sir, I thank you very much for the time you have allowed me. In conclusion, I must say, here is an essential piece of legislation and a legislation to tackle an essential problem, a problem which has been delayed too long.

سید مظہر اسام (بہار) : جناب

ذہنی چیورمین صاحب - میں اس قیادت میں حصہ لینا نہیں چاہتا تھا - مگر جب میں نے قیادت کو دیکھا کہ اس میں کچھ اس طرح کی مخالفت ہو رہی ہے کہ یہ جو کورنٹس کا بل آیا ہے وہ بہتر نہیں ہے تو میں نے یہ مناسب سمجھا کہ میں بھی ہاؤس کے سامنے کچھ عرض کروں -

میں سب سے پہلے یہ عرض کرنا چاہتا ہوں کہ اگر ہندوستان کی تاریخ میں اخباروں کی تاریخ کا عائدہ نہ - اسے وہ دیکھنے میں آئیگا کہ اس سے پہلے ملک کے اندر جو بڑے بڑے لیڈر ہوا کرتے تھے وہ بھی اخبار نکالتے تھے تاکہ یہاں کی جگہ کو ایک اس طرح کی تعلیم دی جاسکے جس سے وہ بچے آپ کو پہچان سکیں - مثال کے طور پر اس ایوان میں بڑے بڑے لیڈروں کے نام لئے کئے ہیں - تاکہ مہاراج اور گاندھی جی اور بھی بڑے بڑے لوگوں

کے نام - تو ان لوگوں کے اخبار نکالنے کا مطلب یہ تھا کہ اپنی آواز وہ جلتا تک پہنچائیں اور اس کے ذریعہ ان کی ایک تعلیم آزادی کی ہو سکے - اگر آپ غور کر کے اخباروں کی ہستری کو دیکھیں گے تو آپ یہ پائیں گے کہ یہ صورت ان کے سامنے برابر رہتی تھی کہ بڑے بڑے لیڈروں کے پاس بعض دفعہ پیسہ نہ ہونے کے سبب وہ اپنا اخبار نہیں چلا سکتے تھے - اس سلسلہ میں مولانا آزاد اور مولانا محمد علی صاحب کی شخصیت کی بھی مثال میں دیتا ہوں - ان ہی طرح اور بھی دوسرے پچاسوں لیڈروں کے نام میں لے سکتا ہوں - انہیں اس وجہ سے اپنے اخبارات بند کرنے پڑے کیونکہ ان کے پاس پیسہ نہیں تھا - مگر آج صورت ایکدم دوسری ہو گئی ہے - اب واقعی یہ نیوز پیپر ایک انڈسٹری ہو گئی ہے - اگر اس وقت ہمارے ملک کے اخباروں پر غور کیا جائے تو معلوم ہوگا سوائے ورناکیولر اخباروں کے ہندوستان میں کوئی ایسا اخبار نہیں ہے جو آج سرمایہ داروں کا نہیں ہے - اب وہ ایک انڈسٹری بن گئی ہے جسکو پیسہ کمانے کا انہوں نے ذریعہ بنا لیا ہے - اس لئے اگر حکومت نے کوئی ایسی صورت پیدا نہ کی جس کے ذریعہ اس میں کام کرنے والے لوگ ان اخبار کے مالکوں کے ایکدم دباؤ میں نہ رہ سکیں تو ایک بہت بڑا تعامم یافتہ

طبقہ جو جرنلزم کا پیشہ کرتا ہے --- ان کی واقفیت اور صلاحیت سے کوئی آدمی انکار نہیں کر سکتا ہے وہ ملک کی صحیح اور مناسب خدمت انجام نہیں دے سکتا - اگر حقیقت پر غور کیا جائے تو ان کی صلاحیت ان کی واقفیت ان کی علمی قابلیت اپنے آپ میں ملک کے لئے ایک مثال ہے اور وہ قابل فخر ہے - یہ جرنلسٹ لوگ کوئی معمولی آدمی نہیں ہوتے ہیں - یہ لوگ بڑی جانفشانی سے کام کرنے والے تعلیم یافتہ اور بڑی صلاحیت کے لوگ ہوتے ہیں - یہ صرف گریجویٹ ہی نہیں ہوتے ہیں بلکہ ان پاسرلیم - اے - اور دوسری ڈگریاں بھی موجود ہوتی ہیں - انہیں لائبریری کا مطالعہ کرنا پڑتا ہے اور تمام چیزوں پر روشنی المی پڑتی ہے - ان تمام چیزوں کا علم حاصل کرنے کے بعد تب وہ کسی اخبار میں کچھ لکھتے ہیں اور مضمون چھاپتے ہیں - اس طرح کے لوگ جو اپنے علم سے اپنے سارے ملک کی خدمت کرتے ہیں اگر سرمایہ داروں کے ہاتھوں میں چلے گئے اور انہیں کسی طرح قانونی مدد نہیں دی گئی تو نتیجہ وہی ہوگا جو آج ہم سب لوگ دیکھ رہے ہیں - جس صورت سے آج اخباروں میں چیزیں نکلتی ہیں، چھاپی جاتی ہیں وہ ان ہی لوگوں کے دماغ کا نتیجہ ہے - یہ لوگ جو چیز نکالتے ہیں اس سے ملک کے عوام کو فائدہ

[سید مظہر اسام]

