

12.22 hrs.

RE. MOTIONS FOR ADJOURNMENT
AND CALLING ATTENTION
NOTICES (Query)

श्री एस० एम० जोशी: (पूना) : अध्यक्ष महोदय, मैं आपका ध्यान आकर्षित करना चाहता हूँ कि मैं ने एक स्थगन-प्रस्ताव दिया था। कल यहाँ बताया गया था कि गाजा पट्टी में हमारे पांच आदमी मारे गए। आज पेज में आया है कि आठ आदमी मारे गए हैं।

Mr. Speaker: Order, order. Please resume your seat.

श्री एस० एम० जोशी : उस के साथ साथ मैं बताना चाहता हूँ कि जो दूसरे भारतीय नागरिक हैं,

Mr. Speaker: Well, I have no objection. I am prepared to allow it for 10 minutes even, if it is the desire of the House.

श्री एस० एम० जोशी : आप मुझे कहने दीजिए। मैं बताना चाहता हूँ कि जो दूसरे भारतीय नागरिक हैं,

Mr. Speaker: Order, order. What the hon. Member says will not be recorded.

श्री एस० एम० जोशी : *

Mr. Speaker: Order, order. Will you now sit down, please? Nothing has been taken down anyway. Every day, I have been noticing one thing. Call Attention notices are given in large numbers. I am not mentioning any one Member, but about the whole House generally, whether it is this side or that side. Notices are given; they are considered. It is not just one or two Members, but I get notices from 40 Members. I get 20, 30, 40 notices. Now, whichever notice is not accepted, if the Members begin to make speeches like this, well, I have an objection. If that is what

is wanted, I have absolutely no objection. If you change the rules and make rules saying that anybody can begin speaking and raise any point, I have no objection.

श्री मधु लिमये (मुंजर) : माननीय सदस्य ने यह मांग की है कि मंत्री महोदय बयान दें। बयान तो आना चाहिए।

Shri Nath Pal (Rajapur): What about our notice? We have not been informed anything.

Mr. Speaker: It is under consideration, if he is not informed.

12.26 hrs.

QUESTION OF PRIVILEGE
AGAINST THE HINDUSTAN
TIMES

श्री मधु लिमये (मुंजर) : अध्यक्ष महोदय, परसों मैं ने बिड़ला समूह के एक हिन्दी दैनिक, हिन्दुस्तान, के खिलाफ विशेषाधिकार का प्रश्न उठाया था और चूँकि सदन ने या सदन के किसी भी सदस्य ने, उस का विरोध नहीं किया, इस लिए वह सीधा विशेषाधिकार समिति के पास पहुँच गया। आज मैं जो विशेषाधिकार का प्रश्न उठाना चाहता हूँ, वह उसी बिड़ला समूह के अंग्रेजी दैनिक, हिन्दुस्तान टाइम्स, के खिलाफ है मेरी राय है कि एक मानी में यह मामला हिन्दी दैनिक, हिन्दुस्तान, के मामले से भी ज्यादा गम्भीर है और इस का कारण मैं अभी बताता हूँ।

रविवार के हिन्दुस्तान टाइम्स में जो लेख प्रकाशित हुआ था, उस का नाम है, "शेड्डज आफ दि स्टार चैम्बर"। शायद हमारे कुछ मित्र यह नहीं जानते होंगे कि यह स्टार चैम्बर क्या बला है। इस लिए मैं एक ही वाक्य में बताना चाहता हूँ कि जब

[श्री मधु लिमये]

सत्रहवीं शताब्दी में इंग्लैण्ड में राजाशाही और संसदीय लोकशाही के बीच संघर्ष चल रहा था, तो स्टार चैम्बर की अदालत का इस्तेमाल राजाशाही करती थी लोकतन्त्र को दबाने के लिए। कई इतिहासकारों ने स्टार चैम्बर की अदालत का वर्णन इस प्रकार किया है :

"A convenient and secondary instrument of repression."

हाई कमीशन का अदालत एक नम्बर पर थी और यह दूसरे नम्बर पर।

इस संबंध में एनसाइक्लोपीडिया ब्रिटैनिका में निम्न वाक्य आता है :

"Under James I and Charles I, star chamber continued as an important court largely respected and liked. As puritan and parliamentary opposition developed, however, it incurred odium from severe penalties and the reputation then affixed by the enemies has since persisted."

