

SHRI P. G. MAVALANKAR: If you did not hear me and if I say that I said "The Noes have it", you do not take me for my word?

MR. CHAIRMAN: After I have announced that the Bill is passed, I passed on to the next item.

SHRI H N MUKHERJEE: Can a Chair turn its deaf ear to all the other people? Is it not lack of alertness on the part of the Chair? (Interruptions)

SHRI P G MAVALANKAR: You can just go through the records, I said, 'noes' have it

MR. CHAIRMAN: It is a completely accepted principle that what has happened in the House, the Chair is the final judge. Here I repeat for the sake of the record that I said, ayes have it, I waited for some time and I did not hear anyone saying noes have it. At that moment, I said that the Bill is passed and then I passed on to the next item. After Mr Sequeira stood up, then Mr Mavalankar said that noes have it

SHRI P G MAVALANKAR: With great respect to you, Mr Chairman, I said at once that noes have it. Why do you deny me this right, because I am alone? Tape-recording also will show that I said, "noes have it" immediately (Interruptions)

MR. CHAIRMAN: Never after next item.

SHRI S. M. BANERJEE: On a point of order. When this question was raised by Mr. Mavalankar, I think, we should have also said that noes have it. Now, you said that you did not deny that he had used that word but you did not hear. Now, we are not concerned with the hearing power of the Chairman. The question is that since

he has said so, the benefit of doubt goes to him. (Interruptions) Let us hear the tape

MR CHAIRMAN: It is not the question of harmful but it is the question of procedure. Now, a motion is put to the House the Chair has to decide whether the House has accepted the motion or not. There are certain stages stipulated in the rules. The Chair is directed to call for ayes and noes and the Chair has to go by the will of the House and the Chair will announce that. After I said, ayes have it, I waited for some time, and then I said the Bill is passed. In the meanwhile, I did not hear as far as I know and I stand by it any member saying noes have it. The Bill has been passed and we have moved on to the next item. So, that is the end of the matter. No Rules of Procedure can give me the power to re-open the matter.

Now, Mr. Sequeira will move his Resolution

16.30 hrs.

STATUTORY RESOLUTION RE DISAPPROVAL OF PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER ORDINANCE, 1975 AND PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER BILL

SHRI ERASMO DE SEQUEIRA (Marmagao): I beg to move:

"This House disapproves of the Prevention of Publication of Objectionable Matter Ordinance, 1975 (Ordinance No. 28 of 1975) promulgated by the President on the 8th December, 1975."

What has happened in the House now is very unusual. Mr. Chairman, I have had the privilege to be in this House for nine years. Never have I

[Shri Erasmo De Sequeira]

seen anything as has happened just before this item of business. This is what makes us more and more doubtful about whether what Government is saying in this House is what it means. Mr. Shukla and I have had to-day, by some quirk of fate, a long innings in this House. My complaint on all the three things that have come before this House is that the Government have not been plain-speaking. This Prevention of Publication of Objectionable Matter Ordinance that came forward is a very major piece of legislation. And again I must protest about its having been brought forward by an ordinance, because as the hon. Minister had said just a little while earlier in this House, Government has already acquired for itself the power of censorship which is current, and, therefore, nothing can go into the newspapers unless the Government passes it. In these circumstances, when the Government already has power to prevent the publication of anything, what is the need for coming forward with an ordinance? Do they not realize to what extent they are embarrassing the President by forcing us to come to the House and saying things like this? The President's office is the highest office in the land. We all respect him. If you force us to come forward and say things like this, are you not detracting from the importance that he has? Look at the clauses of the bill which is now coming before us. The definition of what is an objectionable matter is so wide that you can start with a needle and end with an elephant. The worst thing about this is, "Who will decide whether something is objectionable or not?" It is an officer of the Central Government not below the rank of a Deputy-Secretary. It is not even the Government who will decide but one single officer sitting in judgement over the free Press. Angola is very much in the news these days, and if you have read the pro-

ceedings of the Anti-Colonial Committees of the United Nations, you will find that the one thing that was referred to again and again in those proceedings was a thing which was called a system of *indigena*. That was a system in which the judicial system was operated by administrative officers, and the conclusion was that it was against the rights of man to have such a system. And here we talk about better standards for the Press, we talk about improving our free Press. Then we give an administrative officer personally the right to sit along over what should be published and what should not be published. This is not delegation of responsibility but this is abrogation of responsibility.

1635 hrs

[Shri Ishaque Samihali in the Chair]

If the Government had come forward to this House and brought this Bill forward and said that we shall make a complaint to the Press Council and then we shall decide it, I would have no quarrel with it, if they had created Press Council in every State. I would have no quarrel with it if they had created some kind of authority, autonomous of the Government. I would have no quarrel with it. What I quarrel with is the fact that in almost every measure that Government comes forward with it wants to be the accuser, the judge and the jury, all rolled into one indivisible whole.

The Prime Minister made a statement that even if the elections were postponed they will be held within a year or earlier. If I read the newspapers right this morning, we are today in a climate where whatever the Government says is disseminated to the country and whatever is said by the opposition remains where it is said. In this situation, what is the point of coming forward with the statement that elections are going to be held? By what are the people going to judge the other side? What do you want the other parties to do?

How are they to talk to the people? If we ask for permission for a public meeting, it is denied. If we ask for a hall meeting, that is also denied. If we issue a statement, that is not published. Leaflet is not allowed to be printed.... (Interruptions). That applies only to one side. That is our quarrel. If you want to keep this country off politics for six months, normally I would have accepted it. If you had imposed restrictions on all political parties, I would have accepted it. But if the restriction is on opposition alone, it is nothing but an advance toward fascism. I do not want to tell you the theories of this—it is well known.

Whenever you want a change from a representative system, from democracy, to autocracy the first pillar that you pull down, the first leg that you cut off is the press, because that is practically the only means, or the largest means, that exist in society for a community to judge the performance of its elected representatives.

If Government wants that discipline should become a way of life in this country, if Government wants that violence should find no place in a democratic society, then Government must also accept that dissent has an honourable place, as the original proposition, because minus the play of two ideas before the people, minus the debate, minus the discussion, democracy has no meaning and we will be going back to the old days. I wish I knew some Latin. There is a saying that Rome has spoken and the rest of the world shall follow. We do not want Rome in this country; we do not want "follow the leader concept", either on that side of the House or on this side of the House.

It is not a happy day when from morning to evening one has to stand up in this House and protest against

the manner in which step by step, obviously under some kind of a master plan, one by one....

SHRI DINEN BHATTACHARYYA:
Slowly.

SHRI ERASMO DE SEQUEIRA:
Not slowly, rather fast, the structures, the organs of the free society are being first muzzled, then destroyed. I realise that the chances of this Government meeting with success in what it is obviously trying to do to the democratic institutions of this country, which is to destroy them, are rather slim, but what I am saying is that they could save all this trouble, all this acrimony and all this suffering by doing only one thing, on the 18th March, when their mandate is over, by going before the people to seek a fresh mandate.