پہونچتا ہے - لیکن آج ہم دیکھ رہے ہیں کہ وہ لوگ مجبور ہوتے جا رہے ہیں - ان لوگوں کے اوپر سرمایہ داروں کا اثر ہو گیا ہے - ہم لوگ ملک میں جو پیٹرن آف سوشلزم قائم کرنا چاہتے ہیں اس کو یہ لوگ اخباروں کے ذریعہ دبا سکتے ہیں اور جس طرح کا اپنا نظام سرمایہ دار لوگ ملک میں قائم کرنا چاہتے ہیں اس کی تحریک کو اخباروں سے چلا سکتے ہیں ۔ اس چیز کو ہم سب لوگوں کو اچھی طرح سمجھ لینا چاہئے - یہ کوئی آسان چیز نہیں ہے جس میں ہم کوئی آسانی سے فیصلہ کر لیں کہ شاید اس طرح کا قانون بنانا چاہئے اور ہم اس چیز کو بنا دیں - میں سمجھتا ہوں کہ ایک وقت وہ آنے والا ہے کہ جب کورنسلٹ یہ محسوس کرے گی کہ ملک میں جتنے اخبار نکلتے ہیں ان پر کنٹرول کرنا چاہئے۔ ہمیں ایک دن اخباروں کو نیشنلائز کرنا ہوگا یہ بھی ایک صورت ہو سکتی ہے - تو میں یہ کہہ رہا تھا کہ یہ جو تعلیم یافتہ لوگ ہیں، مایہ ناز ہیں اگر ہم نے ان کی نجات کھلئے کچھ نہیں کیا، قانون نہیں بنایا، تو ہم ملک میں انڈیپنڈنٹ اخبار قائم نہیں رکھ سکیں گے اور ہم صحیح معنوں میں اخباروں کے ذریعہ جو کام کرنا چاہتے ہیں وہ نہیں ہو سکیگا -

آج صورت یہ ہے کہ ہمارے اخبار والے ملک کے اندر اخبار کے ذریعہ ہنگامہ پیدا کر سکتے ہیں اور ہنگامہ کو روک بھی سکتے ہیں - فائبرو ایر پلان کو کامیاب بنا بھی سکتے ہیں اور اس کو ناکامیاب بھی کر سکتے ہیں اور جس طرح کا چاہیں پریپیگنڈا کر سکتے ہیں - میں ادب کے ساتھ ہاؤس سے کہنا چاہتا ہوں کہ اس وقت ملک میں جتنے اخبار ہیں انہیں زیادہ تر کنٹرول سرمایہ داروں کے ہاتھوں میں ہے اور وہ ہی اس میں کام کرنے والے لوگوں کو اچھی تلخوہ دے سکتے ہیں - جہاں تک چھوٹے اخباروں کی بات ہے میں مانتا ہوں کہ ورنہ کچھ اخباروں کی تعداد کچھ زیادہ ہے لیکن سرکولیشن کم ہے - جیسا کہ ابھی میرے دوست نے بتلایا کہ قانون میں اس کی گنجائش ہو یقیناً کہ وہ زیادہ سے نہ دے سکیں تو اس کے لئے بلڈوبسٹ ہو کیونکہ پیپر کم نکلتا ہے - میں اس چیز کو مانتا ہوں کہ شاید اس میں دقت پیدا ہو سکتی ہے - مگر میرا خیال یہ ہے کہ ملک میں جتنے بھی اخبار نکلیں وہ اچھے نکلیں - صلاحیت کے ساتھ نکلیں - ان میں اس طرح کے مضامین شائع ہوں جن سے ملک کے عوام کو فائدہ پہونچے - بعض بعض اخباروں میں معمولی اور ناقابل لوگوں کے اجانے سے اس طرح کی خبریں اور مضمون شائع ہوتے

ہیں جن کی وجہ سے اکثر ملک اور عوام کو نقصان پہنچتا ہے - بعض اخباروں میں تو معمولی لوگوں کو لاکر دکھ دیا جاتا ہے اور وہ اخبار چلاتے ہیں - اس طرح کے اخباروں میں اس طرح کے مضمون اور خبریں شائع کی جاتی ہیں جن سے ملک کی فضا خراب ہوتی ہے - اس لئے میری عرض یہ ہے کہ ملک میں جو اخبار نکلے وہ اچھے اصول سے نکلے، اچھے قاعدہ قانون سے نکلے - آج ضرورت اس بات کی ہے کہ ملک میں جو خراب اخبار نکلتے ہیں ان کے اوپر سختی کی جائے -

SHRI T. BODRA (Bihar): Only one question, Sir.

ک्या میں جان سکتا ہوں کہ ایسی لکھال سے آپ نے سرنچلائٹ کے ایڈیٹر شری شرمہ کو پٹوا یا بیہار م ۔

سید مظہر امام : جذبات والا یہ

مجھ سے سوال کرتے ہیں کہ میں نے پٹوا یا - میرا سیریس ایجنیشن ہے اس پوائنٹ پر ایڑاے میر - نہ میرا نام اخبار میں آیا - اس صورت سے آپ کو کیا حق ہے کہلے کا ایک میر کے متعلق - یہ کہتے ہیں کہ میں نے پٹوا یا - اس لئے میں ہاؤس سے کہونگا - خاص طور سے تپتی چیرمیں ماحب سے کہونگا -

شری شیل بھڑا یا جی : ایسی तरह کی کل جلول کی یہ بات کیا کرتے ہیں ۔

سید مظہر امام : میں اس کو

چھلچھل کرتا ہوں - میرا نام آیا ہے

کسی اخبار میں - کسی پرچہ میں - کسی آرٹیکل میں کہ مظہر امام نے پٹوا یا ؟ یہ کسی اخبار میں آیا ؟

†سید مہرہر امام (بیہار) : جناب ڈپٹی چیئرمین ساہب، میں اس ڈبے میں ہسٹا لینا نہیں چاہتا تھا، مگر جب میں نے ڈبے کو دیکھا کہ اس میں کچھ اس طرح کی مخالفت ہو رہی ہے کہ یہ جو گورنمنٹ کا بیل آیا ہے وہ بہتر نہیں ہے تو میں نے یہ مونسب سمجھا کہ میں بھی اس کے سامنے کچھ ارج کرؤں ۔