इस का मतलब यह है कि स वक्त स्टार चैम्बर का अर्थ है दमन का हथियार। यह उस लेख का नाम है। तो जब पार्लियामेंट के बारे में, वह राज्य सभा हो या लोक सभा, "शैड्यु आफ दि स्टार चैम्बर" शब्दों का इस्तेमाल किया जाता है, तो उस का साफ मतलब है कि लेखक हमारे ऊपर यह लांछन लगा रहा है कि हमारी कार्यवाही और प्रक्रिया ऐसी है कि वह दमन चलाने का एक साधन है—यह संपद दमन चलाने का एक हथियार बन गई है।

इस लेख में यह कहा गया है कि राज्य सभा के सदस्यों ने शायद हजारी रिपोर्ट नहीं पढ़ी थी। इस तरह की आलोचना के खिलाफ मुझे कुछ नहीं कहना है। हम लोगों को इस प्रकार की टीका-टिप्पणी पर आपत्ति नहीं करनी चाहिए। लेकिन आगे

चल कर लेखक ने कहा है कि जो आरोप प्रत्यारोप किये गए, वे ऐबसर्ड हैं। इस पृष्ठभूमि में मैं इस लेख में दो वाक्य पढ़ता हूँ :

"If the Birlas have foreclosed industrial licensing, if the Birlas have evaded income-tax, if the Birlas have salted away foreign exchange by fraud, there is a case for letting them take their deserts under the law of the land. But the stronger case is against a government which permitted all these things to happen because it was, as we are told, beholden to the Birlas."

आग लेखक यह कहते हैं कि यह बात सही नहीं है :

"The proposition has only to be put in this manner to recognise the absurdity of it."

लेकिन आज के सट्टेसमैन में यह खबर आई है कि हिन्दुस्तान मोटर्स के पांच बड़े अधिकारियों को चीफ प्रेसीडेंसी मजिस्ट्रेट ने उन के ऊपर कुछ इन्जामात लगा कर बुलाया है। वे आरोप इस प्रकार हैं :

"On a charge under section 120(b) IPC criminal conspiracy, read with section 5 of the Imports and Exports Control Act."

इस में बहुत बड़े बड़े अधिकारियों के नाम हैं, वाइस प्रेसीडेंट हैं, कार्माशियल मैनेजर हैं, सप्लाय मैनेजर हैं, आज के काम-शियल मैनेजर हैं, आफिस इन्चार्ज आफ दि क्लोअरिंग डिपार्टमेंट आफ दि फर्म और फिर आज के आफिस इन्चार्ज यह सब अधिकारी हैं।

"The last two accused have been further summoned on charges of forgery and using forged documents as genuine. The other three have also been further summoned...."

Mr. Speaker: You may ask for leave of the House.

श्री मधु लिमये : मैं कोई गलत बात नहीं कह रहा हूँ, कोई गलत बात मेरे मुँह से नहीं आयेंगी। उस की पृष्ठभूमि में मैं ने यह कहा।

"The other three have also been further summoned on charges of abetment of the alleged forgery and using forged documents as genuine."

अध्यक्ष महोदय, मैं यह नहीं कह रहा हूँ कि जाँ आरोप लगाए गए हैं वह साबित हो गए हैं। यह मैं कुछ नहीं कह रहा हूँ। इतना ही कह रहा हूँ कि हिन्दुस्तान मोटर्स आदि मामलों की चर्चा हम लोग यहां करते हैं और मांग करते हैं कि जांच हो, अदालत के सामने मामले लिए जाय तो उस के बारे में हमारे ऊपर आरोप किया जाता है कि हम यहां पर "स्टार चैम्बर" चलाना चाहते हैं, इसलिए मैं ने यह कहा: अध्यक्ष महोदय, इस में सबसे दो तीन जो खतरनाक वाक्य हैं जिन को लेकर यह विशेषाधिकार का मामला उठता है वह निम्न प्रकार है। पहले तो कहा गया कि जब हम और आप हिन्दुस्तान मोटर्स के खिलाफ कुछ कहेंगे, रुबी कम्पनी और न्यु एशियाटिक कम्पनी के खिलाफ कहेंगे, तो इस के संबंध में मुलावाकर माहव बया लिखते हैं :

"Wild charges which have been flung in Parliament against the Birlas...."

हम अपने कलंध्य को, फर्ज को निभाते हैं, उस के बारे में दलीलें देते हैं, उदाहरण देते हैं, हम यहां कोई न्याय करने नहीं जा रहे हैं, हम जेल में उन को नहीं भेजते, हम सरकार से केवल मांग करते हैं.....

Mr. Speaker: This can be argued before the Privileges Committee.