MR. CHAIRMAN: Resolution moved:

"This House disapproves of the Prevention of Publication of Objectionable Matter Ordinance, 1975 (Ordinance No. 28 of 1975) promulgated by the President on the 8th December, 1975."

THE MINISTER OF STATE OF INFORMATION AND BROADCASTING (SHRI VIDYA CHARAN SHUKLA): I beg to move:

"That the Bill provide against the printing and publication of incitement to crime and other objectionable matter, be taken into consideration."

As the House is well aware, this enactment and its need were felt a little after our independence was gained. In 1951 this hon. House had considered a measure of this kind. It was not exactly on the same lines, but in substance it was similar, and this House made it into a law. The reason why it was made into a law was very

[Shri Vidya Charan Shukla]

ably put to the House by the then Home Minister, Shri Rajagopalachari. He said that if this kind of activity, the objectionable matters that were being printed in the papers, were not put a stop to, very soon it would be necessary for the Union Government to send units of the army and the para-military force to every district of the nation. This was the position at that time, and this incitement was being caused by the publication of all kinds of rumours and all kinds of false things and there was hardly any control or any penal provision for punishing those people who were responsible for spreading such rumours and publishing such anti-national matter which created a threat to the security of the nation or to peace and tranquillity in public life.

This Bill happened to be moved by one those who stood for maximum freedom, Shri Rajagopalachari, and the relevance of it was well borne out by the support that he got. When the Press Commission considered the situation of the press they made an observation that although they did not oppose the law, they would rather have all these provisions of law implemented in a voluntary manner and, therefore, they suggested the creation of a Press Council which should regulate the functioning of the press by compiling a case law over a period of time and, as was stated earlier when I moved the other Bill by evolving or building up a code of ethics or code of conduct for the press.

We had a wishful thinking that the Press Council and the connected matters would be such that the tone of the press, the tone and the tenor of the working of those people who were interested in creating violence, creating hatred and creating a feeling of

disaffection amongst the various language groups, amongst the various regional groups in various regions of the country, will be curbed, that their designs will be frustrated, and that they will not be able to play foul with the nation with the help of the press. All these ideas, all these hopes, have been shattered by what we saw subsequently. When this law was repealed in 1957, great hopes were put on the Press Council. We have discussed earlier in the day how all those hopes were belied and the Press Council not only proved ineffective but it appeared that unless the provision was properly made in the law of the land to punish people and prevent such objectionable writings, we will not be able to run our country or protect democracy and keep it in the healthy state. Therefore, it was decided to bring forward the Bill before the House and to see that the nightmare that we have passed through is not repeated.

I must make it clear that this has nothing to do with the Emergency provisions that are in operation today. It has nothing to do with the censorship. It is only meant to fortify those people who believe in self-discipline. As I stated earlier, the Committee of Editors and the All-India Newspaper Editors' Conference have already evolved a code of ethics or you may like to call it a code of conduct. Any newspaper or any journalist who abides by the code of conduct or by the code of ethics will have nothing to fear from this Bill which I have brought before the House. Those people who believe in healthy journalism, those people who believe in constructive criticism, those people who believe that the press is an integral part of democracy, that the health of democracy depends upon the health of the press and the health of the press depends upon the health of democracy, they will definitely support this measure.

As I said, those people who practise journalism for the sake of journalism for the sake of the country, to ensure the growth of healthy tendencies in society will not object to this Bill. If you go through the entire ambit of the Bill that I have brought forward before the House, you will see that it provides for punishment to such people who print such things which are all to do with the crimes in the law of the land. These various things which have been defined as objectionable are already in the statute books of the Criminal Procedure Code, the Indian Penal Code and other laws that have been passed by this Parliament. The only thing that this Bill seeks to achieve is to see that these offences are made applicable to printed matter in such a way that not only these things can be prevented in advance but also such people who give currency to this kind of offences or abet these offences are also punished in a quick manner.

I would point out the various provisions of this Bill to Mr. Sequeira. He can easily see that very many safeguards have been provided against misuse of the provisions of this Bill. Firstly, the competent authority cannot be a lower functionary of the Government; he has to be a Deputy Secretary or higher than that or a District Magistrate or higher than that; and such officer, who is duly nominated under the provisions of this Bill to be a competent authority, also cannot take any action unless the reporting officer makes a report to him. This is the safeguard provided, so that everybody does not go and make a report and the competent authority takes action on this.

We have also provided in the Bill that, even though a notice of action may have been issued, the Central Government, which is the next appel-

late authority, can *sue motu* abrogate or cancel that notice or action—that is, by itself, without any appeal being made to them. And whenever any appeal is made to them, it is provided that, within a short time, a time of 14 days or so, the appeal must be disposed of by the Central Government, and if it is not so disposed of, it will be deemed to have succeeded; that is to say, if the Central Government does not take cognizance of the appeal and decide it within the time limit set in the law, the appeal of the appellant would be deemed to have succeeded, and the order would be set aside automatically. This is the provision that has been made to secure that there is no harassment by keeping the appeal pending for a long time.

Again, after this provision, if the aggrieved party is not satisfied with the action of the Central Government, he can go to the High Court or Supreme Court, appeals are provided for to the judicial forum, he can go there and prove that the action taken was *mala fide*, was not correct, and therefore, it should be set aside. Therefore you would see that we have taken the greatest care to ensure that there is no misuse of the provisions of this Bill.

This Bill is meant only to import health into our public life and in journalism. It is not meant to stifle or gag or punish them or to instil any fear in them. Therefore, the fears that the hon. Member expressed are quite unjustified.

Mr Sequeira was also very keen to find out why we have put a government servant as the deciding authority to decide whether the action should be taken or not. This is a well-accepted principle of democracy that whosoever acts in whatever manner, the ultimate responsibility and answerability is that of the Ministers who

[Shri Vidya Charan Shukla] are answerable to this House. Whether it is Deputy Secretary or Joint Secretary or Secretary to Government or any other functionary of the Government, the vicarious and direct responsibility is mine in case I am the administrative authority of this particular Act. Therefore, irrespective of who the person is who will take action I must take the responsibility for that action; in case there is any fault or any thing *mala fide*, I may be punished for that, and I will have to accept the full responsibility for that.

The provision that has been made here is only to ensure that the powers under this Bill are not delegated down the line to very small functionaries, tehsildars or naib tehsildars; no such officer can use these powers which are supposed to be used after due deliberation and great deal of caution, this is just a safeguard so that the action cannot percolate below this level of officialdom. Whatever action is taken, the ultimate responsibility and answerability of the Government to this House will remain completely undiminished. It is just not going to be diminished by this provision. There is no restriction to the Opposition also because this is applicable to anybody. Suppose some newspaper in a State which is not ruled by a ruling party in another State or the Centre violates the provisions of this Act, that certainly is actionable under the provisions of this Act and the same thing will happen in any other State or at the Centre. Therefore, to say that this is pointed towards the Opposition is not only fallacious. . .