میں سب سے پہلے یہ ارج کرنا چاہتا ہوں کہ اگر ہندوستان کی تاریخ میں اربھاروں کی تاریخ کا موازنہ کیا جائے تو یہ دیکھنے میں آئے گا کہ اس سے پہلے ملک کے اندر جو بڑے بڑے لیڈر پیدا کرتے تھے وہی اربھار نکالتے تھے تاکہ یہاں کی جنیتا کو ایک اس طرح کی تالیم دی جا سکے جس سے وہ اپنے آپ کو پہچان سکیں ۔ میںال کے طور پر اس اوان میں بڑے بڑے لیڈروں کے نام لیے گئے ہیں ۔ تیلک مہاراج اور گاندھی جی اور بھی بڑے بڑے لوگوں کے نام ۔ تو ان لوگوں کے اربھار نکالنے کا مطلب یہ تھا کہ اپنی آواز وہ آواں جنیتا تک پہنچائیں اور اس کے جریے انکی ایک تالیم آجادی کی ہو سکے ۔ اگر آپ گور کر کے اربھاروں کی ہسٹری کو دیکھیں تو آپ یہ پاویں گے کہ یہ سورت ان کے سامنے برابر رہتی تھی کہ بڑے بڑے لیڈروں کے پاس باج دفا پسا نہ ہونے کے سبب وہ اپنا اربھار نہیں چلا سکتے تھے ۔ اس سلسلہ میں مولانا آجادی اور مولانا موہمد اہلی ساہب کی شکیات کی بھی میں میںال دتا ہوں ۔ ان ہی کی तरह اور بھی دوسرے پچاسوں لیڈروں کے نام میں لے سکتا ہوں ۔ انہیں اس وجہ سے اپنے اربھار بند کرنے پڑے کیونکہ ان کے پاس پسا نہیں تھا ۔ مگر آج سورت اکدم دوسری ہو گئی ہے ۔ اب واکہ یہ

[सैयद मजहर इमाम]

न्यूज पेपर एक इन्डस्ट्री हो गई है अगर इस वक्त हमारे मुल्क के अखबारों पर गौर किया जाय तो मालूम होगा सिवाय वर्कियूलर अखबारों के हिन्दुस्तान में कोई ऐसा अखबार नहीं है जो आज सरमायेदारों का नहीं है। अब वह एक इन्डस्ट्री बन गई है जिसको पैसा कमाने का उन्होंने जरिया बना लिया है। इसलिये अगर हुकूमत ने कोई ऐसी सूरत पैदा न की जिसके जरिये इसमें काम करने वाले लोग इन अखबारों के मालिकों के एकदम दबाव में न रह सकें तो एक बहुत बड़ा तालीमयाफता तबका जो जर्नलिज्म का पेशा करता है, उनकी वाकफियत और सलाहियत से कोई आदमी इनकार नहीं कर सकता है। वह मुल्क की सही और मुनासिब खिदमत अन्जाम नहीं दे सकता। अगर हकीकत पर गौर किया जाय तो उनकी सलाहियत उनका वाकफियत उनकी इल्मी क्वाबलियत अपने आप में मुल्क के लिये एक मिसाल है और वह क्वाबिले फख्र है। यह जर्नलिस्ट लोग कोई मामूली आदमी नहीं होते हैं। यह लोग बड़ी जान फिशानी से काम करने वाले तालीम याफता और बड़ी सलाहियत के लोग होते हैं। यह सिर्फ ग्रेजुएट ही नहीं होते हैं बल्कि इनके पास एम० ए० और दूसरी दूसरी डिग्रियां भी मौजूद होती हैं। इन्हें लाइब्रेरी का मुतालया करना पड़ता है और तमाम चीजों पर रोशनी डालनी पड़ती है। इन तमाम चीजों का इल्म हासिल करने के बाद वह अखबार में कुछ लिखते हैं और कोई मजमून छापते हैं। इस तरह के लोग जो अपने इल्म से अपने सारे मुल्क की खिदमत करते हैं अगर सरमायेदारों के हाथों में चले गये और उन्हें किसी तरह कानूनी मदद नहीं दी गई तो नतीजा वही होगा जो आज हम सब लोग देख रहे हैं। जिस सूरत से आज अखबारों में चीजें निकलती हैं, छपी जाती हैं, वह उन्हीं लोगों के दिमाग का नतीजा है। यह लोग जो चीज निकालते हैं उससे मुल्क के आवाम

को फायदा पहुंचता है। लेकिन आज हम देख रहे हैं कि वह लोग मजबूर होते जा रहे हैं। उन लोगों के ऊपर सरमायेदारों का असर हो गया है। हम लोग मुल्क में जो पर्सन आफ सोशलिज्म कायम करना चाहते हैं! उसको यह लोग अखबारों के जरिये दबा सकते हैं। और जिस तरह का अपना निजाम सरमायेदार लोग मुल्क में कायम करना चाहते हैं उसकी तहरीक को अखबारों से चला सकते हैं। इस चीज को हम सब लोगों को अच्छी तरह समझ लेना चाहिये यह कोई आसानी चीज नहीं है जिसमें हम कोई आसानी से फेंसला कर लें कि शायद इस तरह का कानून बनना चाहिये और हम उसको बना दें। मैं समझता कि एक वक्त वह आने वाला है जब गवर्नमेंट यह महसूस करेगी कि मुल्क में जितने अखबार निकलते हैं उन पर कंट्रोल करना चाहिये। हमें एक दिन अखबारों को नेशनलाइज करना होगा। यह भी एक सूरत हो सकती है। तो मैं यह कह रहा था कि यह जो तालीमयाफता लोग हैं, मायानाज हैं अगर हमने उनकी निजात के लिये कुछ नहीं किया कानून नहीं बनाया तो हम मुल्क में इन्डिपेंडेंट अखबार कायम नहीं रख सकेंगे और हम सही मायनों में अखबारों के जरिये जो काम करना चाहते हैं वह नहीं हो सकेगा।

आज सूरत यह है कि हमारे अखबार वाले मुल्क के अन्दर अखबार के जरिये हंगामा पैदा कर सकते हैं और हंगामा को रोक भी सकते हैं। फाइव ईयर प्लान को कामयाब बना भी सकते हैं और उसको नाकामयाब भी कर सकते हैं और जिस तरह का चाहे प्रोपेगेंडा कर सकते हैं। मैं अदब के साथ हाउस से कहना चाहता हूं कि इस वक्त मुल्क में जितने अखबार हैं उन पर ज्यादातर कंट्रोल सरमायेदारों के हाथों में है और वह ही इस में काम करने वाले लोगों को अच्छी तनख्वाह दे सकते हैं। जहां तक छोटे अखबारों की बात है, मैं मानता