श्री मधु लिमये : तो अध्यक्ष महोदय, वाइल्ड चार्ज हम करते हैं इस तरह का हमारे ऊपर लाठन लगाया गया है। अब सब से ज्यादा खतरनाक चीज की तरफ अब मैं आ रहा हूँ।

"The question that now arises is how far can we go in allowing Parliament to behave like some kind of a Star Chamber sitting in judgment on individuals and institutions who have no means of defending themselves without undermining democracy itself."

अध्यक्ष महोदय, यह कहते हैं कि "हाउ फार कैन वी गो इन एलाविक पार्लियामेंट," मैं जानना चाहता हूँ कि यह कौन टिको जी राव या तीस मार खां हैं? हम को इजाजत देने वाले? पार्लियामेंट को इजाजत देने वाले यह तीसमार खां कौन हैं जो कहते हैं?

"how far can we go in allowing Parliament to behave like some kind of a Star Chamber."

यह मैं समझता हूँ इस में सब से खतरनाक चीज है। आगे चलकर कहते हैं कि संसद सदस्यों को जो स्वतन्त्रता दी जाती है और बिरला वालों की चर्चा में उसका जो इस्तेमाल किया गया उस वाक स्वातन्त्र्य का इस्तेमाल लोकतन्त्र को खत्म करने के लिए हम लोग कर रहे थे: यह वाक्य है:

"who use the freedom of an open democratic society for the express purpose of subverting it."

बिरला समूह के मामलों को लेकर जो चर्चायें दोनों सदनों में हुईं उसमें जो वाक स्वतन्त्रता के अधिकार का इस्तेमाल किया गया उस के बारे में कहते हैं कि हम लोग लोक तन्त्र को उखाड़कर फेंकना चाहते हैं... (श्वषधान) अध्यक्ष महोदय, मैं खत्म करने जा रहा हूँ मुझे पता चला कि कुछ लोग विरोध करना चाहते हैं, इसलिए मैं जरा लम्बा भाषण कर रहा हूँ ताकि वह अपना विरोध वापस

[श्री मधु लिमये]

ले लें और सदन का समय बचे। अध्यक्ष, महोदय, अगर यह अखबार बालों की स्वतन्त्रता के लिए लड़ते तो कुछ बात समझ में आती, लेकिन वह बात नहीं है। यहां जो कार्यवाही होती है वह सुरक्षित है, जैसे कि दो दिन पहले मैं ने बताया, यह अदालत में नहीं जा सकती इसी तरह यहां की कार्यवाही जो प्रकाशित होती है, अखबारों में छपती है वह भी सुरक्षित है। अब यह महोदय चाहते हैं कि यह अखबार वाला संरक्षण उठा लिया जाय, मतलब हम यहां पर जो बातें करते हैं वह अखबारों में छपे नहीं, जो उन के हक में हों वह छपें, जो उन के खिलाफ हों वह नहीं छपे। तो इस तरह अध्यक्ष महोदय यह मामला है। अब मैं आप को और उद्धरण नहीं देना चाहता। एक ही वाक्य में देना चाहता हूँ कि यह कैसे विशेषाधिकार भंग होता है, मेज़ पार्लियामेंटो प्रैक्टिस से तो मैं ने दिया लेकिन हाउस आफ कामन्स के एक बहुत विद्वान सचिव थे कैम्पियन साहब, उन की किताब से मैं एक वाक्य पढ़ कर सुना देना चाहता हूँ :

"Disrespect to the House collectively, whether committed by a Member or any other.

This is the original and fundamental form of breach of privilege and almost all breaches can be reduced to it. Special instances of it are libels on the House at large, upon the Speaker and upon Select Committees."

तो यह पूरे सदन का मामला है। उस के बारे में मैं ने यह कैम्पियन से उद्धरण दिया है। अब अन्त में मैं अपना प्रस्ताव औपचारिक रूप में रखता हूँ। मैं प्रस्ताव करता हूँ कि हिन्दुस्तान टाइम्स के स्तम्भ लेखक, सम्पादक, प्रकाशक, मुद्रक तथा मालिक के खिलाफ

Mr. Speaker: You must first take the leave of the House.

श्री मधु लिमये : विरोध किसी ने नहीं किया तो लीव की क्या जरूरत है ?

Mr. Speaker: After the leave of the House is granted, he can move the motion. Now he should ask for leave. Is it being objected to?

The Minister of Parliamentary Affairs and Communications (Dr. Ram Subhag Singh): We have no objection.

अध्यक्ष महोदय : कोई विरोध नहीं कर रहा है।

श्री मधु लिमये : तो मैं प्रस्ताव रख रहा हूँ।

Shri Himatsingka (Godda): I feel that the article that has been published is a fair comment and does not come within the mischief of privilege.