SHRI ERASMO DE SEQUEIRA: But it is motivated.

SHRI VIDYA CHARAN SHUKLA: But is also motivated and is also trying to misread the entire provision. You can have a look at it and you will find that if the opposition acts all the time spreading hatred and con-

tempt and causes disaffection against the government established by law and then it says, 'not only in India but in any of the States thereof and thereby cause to tend to create public disorder' then such elements are to be controlled whether they belong to the opposition party or belong to any other party and if somebody incites any person to interfere with the production, supply and distribution of food or any other essential commodity or essential services, certainly we will have to take action against him. I want to dispel the doubt which might arise in Mr. S. M. Banerjee's mind or in the minds of those people who are connected with the trade union movement that this particular provision might be used against the working class. This is not correct and this is not a good impression because the people who are interested in the working class movement or who want to promote the interests of the working class are not the ones who create disturbances or difficulties or incite people in production and supply and distribution of food and other essential commodities or essential services. It is limited only to essential commodities and essential services. This by no means can be construed to prohibit or inhibit genuine or *bona fide* trade unions movements for which there are other laws which are directly applicable to such situation. This is only applicable to such situations where the life of the society is sought to be disrupted for reasons other than the interests of the trade union or interests of the working class. So, we have number of instances in this country where there had been, spurious attempts and wrong attempts to interfere with the life of the community by organizing *bandhs* for various reasons, for reasons which are not connected with the life or working of the working class people

and the social and economic life of the country is sought to be disrupted by such attempts which are politically motivated and they were motivated to create confusion and chaos in the country.

Therefore, while I am moving this motion I want to give an assurance that this provision that has been made in the objectionable matter is not meant to be used against bona fide and genuine working class movements and activities.

You will see the third objectionable matter that we have defined in this Bill is 'seduce any member of the armed force or the forces charged with the maintenance of public order from his allegiance or duty or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force. This is certainly an objectionable matter and anybody who does this requires to be controlled. I do not think Mr. Sequeira can take objection to this thing either.

SHRI ERASMO DE SEQUEIRA: I said 'false seductions'.

17.00 hrs.

SHRI VIDYA CHARAN SHUKLA: I want to bring it to the notice of the hon. Member. I am sure he has read it. I want him again to remember while he gives his opinion. The other objectionable matter that we have defined is—

"to promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities."

If this is supposed to be against the Opposition, there must be something really wrong with the Opposition. This is against any community which wants to create disorder and chaos in the country. Why does someone want to misread it? It does not look very

clear to me as to why you want to mis-read such a clear provision, such a definition in the Bill that I have brought forward.

The next one is—

"to cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity."

The next one is—

"to incite any person or any class or community of persons to commit murder, mischief or any other offence;"

Now I come to a provision where some objection may be taken by the hon. Members of the Opposition. Here it says:—

"are defamatory of the President of India, the Vice President of India, the Prime Minister or any other member of the Council of Ministers of the Union, the Speaker of the House of the People or the Governor of a State;"

As is well known, the judges of the High Courts and the Supreme Court have their own regulation provided in the Contempt of Court Act. We have not put the Judges of the Supreme Court or the High Court in this matter. Two other persons who by the very nature of their duties become vulnerable to such attacks have to be given some protection, not in the private capacity but in the capacity of the office they hold. While they are holding that office, they have to do certain things which may not be popular with some sections of the society, some sections in the nation, and, therefore, they may take action which may not only defy dignity of that office but it might create a great deal of difficulty in the way of the persons who for the time being hold these high offi-

[Shri Vidya Charan Shukla]
ces and, therefore, protection against
defamation of such people is absolutely
necessary.

The next provision says—

"grossly indecent, or are scurri-
lous or obscene or intended for
blackmail."

I do not think any of the Opposition
Members are interested in black
mailing us but if anybody is there in
the country, I am sure hon. Members
will not like to encourage such people
and see that those sections which are
interested in importing indecency or
are scurrilous or are obscene in the
public life or those who want to use
public organs or printed matters for
blackmailing are not encouraged and
such people are brought into the ambit
of this Bill. Now, I will bring to the
attention of this House the provisions
which we have made so that the just-
ified and *bona fide* criticism is not
stified, is not stopped. The provi-
sions of this Bill says—

"Comments expressing disappro-
bation or criticism of any law or of
any policy or administrative action
of the Government with a view to
obtain its alteration or redress by
lawful means, and words pointing
out with a view to their removal by
lawful means, matters which are pro-
ducing, or have a tendency to pro-
duce disharmony or feelings of
enmity, hatred or ill-will between
different religious, racial, language
or regional groups or castes or com-
munities, shall not be deemed to be
objectionable matter within the
meaning of this section."

So, Sir, it is very clear that this should
not be objectionable. This would en-
able anybody to have redress of his
grievance against individual Govern-
ment officers or Ministers or anybody
else or in respect of change of policies
or remove them by lawful means, if
there are matters which are producing

results which are against the very
national ethos which we are trying to
preserve.

Then, Sir, there is this second expla-
nation which we have added to this
Bill. This gives an absolutely clear
picture of the whole thing. I quote:

"Explanation II.—In considering
whether any mater is objectionable
matter under this Act, the effect of
the words, signs or visible represen-
tations, and not the intention of the
keeper of the press or the publisher
or editor of the newspaper or news-
sheet, as the case may be, shall be
taken into account."

It is very necessary that the case is
not prolonged indefinitely, and it does
not get bogged down in legal niceties.
There must be clear-cut decision on
all such matters. The court should
have the power to decide on the merits
of each case whether this thing comes
under the mischief of this Act or
whether it does not. We have provid-
ed various things. I thought that at
the stage of moving the Consideration
Motion I must make the intention of
the Government clear that this is
neither going to act as a deterrent to
the opposition nor it is going to cause
any difficulties for normal public life.
It is only in respect of abnormal activi-
ties (which have been listed here) that
this will apply, if somebody flares up
communal feelings, feelings on account
of language and other things. In such
cases this Act will certainly be used
but in a proper and careful manner.
This will ensure that public life of the
country is maintained dignified and
decent level and does not sink down
and does not go into the hands of those
groups of people who always incite
the baser instincts in the people in the
name of religion, or language or re-
gion or racial group, or anything of
this kind, which we have seen for the
last 20 years happening in this country
and which forced the Government in
the early fifties to bring this matter.

Again a situation has now come when we must put such a law on the Statute-book. And let us hope that the gentlemen of the Press will abide by the Code of Conduct or the Code of Ethics drawn up by their Editors themselves. If you again have a look at the Code of Conduct drawn up, it would look absolutely similar to this. And therefore, if the code of conduct evolved by the editors themselves is followed by the press, there will be no need for this to come into operation, as far as they are concerned. Sir, this Bill which I have brought forward, has been brought only to strengthen democracy and the forces of democracy, it is meant only against those people who are against our national life, those who have ulterior motives or *mala fide* motives who want to destroy the unity of the country, and to bring in this country, all kinds of unhealthy tendencies which we have all resolved to prevent.