हूँ कि वर्नाबुलर अखबारों की तादाद कुछ ज्यादा है, लेकिन सरकुलेशन कम है। जैसा कि अभी मेरे रोज़ ने बतलाया कि कानून में इसकी गुंजायश हो, यकीनन कि वह ज्यादा पे न दे सकें तो उसके लिये बन्दोबस्त हो। क्योंकि पेपर कम निकलता है। मैं इस चीज़ को मानता हूँ कि शायद इसमें दिक्कत पैदा हो सकती है। मगर मेरा ख्याल यह है कि मुल्क में जितने भी अखबार निकलें वह अच्छे निकलें। सलाहियत के साथ निकलें। इन में इस तरह के मजामीन शायद हों जिनसे मुल्क को अवाम को फायदा पहुंचे। बाज़ बाज़ अखबारों में मामूली और नाकाबिल लोगों के आ जाने से इस तरह की खबरें और मज़मून शायद होते हैं जिनकी वजह से अवसर मुल्क और अवाम को नुकसान पहुंचता है। बाज़ बाज़ अखबारों में तो मामूली लोगों को ला कर रख दिया जाता है और वह अखबार चलाते हैं। इस तरह के अखबारों में इस तरह के मज़मून और खबरें शायद की जाती हैं कि जिनसे मुल्क की फ़िज़ा खराब होती है। इसलिये मेरी अर्ज़ यह है कि मुल्क में जो अखबार निकले वह अच्छे असूल से निकले, अच्छे कायदे कानून से निकले। आज ज़रूरत इस बात की है कि मुल्क में जो अखबार निकलते हैं उनके ऊपर सख्ती की जाय।

SHRI T. BODRA (Bihar): Only one question, Sir.

क्या मैं जान सकता हूँ कि इसी ख्याल से आपने सर्वलाइट के एडिटर श्री शर्मा को पिटवाया, बिहार में।

सेहद मजहर इमाम : जनाब वाला, यह मुझसे सवाल करते हैं कि मैंने पिटवाया। मेरा सीरियस ओबजेक्शन है इस पाइन्ट पर एज-ए मेम्बर। न मेरा नाम अखबार में आया। इस सूरत से आपको क्या हक है कहने का एक मेम्बर के मुतल्लिक। यह कहते हैं कि मैंने पिटवाया। इसलिये मैं हाउस से

कहूंगा। खासतौर से डिप्टी चैयरमैन साहब से कहूंगा।

श्री शीलभद्र याजी : इसी तरह की ऊल जलूल की ये बातें किया करते हैं।

सैयद मजहर इमाम : मैं इसको चैलेंज करता हूँ। मेरा नाम आया है किसी अखबार में। किसी पत्र में किसी आर्टिकल में कि मजहर इमाम ने पिटवाया। यह किसी अखबार में आया ?

BABU GOPI NATH SINGH (Uttar Pradesh): Is it in order, Sir, that one Member should cast a slanderous remark against another Member?

SHRI T. BODRA: There was a motion of No-confidence against the Ministry of Bihar and the Editor of the "Searchlight" came out with the full report . . .

MR. DEPUTY CHAIRMAN: We are not concerned with the Ministry in Bihar.

SHRI T. BODRA: But what I said was about the Congress party in Bihar.

MR. DEPUTY CHAIRMAN: Order, order. You have to raise it at the proper place, if you want to raise it.

SYED MAZHAR IMAM: I take objection.

MR. DEPUTY CHAIRMAN: What is it that has been said, may I know? I am sorry I did not follow.

श्री शीलभद्र याजी : आपने कहा सर्व-लाइट के एडिटर को इन्होंने पिटवाया।

BABU GOPI NATH SINGH: One Member charges another Member with manipulating an assault on another. Is it in order?

MR. DEPUTY CHAIRMAN: Let us see the proceedings.

DR. W. S. BARLINGAY: It is a question of privilege, Sir.

MR. DEPUTY CHAIRMAN: I shall see.

SHRI P. N. SAPRU: Mr. Mazhar Imam is entitled to your protection. The statement was made that he instigated people . . .

MR. DEPUTY CHAIRMAN: If there is anything unparliamentary or undignified, it will be expunged. Please go on.

DR. W. S. BARLINGAY: He must withdraw it, Sir. There is no question of expunging it.

MR. DEPUTY CHAIRMAN: Are you prepared to withdraw it? You should not use such words, Mr. Bodra.

SHRI T. BODRA: Yes, Sir, I withdraw it.

سید مظہر امام : دوسری چہر

میں سپریم کورٹ کے متعلق کہنا چاہتا ہوں جس کے سلسلہ میں ہمارے گور صاحب نے ابھی کچھ باتیں فرمائیں - میں اپنے دوست سے یہ عرض کرنا چاہتا ہوں کہ لا ہمانے کا کام ہمارا ہے اور یہ گورنمنٹ کا کام ہے کہ وہ دیکھے کہ کس طرح لا ملک میں چل سکتا ہے - جہاں تک سپریم کورٹ کا اختیار ہے وہ اپنی جگہ پر رہنا چاہئے - ڈیموکریسی اس حد تک ملک کے اندر صحیح معنوں میں چل سکتی ہے جس حد تک ہماری جوڈیشری فری ہوگی - اگر ہمارے ملک کی جوڈیشری فری ہوگی تو ہمارے ملک میں ڈیموکریسی بھی اچھی طرح سے کام کرے گی - اگر پارلیمنٹ کوئی قانون بناتی ہے اور سپریم کورٹ اس

کو رد کر دیتا ہے تو ہمیں اس کو ماننا چاہئے مگر ساتھ ہی ساتھ ہمیں یہ دیکھنا چاہئے کہ اگر کورٹ کی کاروائی ہمارے راستے میں حائل ہے تو پارلیمنٹ پھر دوسرا قانون بنا سکتی ہے - پارلیمنٹ کے ذریعہ ہی سپریم کورٹ بنا ہے -

डा० डब्ल्यू० एस० बालिगे : सुप्रीम कोर्ट पालियामेंट की बनाई नहीं है ।
I am sorry to say यह कान्स्टीट्यूशन ने बनाया है ।