Mr. Speaker: That is all right. He can oppose it. But speaking can be done only after the motion is moved. Now, let the hon. Member move the motion.

श्री मधु लिमये : मैं प्रस्ताव करता हूँ कि हिन्दुस्तान टाइम्स के स्तम्भ लेखक, सम्पादक, प्रकाशक, मुद्रक तथा मालिक के खिलाफ विशेषाधिकार भंग का उपरोक्त मामला विशेषाधिकार समिति के पास भेजा जाय।

Mr. Speaker: Day before yesterday some thing on the same lines was moved in the Rajya Sabha and they took a decision two days before it was moved in this House. They have referred it to their Privileges Committee. Now the motion is before the House. If anybody wants to support or oppose it, he can do so, though I do not think it is necessary to make any speeches. I would now put the motion to the vote of the House.

Shri Himatsingka: The reference suggested is with respect to the writer, the editor, the printer and proprietors. I do not think that there are any proprietors in a company. There may be directors . . . (*Interruptions*).

Mr. Speaker: Now it is the chance of the members of the opposition to hear. Even if they do not agree, they may please hear him.

Shri Himatsingka: I believe the motion is in a much wider form. It should be restricted to the person who wrote it and the editor.

Shri S. M. Banerjee (Kanpur): Sir, I rise to support the motion of my friend, Shri Madhu Limaye, and I must congratulate him for bringing the Birla house on the mat of this House.

Mr. Speaker: What is all this? The motion is against the paper.

Shri S. M. Banerjee: About the article which has been referred to under the heading "Shades of the Star Chamber" in the *Hindustan Times*, the cartoon on that is that every Minister has failed in getting a cheap car or a small car and that now it is the turn of Shri Fakhruddin Ali Ahmed . . . (*Interruption*).

Mr. Speaker: Why all this?

Shri S. M. Banerjee: Please see the cartoon. What does it show? (*Interruption*).

Shri Kanwar Lal Gupta (Delhi Sadar): Why do you discuss the cartoon now?

Shri S. M. Banerjee: Sir, the question now arises as to how far he can go. 'He' stands for whom? 'He' does not stand for Mr. 'Mulgaokar' . . . (*Interruption*).

Mr. Speaker: You finish now.

Shri S. M. Banerjee: I want to bring to your attention another sen-

tence. The objection has been raised by Mr. Himatsingka that it is against the editor and not against the proprietor. The motion of my friend, Shri Madhu Limaye, is मालिक को भी बुलाया जाय।

श्री मधु लिमये : "बुलाया जाय" मैंने नहीं कहा है।

Mr. Speaker: That is enough now.

Shri S. M. Banerjee: There is another sentence which has not been quoted. I quote:

"The country is very near to the point where the public is losing all confidence in the instruments of democratic organisation."

We have raised questions on nefarious activities of the Birlas either in this House or in the other House. You need not give any weightage to the objections raised on the other side.

Mr. Speaker: It has nothing to do with the Birlas.

Shri Shashi Ranjan (Pupri): The remarks made by the author in the column of the *Hindustan Times* have caused reflection on the entire parliamentary democratic system. It further goes to say:

"The century-old libel law is completely obsolete in today's conditions. It has become an instrument in the hands of blackmailers and subverters."

This is a very serious charge and I feel that this matter must be referred to the Privileges Committee.

Shri N. Dandekar (Jamnagar): Sir, I am not concerned at all with the merits or the demerits of the allegations that were made against the Birla house either in this House or in the other House. I am merely concerned with the propriety of our attacking newspaper comments in an article, to the point at which it is

[Shri N. Dandeker]

suggested that they have gone beyond the bounds of propriety and, therefore, the writer of that article is being hauled up before the Privileges Committee.

Before we decide upon this, I think, we ought to consider very carefully the principles involved in this kind of situation. I am quite clear in my mind that in regard to the freedom of speech of Members of the House, it ought to be unlimited,—it is unlimited,—and consequently anything that encroaches upon the freedom of expression of the Members of the two Houses must be taken exception to. But I hope it is also understood that freedom to say things in this House or in the other House is not a licence and that there must be restraint and that there must be reasonable material on the basis of which comments are made. If a journalist takes it upon himself to argue or takes the view that the comments made were unrestrained amounting to licence, that the comments were made without foundation, that the particular report supposed to constitute the foundation for those comments does not in fact furnish any foundation,—we may not agree with the view he takes,—but I submit, it would be a dreadful curtailment of the right of the freedom of the press for us to object to the comments of that kind. I think you ought to be very very careful in that.

Mr. Speaker: The Privileges Committee may take all this into consideration.