I request the House to give its approval to this Bill which I have brought here.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide against the printing and publication of incitement to crime and other objectionable matter, be taken into consideration."

SHRI S. M. BANERJEE (Kanpur): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 4th March, 1976." (1)

SHRI C. K. CHANDRAPPAN: Tellicherry): I beg to move:

"That the Bill to provide against the printing and publication of incitement to crime and other objectionable matter, be referred to a Select Committee consisting of 12 members, namely:—

Shri S. M. Banerjee, Shri Dinen Bhattacharyya, Shri Tridib Chaudhuri,

Smt. Roza Vidyadhar Deshpande, Shri Indrajit Gupta, Shri H. N. Mukerjee, Shri Saroj Mukherjee, Shri Vayalar Ravi, Shri Vasant Sathe, Shri Shashi Bhushan, Shri Ramavatar Shastri, and Shri C. K. Chandrappan.

with instructions to report by the 1st April, 1976." (12)

श्री एस० एम० बनर्जी : सभापति महोदय, मैं सिर्फ पांच मिनट बोलना चाहता हूँ ।

सभापति महोदय: आपको मालूम है आज ठीक 6 बजे शुरुकेन प्राइस पर डिस्कशन शुरू हो जायेगा, इसलिए आपको शार्ट करना पड़ेगा ।

श्री एस० एम० बनर्जी : सभापति महोदय, मैंने भूल किया है कि इस बिल को जनता की राय जानने के लिए प्रचारित किया जाये और 4 मार्च 1976 को सदन में वापिस लाया जाये । आज हमारे लोगों ने इस पर कुछ प्रमेंडमेंट्स दिए हैं । जब मैं इस बिल को पढ़ता हूँ तो मुझे याद आता है अंग्रेजी के जमाने में कुछ रोक लगाई गई थी और उस रोक को लगाये जाने के बाद 1951 में राजाजी यह बिल लाये थे । हम आशा करते थे कि उस के बन जाने के बाद सारी जिम्मेदारी प्रैस कोन्सिल को दे दी जायगी लेकिन आज यह काला कानून हमारे सामने लाया गया है । मैं दो चीजें पढ़ना चाहता हूँ—एक तो 1931 में बाइस-सराय के समय में जो कानून पास हुआ था, वह और दूसरा आज जो बिल लाया गया है—मैं इन दोनों का कॉम्पेरिजन करना चाहता हूँ । उस वक्त क्या प्रॉब्लमने बिल था —

[Shri S. M. Banerjee]

"to bring into hatred or contempt His Majesty or the Government established by law in British India or the administration of justice in British India or any class or section of his Majesty's subjects in British India, or to excite disaffection towards His Majesty or the said Government".

यह उम वक्त था और आज का यह है —

"bring into hatred or contempt, or excite disaffection towards, the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder".

मैं आप को दिखाना चाहता था कि उस वक्त अंग्रेज सिर्फ काले हिन्दुस्तानियों से ही नहीं डरते थे, बल्कि वे अपने साथे से भी डरते थे। इसीलिये उन्होंने यह कानून बनाया था। वे नहीं चाहते थे कि उनकी रैयत, उन के खुशामन्द पसद लोगों पर कोई एक्शन लिया जाय। वे नहीं चाहते थे कि कोई विद्रोह हो या किसी तरीके से उन के राज्य को चुनौती दी जाय। लेकिन मैं जानना चाहता हूँ आज इस सरकार को क्या डर है। वे लोग जो मिलिट्री और पुलिस को रिबोल्ट करने के लिये आवाहन दे रहे थे और तरह तरह के भाषण दे रहे थे—क्या वे कामयाब हुए? क्या बाकई में बकिंग क्लाश, मेहनतकश मजदूरों ने उन प्रतिक्रियावादियों की कोई बात मनी। तो फिर इस बिल की आज क्या जरूरत आ गई? प्रधान मंत्री, राष्ट्रपति, उप-राष्ट्रपति, स्पीकर के खिलाफ यहाँ पर कोई डेरेगेटरी रिमार्क नहीं कहे जा सकते, अगर बचे हैं तो सिर्फ डिप्टी स्पीकर या चेयरमैन साइब—आप। अगर कोई गैर जिम्मेदारी की बातें आज भी गल्लिश करे तो उन के खिलाफ एक्शन ले सकते हैं, इन्डियन पीनल कोड, सी० आर० पो० सी० और दूसरे प्रैस के कानून हैं जिन के अन्तर्गत एक्शन डाल सकता है। तो फिर आज इस

बिल की क्या जरूरत है। बायसराय के जमाने में जो कानून था, उस को आज यहाँ पर लाना—जो कि ब्रिटिश इम्पीरियलिज्म की लिंगेमी थी—कहाँ तक मुनासिब कहा जा सकता है। आज इस देश की बामपंथी शक्तियों ने इस चीज को साबित कर के दिखला दिया है कि प्रतिक्रियावादी शक्तियों, जहाँ से भी वे उठें, वही पर उन को कूचला जा सकता है। आप मजदूरों, किसानों और मेहनतकश अवाम पर विश्वास कीजिये। अगर आप को विश्वास होगा तो इस कानून को पास करने की कोई जरूरत नहीं रहेगी।

अगर आप कानून पास करना चाहते हैं तो उन तमाम लोगों को, चाहे वे बकिंग जनेलिस्ट्स हों, नान-बकिंग जनेलिस्ट्स हों, वे चाहे किसानों के रिप्रैजेंटेटिव्स हों या पोलिटीकल पार्टीज से सम्बन्ध रखते हों, वे कोई भी हों। उन को मीका दीजिये कि उन की ओप नीयन का सर्कुलेशन हो सके जनता के सामने उन की ओपीनियन जाये—ऐसा नहीं होना चाहिये कि कि इस बिल को यहाँ ला कर दो घंटे में पास कर दिया जाय।

SHRI C. K. CHANDRAPPA: I have moved that this Bill be referred to a Select Committee. This is one of the darkest Bills that Government has introduced in the House. It confers draconian powers on the Government. If this is passed in spite of the promises made by the minister, it will go against the democratic practices existing in the country. This Bill says:

"The expression 'objectional matter' means any word sign or visible representation bringing into hatred or contempt or excite disaffection towards the government established by law in India or in any State thereof and thereby cause or tend to cause public disorder."

The Minister has explained that this is to provide against public disorder, but it is for the courts to interpret what it means. It can be interpreted in such a way that even an election manifesto cannot be published. We would like to replace this government by another government in a democratic manner not by inciting the people on the street. We have a democratic right in this country to appeal to the people to reject this government. To convince the people, we will have to criticise the policies of this government, expose where it has committed mistakes, etc., and convince the people that a democratic alternative should be found. If this Bill is passed the publication of even a notice, a poster, a visual expression, even a cartoon will be called into question and the people will be prevented from doing it. This goes against the grain of democracy.

The minister said, "We will not do anything against the working class." If you read the clause even casually, it says:

"incite any person to interfere with production, supply or distribution of food and other essential commodities or with essential services."