سید مظہر امام : کانستی ٹیوشن

نے پورا اختیار دیا ہے آپ کے پارلیمنٹ کو - جو کانستی ٹیوشن پارلیمنٹ بنائے گی اس کو وہ رد نہیں کر سکتا آپ کا سپریم کورٹ - لیکن اگر کانستی ٹیوشن کے خلاف کوئی قانون بن جائے تو اس کو اختیار ہے کہ وہ اس کو الٹا وائرس قرار دیدے - مگر ہم صحیح قانونی صورت کو سپریم کورٹ کے دائرہ سے ہٹا نہیں سکتے ہیں - اس لئے ہم سمجھتے ہیں کہ جوڈیشری کے فیصلہ پر ہم کو کوئی اعتراض نہیں کرنا چاہئے - اس لئے ان کو یہ اختیار دیا گیا ہے - قانون کے اندر ان کا یہ فلکشن ہے کہ وہ جو مناسب سمجھیں اس طرح کا فیصلہ دیں - اس کے بعد ہم جو مناسب سمجھیں کہ اس میں عوام کا فائدہ ہے ، اس میں لوگوں کی سہولت ہے قر اس طرح کا کانستی ٹیوشن کے مطابق قانون بنائیں - اس لئے یہ

کوئی ول نہیں ہے - سپریم کورٹ کل یہ کہہ سکتا ہے کہ کوئی قانون غلط بنا ہے اور اس صورت میں ہم کو یہ حق حاصل نہیں ہے کہ ہم اس پر کوئی اعتراض کریں - میں ایسا آدمی ہوں جو یہ سمجھتا ہے کہ اگر ہم ڈیموکریسی انڈیا میں چاہتے ہیں تو ہم کو جوڈیشری کر زیادہ سے زیادہ پاورفل اور انڈیپنڈنٹ رکھنا ہوگا - ہمارے دوست کمیونسٹ خیال کے ہیں اور کمیونسٹ ملکوں میں جو آرڈر ہوتے ہیں ان ہی کو اپنی نظر میں رکھ کر وہ ہر چیز دیکھتے ہیں - ڈیموکریسی کے معنی یہ ہیں کہ جوڈیشری انڈیپنڈنٹ ہو اور ہر شخص کو یہ اختیار حاصل کہ وہ سپریم کورٹ میں جائے اور وہاں سے جسٹس حاصل کرے - اس لئے اگر ڈیموکریسی کو زندہ رکھنا ہے - ڈیموکریسی کو چلانا ہے - ڈیموکریسی کو آگے بڑھانا ہے تو جوڈیشری کی انڈیپنڈنس کو ہمیں قائم رکھنا پڑیگا ۔

آخر میں میں آپ سے کہونگا کہ جہاں تک حکومت نے یہ بل بنا کر پریس والوں کی راہ میں آسانی پیدا کی ہے وہاں تک وہ اس کے لئے قابل مبارکباد ہے کہ اس نے یہ ایک قدم آگے بڑھایا ہے - ایک ایسی تعلیم یافتہ جماعت جو ملک کے اندر یہ کام کر رہی ہے اس کو کوئی قانونی مدد نہ دینا ہمارے ملک کے لئے مفید نہیں

ہو بلکہ بہت نقصان دہ ہو سکتا ہے ۔ اس کے علاوہ گورنمنٹ کو یہ سوچنا پڑیگا کہ اس ملک کے اندر جو پریس چلند سرمایہ داروں کے ہاتھوں میں چلا جا رہا ہے اس کو کس صورت سے روکا جائے اور اس پر کس طرح سے کنٹرول رکھا جائے تاکہ ہمارے ملک کی جو پالیسی ہے وہ پریس پر بھی لاگو ہو سکے - ہمیں یہ دیکھنا پڑیگا کہ ہمارا جو پریس ہے وہ ہمارے ملک کی پالیسی کے خلاف چل رہا ہے یا اس کے موافق چل رہا ہے - ہم یہ ضرور چاہتے ہیں کہ پریس کو پوری آزادی ہو لیکن ہم یہ ہرگز پسند نہیں کریں گے کہ ہم چاہیں کچھ اور وہ چاہیں کچھ - ہم یہ ہرگز گوارا نہیں کریں گے کہ چلند سرمایہ دار پریس کے ذریعہ جو تمام ملک کی خواہش ہے، جو تمام جلتا کی خواہش ہے، جو حکومت نے والوں کی خواہش ہے اس کے خلاف پروپیگنڈا پھیلائیں - اگر سوشلسٹک پیٹرن ہمیں اس ملک میں قائم کرنا ہے تو ہم سرمایہ داروں کے ساتھ زیادہ دن تک نہیں چل سکتے اور ان سے ہماری مخالفت ہوتی ہے - وہ لوگ اس چیز کو سمجھ رہے ہیں اور یہی وجہ ہے کہ وہ یہ کوشش کر رہے ہیں کہ پریس پر ان کا زیادہ سے زیادہ قبضہ ہو جائے تاکہ اس کے ذریعہ وہ پبلک اوپینین بدل دیں اور حکومت کو پریشان کریں - س

[سید مظہر امام]

چیز کو روکنے کے لئے یہ بل کافی
نہیں ہے۔ ابھی تو یہ بل چل
جرنلسٹوں کے فائدہ کے لئے بلایا گیا ہے۔
اس کے بعد ہمیں اس بات پر سوچنا
ہوگا اور نہایت تھکے دل سے غور کرنا
ہوگا کہ اس طرح کی آزادی اس
ملک میں چل سکتی ہے یا نہیں۔
کے ذریعہ دی جائے یا نہ دی جائے۔
ان الفاظ کے ساتھ میں اس بل
کو ہول ہارٹڈلی سپورٹ کرتا ہوں۔

†[سید مজہر امام : دوسری چیز
میں سپریم کورٹ کے متعلق کہنا چاہتا ہوں،
جس کے سلسلہ میں ہمارے گونڈ ساہب نے
ابھی کچھ بات فرمائی۔ میں اپنے دوست سے
یہ سچ کرنا چاہتا ہوں کہ لا بنا کا
کام ہمارا ہے اور یہ گورنمنٹ کا کام ہے
کہ وہ دیکھے کہ کس طرح لا بنا میں چل سکتا
ہے؛ جہاں تک سپریم کورٹ کا اختیار ہے وہ
اپنی جگہ پر رہنی چاہیے۔ ڈیموکریسی
اس حد تک ملک کے اندر سہی ماہیوں میں
چل سکتی ہے جس حد تک ہماری جڈی شری
فری ہوگی۔ اگر ہمارے ملک کی جڈی شری
فری ہوگی تو ہمارے ملک میں ڈیموکریسی بھی
اچھی طرح سے کام کرے گی۔ اگر پارلیا-
منٹ کوئی قانون بناتی ہے اور سپریم کورٹ
اسکو رد کر دیتا ہے تو ہمیں اسکو ماننا
چاہیے مگر ساتھ ہی ساتھ ہمیں یہ دیکھنا
چاہیے کہ اگر کورٹ کی کارروائی ہمارے
راستے کے لیے ہائیل ہے تو پارلیامینٹ
دوسرا قانون بنا سکتی ہے۔ پارلیامینٹ
کے ذریعے ہی سپریم کورٹ بنا ہے۔