Shri N. Dandeker: Sir, various accusations have been made. So, I am entitled to make my observations. I am not speaking against the motion. But I am entitled to make observations concerning the merits of the motion.

I would like to add a few more comments about the right of freedom of the Press. A free Press is probably the most important institution,

next only to the two Houses of Parliament for the protection of freedom and for the preservation of democracy. We ought to be exceedingly careful before we attack it even to some extent. I do not think that in this case the press comment was not sober or that the comment was not reasonable, but I am prepared to agree that some Members who are exceedingly touchy about comments concerning themselves may find the comment somewhat vigorous or excessively and highly critical. Nevertheless, in so far as the comments are concerned, I would respectfully suggest that we should be prepared to give nearly as much freedom,—though not quite,—nearly as much freedom, to the Press to comment upon us as we have freedom to comment on affairs and men, so that neither the one nor the other is allowed to become a licence. I think, that is a right of the Press to which we are entitled in a democracy—(Interruptions).

Shri N. Sreekantan Nair (Quilon): Is it the opinion of the Swatantra Party or his own opinion?

Mr. Speaker: The hon. Member has expressed his opinion.

Shri N. Dandeker: I have not finished, Sir.

Two other points have been made. One is about calling the two Houses "shades of the Star Chamber". The difference between the shade of the tree and the tree itself is well recognised and I do not think somebody calling the House "shades of the Star Chamber" is in fact calling the House the Star Chamber.

Finally, as a journalist, the writer gives speculative consideration to whether something should not be done about this. That was perhaps wrong; he should not have done that. But being a responsible journalist, after having speculated, as to whether the hon. Members of Parliament might

not be restrained from saying things of this kind, he goes on to say—that obviously, that is an exceedingly undesirable and impossible task. Perhaps this remedy, he feels, will raise other complications. There is certainly a danger that this will place a limitation on free expression in this House and so on. In other words, I submit that this is a fair comment; it is well within the ambit of not only the right, but also the duty, of sound journalism to make such a remarks.

Mr. Speaker: So many hon. Members are standing. Do they want to have a debate on this?

श्री मधु लिमये: एक मिनट में भी उनका जवाब देना चाहूंगा। अभी अभी अखबारों की स्वतंत्रता की बात कही गई है। बड़े-बड़े उद्योगपतियों ने सारे अखबारों को खरीद लिया है, कहाँ है अब समाचार स्वतंत्रता।

Mr. Speaker: No, no. Now I put the motion to the vote of the House. The question is:

"That this question of breach of privilege against the columnist, Editor, Publisher, Printer and Proprietor of the *Hindustan Times* be referred to the Committee of Privileges."

The motion was adopted.

12.49 hrs.

PAPERS LAID ON THE TABLE INDUSTRIAL DISPUTES ACT, 1947

The Minister of State in the Ministry of Labour, Employment and Rehabilitation (Shri L. N. Mishra): On behalf of Shri Hathi, I beg to lay on the Table a copy of Notification No. S.O. 1776 published in Gazette of India, dated the 20th May, 1967, under sub-section (3) of section 40 of the Industrial Disputes Act, 1957, adding 'Service in any oil-field' to First Sche-

dule to the said Act. [Placed in Library, See No. LT-542/67].

ANNUAL REPORT OF INDIAN INSTITUTE OF SCIENCE, BANGALORE

The Minister of Education (Dr. Triguna Sen): I beg to lay on the Table a copy of the Annual Report of the Indian Institute of Science, Bangalore, for the year 1964-65. [Placed in Library, See No. LT-543/67].

12.50 hrs.

RE: CALLING ATTENTION NOTICE

Mr. Speaker: Before I go to the other items of papers to be laid on the Table, I would like to say this. Mr. Nath Pai referred to some call attention or something and since I had not seen it, I was surprised where it had gone. Now I find that this came after 10.30. Normally according to rules, all the motions which are given till 10.30 are placed before me, and before I come to the House, I see them. But unfortunately Mr. Nath Pai's motion was given after 10.30. I was really wondering where it had gone. This is the reason why it was not seen by me. A decision on that has to be taken separately, independently. It was given later, after 10.30. That is what I understand from the office.

Shri Nath Pai (Rajapur): It has not been my habit to blame the Secretariat; they serve on the whole very loyally and at times very efficiently. I would not insist that they have made a representation to you which is not in harmony with the reality. So far as I can recall, when I was in the Notice Office—I had checked up the time—it was just 10.30. But the new rule which we have amended has not yet been accepted. Anyway, I would not be technical. May I make a request to you, if you are, on this technical ground, disallowing....

Mr. Speaker: No question of disallowing. It is a physical fact. I have not seen it.