The minister sermonises that those who are doing good work among the working class will not incite the working class to hamper production. I do not know in which world we are living. Today the working class has got the inalienable right to go on strike if their rights are questioned. According to this Bill, a trade union cannot appeal to the workers to fight for bonus or question the ordinance regarding bonus issued by the Government, because even a poster, any visual expression or even a cartoon can be called into question. That is the impact that the Bill will have on the people.

Sir, I do not think it was very casual. The words used here in section 3, sub-clause (a) (vi) are, 'incite

any person or class'. What do they mean? Cannot we incite a class to overthrow the other class? Yes, we will do that. Let it be clear to everybody that even after this Bill is enacted into law by this House, the exploited class in this country who are fighting exploitation, who are fighting capitalism, will incite the working class, will overthrow the rule of capitalism. We believe in class struggle and without class struggle, you cannot reach the goal of socialist society.

SHRI VIDYA CHARAN SHUKLA:
By lawful means you can do but not by violence.

SHRI C. K. CHANDRAPAN: What is this violence? Again interpretation. You have gone into this clause with a motive. Even a factual news report will be considered by this Government incitement. I can cite an example. Suppose, your Police shoot down a student and if that fact causes strike everywhere, then the Government will say that the report of the fact was an incitement. If a worker is arrested, if the General Secretary of a political party is arrested and if that fact is reported that the General Secretary of a political party is arrested, the party-men will be worried about and they may go for action. The Government will say that this is an incitement. There are so many instances. This is one of the blackest legislations this House will have to enact into a law. That is what the Government is trying to move for. So many complicated matters are there which go against the democratic principles. That is why it will not be harmful to send this Bill to the Select Committee. Now when I say select committee, Government will come with an argument that within six months this ordinance should be promulgated. I say, let it be rushed through the Select Committee stage within shortest possible time. Everybody should have the opportunity to come and represent his case and

[Shri C. K. Chandrappan]

that will give more substance and the Bill will become more meaningful.

श्री राम सहाय पांडे: (राजमंदगांव) :
सदर मोहतरिम, हर मेम्बर, जो धमनपरस्त
है, जो धमन से बाबस्ता है, वह इस बिल का
और-मुकदम खरूर करेगा। 26 वर्ष की
तारीख हमारे सामने हैं। इस सदन के
इजलास के भीतर और बाहर क्या हंगामे
हुए, उस की भी तस्वीर हमारे सामने है।
कोई खुशी की बात नहीं है कि हम इस बात को
कहे मगर क्यों ऐसी बातें करते हो जिस से
हाउस की शान घटें, क्यों गालिया देते हो
जिससे नफरत पैदा हो, क्यों सदन में हंगामे
करते हो जिस से काम में एकावट आए, क्यों
ऐसी गलत बातें करते हो जिस की बुनियाद न
हो और क्यों ऐसी भाग लगाने की बात करते
हो, जिस को बनाया नहीं और जलाना चाहते
हो। यह जो सिलसिला चला था इससे दिल
और दिमाग खराब हो रहे थे, निरंतर घृणा,
गुस्सा, झगडाव, झगडे तशब्द का एक ऐसा
आलम इस मुल्क में पैदा कर दिया गया था—

श्री विनेन भट्टाचार्य (सीरमपुर) :
अपोजीशन के मेम्बर को बुलाया जाना चाहिये
या ?

सभापति महोदय : दो बोल चुके हैं।

श्री विनेन भट्टाचार्य : वह तो एमेडमेन्ट
पर बोल रहे हैं।

सभापति महोदय : प्लीज।

श्री विनेन भट्टाचार्य : प्लीज के
क्या माने हैं।

सभापति महोदय : सिट डाउन।
इन्कीर को पूरा राइट है कि जिस को चाहे वह
भीका दे। श्री विनेन भट्टाचार्य, आप दो
पढ़े लिखे इंसान हैं और आपको ती संसद को

पढ़ना चाहिये। जो भी इस सदन पर हौसा
वह स्पोकर का काम करेगा। पांडे जी चाहते
थे कि उनको मौका मिल जाय और मैंने यह
मुनासिब समझा कि उनको मौका दे दिया जाए
तो कोई हर्ज नहीं है।

श्री राम सहाय पांडे : मैं आपकी खिदमत
में भर्ज कर रहा था कि इस बिल के जरिये हम
ने एक नया मोड़ देने की कोशिश की है
और हमने आगाह किया है उन लोगों को
जिन्होंने जनता की जिन्यगी को दूसर कर
कर दिया था और एक ऐसे माहौल में लाकर
खड़ा कर दिया था कि यह फंसका करना
मुश्किल था कि इसका हल क्या होगा। राम
लीला मैदान की तकरीरे तो आपने सुनी ही
होंगी। वहां क्या नहीं कहा गया। जैसे
श्री विद्याचरण शुक्ल जी ने कहा गांधी जी भी
हर आन्दोलन के पीछे कानून की इज्जत की
बात किया करते थे और कहा करते थे कि
आजादी लेने के लिए सत्याग्रह करना हमारा
हक है, हर किसी का हक है लेकिन आपको
याद होगा कि जितने भी आन्दोलन उन्होंने
चलाए उन आन्दोलनों की वजह से अगर हिंसा
भड़की तो उन्होंने उसको तुरन्त बन्द कर दिया।
चीराचोरी कांड की बात तो आपको याद ही
होगी। जो लीडर कहलाए जाते हैं वे बड़े
जोश खरीश के साथ रामलीला मैदान में घेराव
करने की बात कहा करते थे, कहा करते थे
कि प्राइम मनिस्टर को घर से बहार निकलने
मत दो, इसकी आज्ञा उनको मत दो, गाड़ी
का पहिया रोक दो, चक्का बन्द कर दो,
शासन के पहिये को चलने मत दो, किसी कर्म-
चारी को काम पर जाने मत दो। पीछू मोर्ची
यहां नहीं हैं, जहां भी वह हों, खुन हों, सेहत
उनकी अच्छी रहे। एक प्रतिपक्ष का वीकली
पेपर यहां पर है, जिस में मेम्बरों के मुताबिक
पचा नहों क्या-क्या लिखा। बंदे, घड़े, झूठे, गद्दे
बेबुनियाद किस्म के आरोप, मक्का से घरे हुए
आलोप उसने मेम्बरों पर लगाए, अपने ही