ڈا॰ ڈبلیو॰ एस॰ بالینگے : سپریم
کورٹ پارلیامینٹ کی بنائی نہیں ہے۔

am sorry to say. یہ کانسٹیٹیوشن
بنایا ہے۔

سید مজہر امام : کانسٹیٹیوشن
نے پورا اختیار دیا ہے آپ کے پارلیامینٹ
کو۔ جو کانسٹیٹیوشن پارلیامینٹ بنائے گی
اسکو وہ رد نہیں کر سکتا آپ کا
سپریم کورٹ۔ لیکن اگر کانسٹیٹیوشن
کے خلاف کوئی قانون بن جائے تو اسکو
اختیار ہے کہ وہ اسکو الٹا دے
کر دے۔ مگر ہم سہی کانونی سورت
کو سپریم کورٹ کے دایرہ سے ہٹا نہیں
سکتے ہیں اس لیے ہم سمجھتے ہیں کہ
جڈی شری کے فیصلہ پر ہم کو کوئی
اترہ نہیں کرنا چاہیے۔ اس لیے
ان کو اختیار دیا گیا ہے۔ کانون
کے اندر ان کا یہ فویشن ہے کہ
وہ جو مناسبت سمجھیں اسی
طرح کا فیصلہ دے۔ اس کے بعد ہم
جو مناسبت سمجھیں کہ اس میں
اوام کا فائدہ ہے، اس میں لوگوں
کو سہلیت ہے، تو اسی طرح
کے کانسٹیٹیوشن کے متعلق
کانون بنائیں۔ اس لیے یہ
کوئی سوال نہیں ہے۔ سپریم
کورٹ کب یہ کہہ سکتی ہے کہ
کوئی کانون غلط بنا ہے اور
اس سورت میں ہم کو یہ
ہک حاصل نہیں ہے کہ ہم
اس پر کوئی اترہ کرے۔ میں
ایسا آدمی ہوں جو یہ سمجھتا
ہے کہ اگر ہم ڈیموکریسی
انڈیا میں چاہتے ہیں تو
ہم کو جڈی شری کو جیسا
جیسا پاور فیل اور انڈی-
پنڈنٹ رکھنا ہوگا۔ ہمارے
پوسٹ کمونیسٹ خیال کے
ہیں اور کمونیسٹ ملکوں
میں جو آرڈر ہوتا ہے تو
وہی کو اپنی نگر میں رکھ
کر وہ ہر چیز دیکھتے ہیں۔
ڈیموکریسی کے مائن یہ
ہے کہ جڈی شری انڈی-
پنڈنٹ ہو اور ہر
شخص کو یہ اختیار
ہو کہ وہ سپریم کورٹ
میں جائے اور وہاں سے
اسٹس حاصل کرے۔ اس لیے
اگر ڈیموکریسی کو
جیندا رکھنا ہے، ڈیموکریسی
کو چلانا ہے، ڈیموکریسی
کو آگے بڑھانا ہے، تو
جڈی شری کی انڈی-
پنڈنٹ کو ہمیں کام رکھنا
پڑے گا۔

آخر میں میں آپ سے کہوں گا کہ جہاں
تک حکومت نے یہ بل بنا کر
پرس والوں کی راہ میں
آسانی پیدا کی، جہاں تک وہ

उसके लिये काबिले मुबारकबाद है कि उसने यह एक कदम आगे बढ़ाया है। एक ऐसी तालीमयाफ्ता जमात जो मुल्क के अन्दर यह काम कर रही है उसको कोई कानूनी मदद न देना हमारे मुल्क के लिये मुफ़ीद नहीं होगा; बल्कि बहुत नुक्सानदेह हो सकता है। इसके अलावा गवर्नमेंट को यह सोचना पड़ेगा कि इस मुल्क के अन्दर जो प्रेस चन्द सर-मायादारों के हाथों में चला जा रहा है उसको किस सूरत से रोका जाय और उस पर किस तरह से कंट्रोल रखा जाय, ताकि हमारे मुल्क की जो पालिसी है वह प्रेस पर भी लागू हो सके। हमें यह देखना पड़ेगा कि हमारा जो प्रेस है वह हमारे मुल्क की पालिसी के खिलाफ़ चल रहा है या उसके माफ़िक़ चल रहा है। हम यह जरूर चाहते हैं कि प्रेस को पूरी आजादी हो लेकिन हम यह हर्गिज पसन्द नहीं करेंगे कि हम चाहें कुछ और वह चाहें कुछ। हम यह हर्गिज गवारा नहीं करेंगे कि चन्द सरमायादार प्रेस के जरिये जो तमाम मुल्क की स्वाहिश है, जो तमाम जनता की स्वाहिश है, जो मुल्क चलाने वालों की स्वाहिश है, उसके खिलाफ़ प्रोपेगेंडा फैलायें। अगर सोशलिस्टिक पैटर्न हमें इस मुल्क में कायम करना है तो हम सरमायादारों के साथ ज्यादा दिन तक नहीं चल सकते और उनसे हमारी मुख़ालफ़त होनी है। वे लोग इस चीज को समझ रहे हैं और यही वजह है कि वे यह कोशिश कर रहे हैं कि प्रेस पर उनका ज्यादा से ज्यादा कब्ज़ा हो जाय, ताकि उसके जरिये वे पब्लिक ओपीनियन बदल दें और हुकूमत को परेशान करें। इस चीज को रोकने के लिये यह बिल काफी नहीं है। अभी तो यह बिल चन्द जर्नलिस्टों के फायदे के लिये बनाया गया है, उसके बाद हमें इस बात पर सोचना होगा और निहायत ठंडे दिल से गौर करना होगा कि इस तरह की आजादी इस मुल्क में चन्द सरमायादारों को प्रेस के जरिये दी जाय या न दी जाय।

इन अलफ़ाज़ के साथ मैं बिल को होल हर्टेडली सपोर्ट करता हूँ।]

SHRI KAILASH BIHARI LALL (Bihar): Mr. Deputy Chairman, it is very kind of you to give me a chance to speak a few words on this important legislation.