मुंह से कागज पोखने को कोशिश करने की। क्या कुछ इन्होंने नहीं किया है। क्या मीम्बरों के बारों में ऐसे भ्रष्टचारों को आरोप करने की इजाजत दी जानी चाहिये? यहाँ इस सदन में क्या नहीं कहा गया है। यहाँ तक इसकी तस्बीर को बिगाड़ कर पेश किया गया कि ऐसा लगता था कि भारत में कोई सच्चा भ्रादमी ही नहीं है, ईमानदार भ्रादमी ही नहीं है। पार्लियामेंट पर जिस तरह से कीचड़ उछाला जाता था घ्राए दिन गालिया दी जाती थी, करेक्टर एसेसिनेशन किया जाता था, वह सब आपसे छिपा नहीं है। एक जमाना था जब दिल्ली में लोग बाहर जाते थे तो यहाँ की बातों को सुन कर अपने बच्चों के लिए एक पैगाम ले कर जाते थे और बड़ी खुशी के साथ अपने बच्चों को इसकी कहानी सुनाते थे। लेकिन पीछे हालत यह हो गई थी कि आप सोच भी नहीं सकते हैं। वे जा कर अपनी बहनों, मानाओं बच्चों को बता नहीं सकते थे कि उन्होंने यहाँ क्या सुना है। यहाँ क्या नहीं कहा गया? पिग कहा गया, भड़गा कहा गया, गुंडा कहा, चोर कहा, बदमाश कहा, यह सब कुछ कहा गया। क्या आप समझते हैं कि इसमें माननीय सदस्यों को या इस सदन की खूबसूरती बड़ी है? चुनाव के वक्त हम लोगों ने क्या नहीं देखा? जनसब के कार्यकर्ता कैसे-कैसे नाचे गडते थे? इसी तरह बहुत आपत्तिजनक पोस्टर भी निकाले जाते थे। चुनाव के समय बम्बई की एक दीवार पर मैंने खुद एक पोस्टर देखा जिसमें हमारी लीडर श्रीमता इन्दिरा गांधी को गाय काटते हुए और खून टपकते हुए दिखाया गया। अगर यह भड़काने की बात नहीं है तो क्या है? यह सारी लचक और गलत बातें कही जाती थी।

यहाँ पर अगर यह बिल न लाया गया होता तो बहुत कुछ और बातें भी हो सकती थीं। हमें इस बिल के माध्यम से देश के जीवन को एक नया मोड़ देना चाहते थे। इस देश की जनता

को तहजीब, बख्शिश, शांति और अमन और सभ्यता की विधा में ले जाना चाहते थे। आखिर स्वराज्य को लाने का उद्देश्य यह था कि इस देश में कुछ ऐसे समाज की रचना की जाये, जिसमें सभी को यह ग्रहसास हो कि हम एक स्वतंत्र देश के नागरिक हैं, हम लोकतंत्र के नागरिक हैं, हमारी इज्जत पर कोई आच नहीं आयेगी। लेकिन लोगों की इज्जत पर भी आच आई। कुछ लोग यह समझने लगे थे कि जैसे देश में कोई सरकार ही नहीं है। उन्होंने इतनी आजादी लेना शुरू कर दिया था।

करेक्टर एसेसिनेशन के द्वारा देश में एक ऐसा अजीबोगरीब माहौल पैदा कर दिया गया था कि जमे यहाँ कोई अच्छा, शुद्ध, चरित्रवान भ्रादमी नहीं है। लेकिन जो लोग यह बातें कहते थे, अगर वे अपना मुंह अपने गिरहबान में डालकर देखते कि वे खुद क्या हैं, तो शायद उनको सही जबाब मिल गया होता।

मे समझता हूँ कि इस मुल्क का हरेक अमन-मनन्द इस बिल का खैर-मकदम करेगा, स्वागत करेगा और बहेगा कि श्री विद्या चरण शुक्ल ने यह बिल लाकर देश को अमन, शांति, तहजीब और अखलाक का रास्ता दिखलाया है। इस बिल के माध्यम में हम अपने बच्चों को भ्रादण नागरिक बनायेगे, (सूची कार्यक्रम को वार्यान्वित करने और अने गणतंत्र को प्रभुण रखने के लिए हमने जो महत्त्व दिया था, उसे पूर्ण करेगे।

SHRI SAEJ MUKHERJEE
(Katwa): Mr. Chairman, Sir, having
abrogated the Feroze Gandhi Act and
throwing to the winds the valuable

[Shri Saroj Mukherjee]

recommendations of the Press Commission, advising Parliament and the Government to repeal the Rajaji Act, the Minister has brought forward the old Act in a more pernicious and more draconian form. That is why I oppose the Bill from A to Z, and I would appeal to my colleagues to reject the Bill lock, stock and barrel.

After the promulgation of the Prevention of Publication of Objectionable Matter Ordinance, there was enough discussion in the press, among the working journalists and intellectuals. Nobody supported this. Even those who were supporters of the Government, even those who were supporters of the emergency measures of Indiraji, are opposed to this Ordinance and the subsequent Bill. The Blitz correspondents who were the supporters of the measures of Indiraji, cannot even support these measures. A correspondent writes in Blitz: "The position of those of us who have been the consistent supporters of the Prime Minister's policy since 1969 right through the emergency, has been very embarrassing. When we face the next critic, we are bound to feel shamefaced and forced to stay silent, Guilty silence." None of the working journalist has supported this ordinance or this Bill. Journalists' associations and working journalists have sent resolutions to the MPs as well as the Government to withdraw this Bill, but Government does not listen to them. In spite of the assurances given by Shuklaji and the safeguards mentioned by him, this reaction goes on that anything and everything printed in a press, in a hand bill or a leaflet form, can be interpreted as objectionable matter.

Actually, there is enough scope under the ordinary law, under the IPC and the Cr. P.C. to deal with the matters mentioned here in the definition of objectionable matter and there is no

need to resurrect this old Act of Rajaji. This is more draconian than the 1930 Press Act promulgated by the British rulers. In the 1951 Act there was provision that a sessions judge had to decide the amount of security or imposition of security on the press and journals, but here the district magistrate has been given such power. What will be the effect of this Bill when enacted on the ordinary workers, peasants and people? If the workers want to go on a strike to redress their demands and want to publish a leaflet to focus attention on their demands, the press will not take it up. Because of this Act, nobody will dare publish any pamphlet or leaflet drafted by the trade union workers or peasants, and the journalists will not be able to write in the newspapers. All sections of the people will be attacked as a result of this Act.

This is why we say that the Government is on a drive towards authoritarian rule. This is protection for the President, the Prime Minister and the Council of Ministers, not for the prevention of publication of objectionable matter. This protection must not be there.

Freedom of the press is the corner stone of our democracy and has to be strengthened, but it is being gagged systematically since the proclamation of the emergency. The reaction to this Bill has been adverse not only at home but also abroad. I am not talking of the reaction of the vested interests or the ruling circles of America or Britain, but of the common people there who are pursuing parliamentary democracy. Even those in America and Britain who supported the emergency measures of Indiraji do not support this law. They don't support the press-gag. This I got from some of my friends who recently came from America and other places.

The other day Indiraji was talking of some British Lord who said to her something about restriction of the press there during the state of alarm and despondency. I studied that legislation also, but compared to this, that is nothing, very flimsy, and insignificant restriction on Press. Nothing can be published in this country if this law is enacted. Parliamentary democracy may differ in its styles and methods in various countries, but there are certain essential features, common to all.