MR. DEPUTY CHAIRMAN: I came to know only recently that you wanted to speak.

SHRI KAILASH BIHARI LALL: It is always my sad fate, Sir, that I get the opportunity at this time of the day.

MR. DEPUTY CHAIRMAN: I am telling you . . .

SHRI KAILASH BIHARI LALL: I always despair of my case and I remain silent only for fear that I may not get time, and if at all I should get time I will have to sit till 5 P.M. to avail of the opportunity to speak for five minutes or so. Only out of such fear I keep quiet and I do not even look into the Bills coming up. Not only that . . .

MR. DEPUTY CHAIRMAN: You know the rules; an hon. Member must stand up and catch the eye of the Chair and then go on. You should not leave it to me to call your name.

DR. R. B. GOUR: Well, he has the privilege of speaking just before the Minister.

SHRI KAILASH BIHARI LALL: Now, Sir, of course I have got some ideas to put forward, but I do not think I will carry the applause of all sections of the House when I give vent to my ideas. This is another misfortune of mine.

So far as this Bill is concerned I do not feel that I can be in line with those people who have expressed themselves in one way of thinking. Generally, in the country a

[Shri Kailash Bihari Lall:] feeling is already there that whatever thing is made popular, whether it is really popular or not does not matter, whatever thing is made popular, people take to that path, and these days you can see that the small urchins are used to make a thing popular and they with huge flags in their hands and some slogans on their lips parade a locality and beyond seeing them carry the flags and utter some slogans very few people know what the slogans are, what they are crying, and when some people gather round them, those interested in such propaganda feel gladdened that their purpose is served.

Now, this talk has become popular. As I have said, whether a thing is popular or not, it is somehow made popular through such slogans and the people gathering round them. Let it be clearly understood that I never mean to cast any aspersions on the way of thinking of the hon. Members of this House; it is far from my intention. But I feel apprehensive about my own self that . . .

DR. R. B. GOUR: You have made yourself most popular to us all here.

MR. DEPUTY CHAIRMAN: Let him go on.

SHRI KAILASH BIHARI LALL: Dr. Gour has always the knack of snatching at anything and just saying something to attract the attention of the House and destroy my thread of thinking. I will request you with folded hands not to take away a portion of my time by these interruptions when we badly require time to make our observations. I request you to allow me my own way of thinking and place before this House what I have come to think about this Bill.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order; you please go on.

SHRI KAILASH BIHARI LALL: That is my way of speaking and I request my friends, the hon. Members, not to disturb me. I am always under your protection.

MR. DEPUTY CHAIRMAN: That is why I am telling Mr. Yajee and Dr. Gour.

SHRI KAILASH BIHARI LALL: Now, Sir, I have already begun by saying that mine is not the same line of thinking as my hon. friends' and they spoke that way because there is the cry at present to please the press, I mean the working journalists. I am not against the working journalists. They are as good countrymen of mine as they can be, as all my friends here, and I have got every sympathy for them just as I have got every sympathy for so many classes of people who are similarly languishing at this unfortunate time through which we are passing.

SHRI SHEEL BHADRA YAJEE: Not crocodile tears.

SHRI KAILASH BIHARI LALL: I do not think it is proper for me to say whether they were crocodile tears or not. He should not have at least exhibited himself in the way in which he exhibited himself. I do not know whether they were crocodile tears or real tears, but they shed some tears, and they are shedding tears here in this House for the working journalists. I am not against working journalists, I have made that clear. I want that whatever relief is possible should be given to them, but the way in which tears are being shed by my friends in the House led me to give the introduction how some cause is made popular only by some flags and slogans. Our friends are not raising flags and slogans here in this House, but they are very much following the same pattern—that when one person is speaking and shedding tears for the working journalists all my friends must shed tears and rally round the same flag and cry the same

slogan. That is why I, in my introductory remarks, said that we should be at least free thinkers here in this House. We should be independent thinkers in this House and unless we are independent, unless we are free here, I know what thunder will fall on my head from above if I . . .

DR. W. S. BARLINGAY: That is an aspersion on this House.

SHRI SHEEL BHADRA YAJEE: He is afraid of the press.

SHRI KAILASH BIHARI LALL: I am speaking of the thunder from above. (Interruptions.) I am conscious of that and I am knowingly saying this that I am not against them even. But I want to give vent to my independent thinking and it should be taken in the spirit in which I am expressing my thoughts. In the first place, I know that a free press is very essential for every country and more so for a country which is making an experiment in democratic ideas. And do you think that democratic ideas or the cause of democracy can advance when we have not got a free press? By the way, I may give you an instance as to how our press is being muzzled today, not by Government, but by the very trend of thought that is prevailing in our country.

SHRI SHEEL BHADRA YAJEE: Is this all relevant?

MR. DEPUTY CHAIRMAN: Let him go on.

SHRI KAILASH BIHARI LALL: Every word that you spoke was relevant. It is a very nice compliment to themselves. See, they have been speaking for the last three days and every one of them was relevant and what escapes my lips becomes irrelevant. You please keep silent and do not take the time of the House, which I want to take.

MR. DEPUTY CHAIRMAN: Please do not look at them. Don't be disturbed by them.

SHRI KAILASH BIHARI LALL: You will see that they are spoiling your time and my time and the time of this House. Let them not interrupt me. I was saying, without meaning anything bad against anybody, how the condition of the press is existing at present in our country. I have already said that the Government is not muzzling, nor any law nor machinery even, but the conditions that are prevailing in our country, our moral character may be somewhat responsible. I may disclose to you this. Once I had occasion to talk to these so-called working journalists or pressmen and I said that their method of reporting was not as fair as it should be. I asked one of them: why do you report in that way? And the House will be staggered to know the reply that he gave me. 'You don't give us tea. Why should we give you publicity?' Now, look here, this is the standard of the press people in our democracy.