All students of political science and those who are in politics are observing the functioning of parliamentary democracies of the 20th century. The salient features are very well known to the mass. Even if the models, styles and methods differ from country to country, the essential features are there. There are three or four essential features. One is that the party which is elected with majority rules the country, the second is that however small the Opposition may be, it has equal importance and weightage, the third is that the judiciary is to arbitrate between legislature and the executive and, the fourth is: seven freedoms are guaranteed including that no person can be detained without trial. But the central point of all these features is the freedom of the press.

Here, Shrimati Indira Gaudhi, Shri Shukla Ji and the other Ministers of the Cabinet, the Government, are lashing out against the press day in and day out. As if the Press is the villain of the piece. What have they done? They are attacking the press day in and day out.

The other day, I glanced through old files certain English newspapers and I found that 80 per cent of the newspaper reports, articles, news, etc. contained the speeches and statements of Government spokesmen and their

reports. Only 15 per cent of it was Opposition news and that too in a distorted manner. Now, since emergency, nothing comes out of the Opposition. So far as our party is concerned, every now and then, the distorted news comes out in the press. Sometimes, they contradict it and sometimes they do not do it. But we do not say that the freedom of the press should be curtailed. We are really believers in parliamentary democracy. The Government today wants to destroy democracy. They want to curb parliamentary democracy. They want to destroy the freedom of the press. The step that you are taking now will come as a boomerang against you. One day you must realise that. You are suppressing the freedom of the press.

What do the working journalists and the editors do? Some big newspapers, some big press magnates, have reconciled to your censorship, to your restrictions, because their interests are similar to your interests. You are serving their interests. That is why the working journalists very aptly put it that the Government has made them martyrs of convenience. The big press, the big monopoly press structure, is continuing. You are maintaining that. They are reconciled. The working journalists cannot hide anything. What do they do? They reflect the real situation of the country. They reflect in their writing the socio-economic conditions obtained in the country. That is reflected in the newspapers. Whatever you say, that is published. Whatever we say, that is also published. And the people will judge. Because the Press barons have reconciled to the censorship, now-a-days, only the Government statements, Government speeches, are being published. Whatever the Opposition says is not published. The Opposition has got no place in the press.

[Shri Saroj Mukerjee]

Now, you are curtailing the freedom of the press. It shows your weakness, not strength. You have got no strength in your arguments. That is why you do not want any Opposition speeches to be published in the press. You are censoring the news like anything.

I know, my party paper *Gana Shakti* in Calcutta, *Deshabhimani* in Kerala and other papers everyday have to submit all the manuscripts from A to Z for pre-censorship. Shrimati Indira Gandhi and Shri Shukla everyday say that self-censorship has been introduced. That is for the big press; that is for the monopoly press, not for the small and medium papers. They have to submit all their material for pre-censorship. When the Bill is enacted, all the press will be afraid. They will get panicky because thousands of rupees will have to be paid as security. The printing presses will be seized. Even during the British period, no such action was taken against the press. You are now opening the flood gates of repression against the press, the printing press and the journalism. This must stop.

With these words, I say, this Bill should be withdrawn. It should be rejected lock, stock and barrel. Nobody can support such a Bill.

श्री श्री० आर० गुल (बहराइच): सभापति जी, यह निर्विवाद सत्य है कि रोग का इलाज करने की अपेक्षा रोग का निवारण करने के लिए उपाय करना बेहतर है। लोक तंत्र में प्रेस की आजादी एक बड़ी बहुमूल्य अधिकार है अगर प्रेस की आजादी खत्म कर दी जाय तो लोक तंत्र के सफल तरीके से चलने में बड़ी बाधाएं उत्पन्न होती हैं। लेकिन साथ ही साथ यह भी मानना होगा कि प्रेस की

आजादी का घगर दुरुपयोग किया जाता है जो लोक तंत्र के लिए सब से बड़ा खतरा इस बेजा इस्तेमाल से होता है। इसलिए प्रेस की स्वतंत्रता के मौलिक सिद्धांत को मानते हुए यह भी मानना होगा कि प्रेस की आजादी के ऊपर वह मुनासिब पाबन्दियां लगाई जायें जिस की बजह से देश में दंगे फनाद न हों, देश की आजादी को खतरा न हो। कोई प्रेस अगर देश की अखंडता के खिलाफ प्रचार करता है, देश की एकता के खिलाफ प्रचार करता है या देश की सुरक्षा के खिलाफ प्रचार करता है या देश में भाषा धर्म और प्रान्तीयता के आधार पर दंगे फनाद करने का प्रचार करता है या कल कारखानों में ऐसा प्रचार करना चाहता है जिस के जरिए से पैदावार के ऊपर बेजा असर पड़े, या कोई मानहानि की चीजें प्रकाशित करते हैं तो ऐसे समाचार पत्रों के ऊपर राबन्दो लाना आवश्यक है (अपवधान)....

अब सवाल यह है कि इस बिल में क्या प्रावधान किया गया है। इस बिल के अन्तर्गत एक सक्षम अधिकारी की नियुक्ति होगी सक्षम अधिकारी को हैसियत सेटल गवर्नमेंट के डिप्टी सेक्रेटरी से कम की हैसियत नहीं होगी। स्टेट में जो डिस्ट्रिक्ट मजिस्ट्रेट होगा उन हैसियत का अधिकारी सक्षम अधिकारी होगा। जब सक्षम अधिकारी को यह इत्मीनान हो जाय कि कोई अखबार इस तरह की आपत्तिजनक बातों का प्रकाशन करता है या करने वाला है या कर रहा है तो उस को एक नोटिस दी जाएगी कि आप इस बात का स्पष्टीकरण करें कि आप जमानत क्यों न दाखिल करें। यह जरूरी नहीं है कि उन से जमानत ले ही ली जाय। उन को वार्निंग दे कर भी छोड़ा जा सकता है। उसके बाद अगर जमानत ली गई तो उस जमानत के आर्डर के खिलाफ कोपर आफ दि प्रेस, सम्पादक प्रकाशक सब लोग सेटल गवर्नमेंट अफन,

रजिस्ट्रेशन कर सकते हैं और उस के खिलाफ कार्यवाही कर सकते हैं। अब अगर सेंट्रल गवर्नमेंट उन की बात को नहीं मानती है या उन की अपील का फैसला नहीं करता है या वह सेंट्रल गवर्नमेंट के आर्डर को भी स्वीकार करने के लिए तैयार नहीं हैं, वे समझते हैं कि उन के साथ अन्याय हुआ है, सेंट्रल गवर्नमेंट का फैसला न्यायपूर्ण और तर्कसंगत नहीं है तो उन को यह अधिकार दिया गया है इस बिल में कि हाई कोर्ट में जा कर वे अपनी अपील करें। तो अन्ततोगत्वा यह नोटिस उन को जमानत दाखिल करने के लिए दी गई है। अगर उन का अखबार जस्ट कर लिया गया है तो उसके खिलाफ मामले की सुनवाई सर्वोच्च न्यायालय या उच्च न्यायालय में हो सकती है। .. (अवधान) ...