THE MINISTER OF LABOUR AND EMPLOYMENT AND PLANNING (SHRI GULZARILAL NANDA): Their condition is such that they cannot afford tea for themselves.

SHRI KAILASH BIHARI LALL: I have . . .

SHRIMATI SAVITRY DEVI NIGAM: This makes you realise their actual situation.

SHRI KAILASH BIHARI LALL: I have realised their actual situation and also the actual position. People here in this House should be independent people. Now, what is the display between the opposition and the Government on this very Bill? The display is they are not so child-like. They are grown up, mature people, sitting in opposition and they have dittoed everything of the Government in this Bill. Why? Especially such a mature, ex-Judge of the High Court, hon. Member has pointed out: why this Committee all consisting of Government servants? This should be an independent Committee,

[Shri Kailash Bihari Lall.]
not under the Government. But that has not found support very much. This idea of independent working through this Committee has not found favour with so many members here. (Interruptions.) And see when it has not struck us it has struck them. Let them reply. Why have they approved it? Because they know that the Ministers can change their seats and they may have always covetous eyes and watery mouth for these benches. But they know it quite well that those who are in the secretariat, those who are the servants, those who are ruling the destiny of the affairs of the Government, they will come under them. In that case they will stand with folded hands before them just as they are standing before the present Ministers. So, with these covetous eyes our friends on the opposition have let it go as it is. Otherwise, they would have castigated our Government; they would have come upon the Government with a heavy hand. They have seen that it is purposeful. I suppose they have skipped over it. They have not taken so much care about this thing: Why should so many Government servants predominate in that Committee? They know that the Ministers have got a certain amount of feelings on party lines. They are opposed to that way of thinking. And they feel that if at all these benches are vacated by them and if such a fortune favours them at any time they will come over here. They will have again the same experience with these Government servants. Why not let us flatter them, cajole them from the very beginning?

SHRI SHEEL BHADRA YAJEE:
All Congress Members have supported it.

SHRI KAILASH BIHARI LALL: I have already said that. I do not know what my hon. friend is referring to. I have myself said that.

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order. Please address the Chair.

SHRI KAILASH BIHARI LALL:
Now there are still three minutes more.

MR. DEPUTY CHAIRMAN: I may tell you, Mr. Kailash Bihari Lall, that you must address the Chair and not Mr. Deokinandan Narayan.

SHRI KAILASH BIHARI LALL:
They are just by my side, without caring for your advice.

MR. DEPUTY CHAIRMAN: Please do not yield, but go on.

SHRI KAILASH BIHARI LALL:
Please keep silence. So, they kept silent on such a provision to which they should have objected. Why should there be so many Government servants predominating in this Committee here? I do not know why their mouth remained shut, whereas a Member from this side, from the Congress side, raised the point. It may seem strange. I am proud that an ex-Judge of the High Court had the independence to speak the truth, although it is not a question of party. Just my friend says that all persons of our party had supported. I am also supporting this Bill. That does not mean that I am opposing the Bill. I am also supporting the Bill. I am just laying before the House one aspect of the question which led the opposition to support this Bill *in toto*, and they were overflowing in their praise of it and also they spent thousands and lakhs of words over this Bill. They were more lavish in their support than the Members on this side.

SHRI GOPIKRISHNA VIJAIVAR-GIYA (Madhya Pradesh): Why are you against the working journalists?

SHRI KAILASH BIHARI LALL: I am not against the journalists. Neither they are for or against; nor we are for or against. I was impressing that there should be some amount of freedom of the press in the country, and the way of thinking of the people engaged in this profession should not

be just as I have narrated in the story. Their way of thinking should be more on independent lines. But then you will revert to the question, then you will say unless they are made free, unless they are free from the cares of earning their bread, how can they ever be independent on their part? But I think by this way of winning their favour by all the parties showing overzealousness, overzealousness to please the press people you spoil their moral character. I think you should not be over-zealous in that matter. *(Interruptions.)* There should be some check over your interruptions also.

MR. DEPUTY CHAIRMAN: Let him continue.

SHRI KAILASH BIHARI LALL: That was the point that I made. If we want a free and independent press we have to build their character also, so that they may build up our character. But how can they build our character, when they are themselves of this way of thinking?

श्री शीलभद्र याजी : वे भूखे रह कर
करेक्टर क्या बनायेंगे ?

DR. R. B. GOUR: Can any Member attack the character of any person or any class?

MR. DEPUTY CHAIRMAN: He is not attacking anybody's character. Do you want more time?

SHRI KAILASH BIHARI LALL: Yes, Sir.

MR. DEPUTY CHAIRMAN: You can finish in about two or three minutes. Order, order.

SHRI KAILASH BIHARI LALL: It is already five.

(Interruptions.)

MR. DEPUTY CHAIRMAN: The hon. Minister will reply tomorrow. So, I would like you to finish it in two or three minutes.

5 P.M.

SHRI KAILASH BIHARI LALL: All right, Sir.

Sir, I have not much to say. I want to disabuse the minds of our friends and also the press people that I am in the least against them or against the Bill. I am very much for this Bill in howsoever small a measure it may be benefiting them. What I wanted to say was that there should be no race between the Government and the opposition and the other people in pleasing the press people. To me it appears that some race is going on. *(Interruptions.)*

SHRI SHEEL BHADRA YAJEE: This is an aspersion.

SHRI KAILASH BIHARI LALL: To you every word is an aspersion. If you cannot follow, the Chair is there to understand and to guide and direct. These interruptions mean wasting further time. Sir, I was going to make my position clear with regard to whatever I said, so that people may not run away with the idea that I am against the working journalists. I am only saying that there should not be over anxiety on our part in respect of one class of people. There are many classes of people who are suffering in the same way as the press people are suffering. Of course it is a good thing that the Government has taken note of their suffering.

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI): Are you supporting the Bill?

SHRI KAILASH BIHARI LALL: I fully support the Bill. I have no doubt about that. Even the little good that you are able to do to one class of persons is quite welcome. But the only point is that you should not be over-anxious to please one section of the people.

Sir, I had some points jotted down on which I wanted to say a few words, but I feel that I should finish now. Thank you, Sir.