दूसरी बात यह है कि जिन को नोटिस दी गई है और नोटिस देने के बाद उन का प्रैस बन्द कर दिया गया है फिर भी वे अनधिकृत ढंग से प्रैस को चलाना चाहते हैं तो उन के खिलाफ जजिडियल मैजिस्ट्रेट जिसका दर्जा फर्स्ट क्लास का होगा के यहां कम्प्लेंट दाखिल होगी। उस कम्प्लेंट की सुनवाई उसी तरह से होगी जैसे फीजदारी के किसी मुकदमे की होती है। इस लिए काफी प्रतियोगिता बरतने की कोशिश की गई है, ऐसा नहीं है—जैसा कुछ सदस्यों ने फरमाया है कि आन्तरिक सुरक्षा नियम में बगैर कोई कारण दिखाये हुए, आधार दिखाए हुए, मनमाने ढंग से बन्द कर दिया जाता है। यह तो एक टेम्पेरी मंजर है।

लेकिन एक बात, चेयरमैन साहब, आप की इच्छा से कहना चाहूंगा—इस में यह प्रभाव भी किया गया है कि प्राइम मिनिस्टर, राष्ट्रपति, उपराष्ट्रपति, अध्यक्ष (लोकसभा) तथा जो केन्द्रीय मंत्री मंडल के सदस्य हैं, जब के खिलाफ भी अगर कोई मादहानि वाली चीज छपी है तो उस के खिलाफ भी

कार्यवाही इस कानून के अन्तर्गत की जा सकती है। इस सन्धान में मैंने एक संशोधन दिया है—इतना तो ठीक है कि राष्ट्रपति, प्रधान मंत्री, उपराष्ट्रपति और अध्यक्ष (लोकसभा)—यानी आप जिस कुर्सी पर बैठे हुए हैं, इस की मान-भारिता की रक्षा करना राष्ट्र के हित में है। लेकिन मैं बड़े अवध से भ्रज करना चाहता हूं कि मंत्री मंडल के जो अन्य सदस्य हैं—डिप्टी मिनिस्टर हैं, स्टेट मिनिस्टर हैं—इन सब के मुद्रामलान को भी इस के तहत लाया जाय, मेरी नाकिम राय में यह बात नहीं आती है। अब सेठी माहब को ही सीधिए चीफ मिनिस्टर थे, उन का केस इस में नहीं आयेगा, लेकिन जब यहां पर आ गये या दूसरी कुर्सी पर बैठ गये तो इस में आ गये। बहुत से मिनिस्टर साहबान हैं, बड़ी इज्जत रखते हैं, इतिहास से मिनिस्टर नहीं रह गये, हम लोगों के साथ बैठ गये, तो उन का मानना इस कानून के अन्तर्गत नहीं आयेगा—तो मैं ऐसा महसूस करता हूं कि जब यह मामला सुप्रीम कोर्ट या हाई कोर्ट में जायगा तो यह कहा जायगा—यह इन्टेलिजेंट डिफेन्सिया नहीं है, यह एक ऐसा भेवभाव है जो कानून की कसौटी पर रुक नहीं सकता है। इस लिए मैं सभ्यता हूं कि इस के ऊपर हमारे मंत्री महोदय, जो इस बिल के इन्चार्ज हैं, वे इस पर पुनः विचार करें और इस में जहां मंत्री मंडल के सदस्यों के नामों को जोड़ दिया गया है उस हिस्से को निकालें ताकि यह कानून की कसौटी पर रुक सके।

जहां तक तोड़फोड़ की कार्यवाहियों का ताल्लुक है—आप के छिपा नहीं है—जहां तक यह कहा गया है कि मजबूरों के आन्दोलन इस बिल से होंगे, वे प्रभावित होंगे, जो लोग गवर्नमेंट की पालीसी की आलोचना करते हैं, वे भी इस के तहत आजायेंगे—मैं सभ्यता हूं कि यह का बिलकुल बेइनियाद है, निराधार है, क्योंकि इस में एक्सप्लेनेशन दिया हुआ है

—[श्री बी० भार० शुक्ल]

कि गवर्नमेंट की नीतिबो को, रजर्नमेंट के कामों को, गवर्नमेंट के कानून को बदलने के लिए अगर किसी किरम का समालोचना की जाती है या गवर्नमेंट का कानून के द्वारा बदलने का प्रयत्न किया जाता है तो वह इस के अन्तर्गत नहीं आता है।

इन्ही शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

17.54 hrs.

Re. BUSINESS OF THE HOUSE

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I have an announcement to make.

Some hon. Members this side as well as that side told me that it would be desirable to have the discussion set down to-day under Rule 193 on some other day rather than at the lag end of today I consulted the Opposition leaders. Now it is agreed that it will not be taken up to-day but it will be taken up on the 5th February if possible after the government business is over and if for any reason, the government business is not over on that day, then we will have to sit on the 6th also for this and also for such of the government business as may be left over on the 5th. If we are sitting on the 6th, 6th being a Friday, only the government business will be taken and also this discussion, and no other private member's business.

श्री नरसिंह नारायण पांडे (गोरखपुर) :
चैयरमैन साहब, इस बारे में मेरा निवेदन यह है कि माननीय संसदीय मंत्री जी ने जो विचार रखा है वह ठीक विचार है। इस के लिए

पूरा एक दिन का डिस्कशन चाहिए जैसा कि आप चाहते हैं और जैसा कि सदन के इस ओर के और उधर के सदस्य चाहते हैं, लेकिन इस बीच में चैयरमैन साहब, मैं एक निवेदन आप से करना चाहता हूँ, और यहाँ पर साथ मंत्री श्री शाह नवाज खाँ भी बैठे हुए हैं, कि यू० पी० में गले के किसानों को गलों का दाम नहीं मिल रहा है। इस बारे में आज ही प्रधान मंत्री जी के साथ, यू० पी० के पार्लियामेंट के सम्बन्धों की ओर उस में माननीय मुख्य मंत्री भी थे, जो बातचीत हुई उसमें यही कहा गया था कि हम चाहते हैं कि इस के बारे में पहल करें जिस से कम से कम कैन-प्राइस का मूल्य तो तय हो जाए।

इस सम्बन्ध में मैं यह भी कहना चाहता हूँ कि जहाँ तक इस प्रश्न का सवाल है, इस का सम्बन्ध पूरी शूगरकेन पालिसी से है। यह केवल कैन-प्राइस का सवाल नहीं है। हर साल शूगर केन का एरियर बाकी रह जाता है। इसलिए पूरी शूगर पालिसी का मॉडर इस में इन्वाल्ड है। मैं चाहता हूँ कि अगर किसी भी तरीके से कैन-प्राइस का मामला हल कर दिया जाता है, तो भी इस डिस्कशन को पोस्टपोन न किया जाए।

SHRI K. RAGHU RAMAIAH: As for the time, it will be discussed by the Business Advisory Committee if it has not already done so. Whatever the Business Advisory Committee decides, will be adhered to.