

belief that they will be exercised properly, and I am convinced that it has not been shown yet that the Government have abused these powers at any time anywhere. These fears are really hypothetical and are not sustained by any facts.

I am sorry I forget to answer one point. I ought to have remembered it. It is necessary to mention it now because it might crop up again. Shri Menon suggested that we should not really give a price, the fixation of which is indicated in the Act, but some price which, according to him, will be a slashed down price. He forgets that we are working under a Constitution which limits the powers of any Government to requisition stocks either by compulsory sale or otherwise except on what the court regards as fair compensation. That is under article 31 of the Constitution. So long as we work under these constitutional limitations, it is not open for us to fix any and every price or the pittance of a price. This amendment was necessitated because certain courts had condemned our law on the ground that the price fixed was arbitrary and that the seller was entitled to fair compensation under the Constitution.

We are proud to say that we are functioning under the rule of law and the executive cannot function arbitrarily. Every action of the executive has to be backed by the authority of law. One thing is quite clear, that through the tangled web of our Constitution one golden thread runs, namely, expropriation by executive fiat is not possible.

**Shri Panigrahi (Puri):** Has the attention of the hon. Minister been drawn to a report published in the *Anand Bazar Patrika*, a prominent daily of Calcutta, which says that hundreds of maunds of rice and wheat despatched from government godowns in Calcutta for supply to the ration-shops have fallen in the hands of profiteers?

**Shri A. K. Sen:** I do not know. I am not concerned with Food.

**Mr. Deputy-Speaker:** I shall now put the motion that the Bill be taken into consideration to the vote of the House.

The question is:

"That the Bill further to amend the Essential Commodities Act, 1955 be taken into consideration."

*The motion was adopted.*

*Clauses 2 and 1, the Enacting Formula and the Title were added to the Bill.*

**Shri A. K. Sen:** I beg to move:

"That the Bill be passed".

**Mr. Deputy-Speaker:** I shall now put the motion to vote.

The question is:

"That the Bill be passed."

*The motion was adopted.*

#### RESOLUTION RE. RATIFICATION OF UNIVERSAL COPYRIGHT CONVENTION

**The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrivastava):** I beg to move:

"This House approves the Universal Copyright Convention and the Protocols thereto as adopted at Geneva on the 8th September, 1952, and recommends that the said Convention and Protocols should be ratified by the Government of India".

I should like to make a few preliminary remarks with regard to the objects of this Convention and some of its special features.

In our world where there is so much of misunderstanding and conflict, if literary, scientific and artistic works are disseminated widely, they

[Dr. K. L. Shrimall]

can create a good deal of understanding.

The important thing is that copyrights of individual authors should be protected. The international systems which are already in force should not be damaged. At the same time, there should be free intercourse of knowledge and of the works of the human mind.

This problem has been agitating different countries for a long period. There have been two main systems as far as copyright is concerned. One is the Berne Convention which was adopted in 1887 and there was a different system which was followed by the American countries. Since several countries felt that this was not a satisfactory arrangement, they were thinking of evolving some system which would enable all the countries to participate and which would enable their works to be disseminated. Therefore, on the 8th September, 1952, an Inter-Governmental Conference was convened under the auspices of the UNESCO and delegations of Governments of 50 countries participated in this Conference.

The main problem was how they could evolve a system under which both the countries which had signed the Berne Convention and the countries which were working under the American system could come together. There was a lot of discussion at the Conference, and ultimately, a Convention has been evolved which enables the Berne countries to participate in the American system and also enables the American countries to participate in the dissemination of knowledge with the Berne countries.

I would like to inform the House that this Convention does not, in any way, supersede the Berne Convention. In fact, the Berne Convention would continue to regulate the copyright relationship between the Berne countries. This was made clear in article 17 and the declaration annexed

thereto. This Convention only establishes relationship between the Berne countries and the non-Berne countries and a bridge has been built which enables knowledge to be transmitted from one country to another.

Another advantage is that the Berne countries, after they ratify this Convention, will not have to enter into separate agreements with non-Berne countries, and the copyright relations between such countries would be regulated by the provisions of the Universal Copyright Convention. Similarly, the non-Berne countries would claim copyright protection in the Berne countries under the Universal Copyright Convention without any special agreement.

The House is aware that India has been a party to the Berne Convention since 1887 and it has so far not established any copyright relationship with non-Berne countries except the United States of America. After we have ratified this Convention we would be reaffirming our relationship with U.S.A. which has already ratified the Convention and it would establish copyright relationship with non-Berne countries in America and elsewhere.

The most important principle which underlies this Convention is that the published works of nationals of any contracting States, works published in each State shall enjoy in each of the contracting States the same protection that that State confers on the works of their nationals published in their own country. The same thing about unpublished works. Unpublished works of nationals of each contracting State shall enjoy in each of the other contracting States the same protection as that State accords to unpublished works of its own nationals.

According to this, Indian works and works of Indian nationals, by virtue of this provision, can claim protection in any non-Berne country and the same protection will be given which is enjoyed by the nationals of that country.

Another great advantage in adopting this Convention is that it does away with some of the formalities for the acquisition of copyright in that territory. The Universal Copyright Convention dispenses with that requirement and provides that it shall be deemed to have been satisfied if a work merely bears the symbol C in a circle accompanied by the name of the copyright and the year of its publication. Hon. Members are aware that all kinds of complicated formalities have to be gone through by the authors before their works can be protected. Now, this Copyright Convention does away with all that formality and all that one has to do is to put the letter 'C' under a circle and the work will get protection in all countries which ratify this Convention.

Therefore, I wish to submit that the ratification of this Convention is a big step forward in India's international copyright relationship.

There has been some delay in ratifying this Convention. The main reason for the delay is that we did not have adequate provisions in the old Copyright Act to ratify this Convention. It was only after the new Act was passed that we are in a position to ratify this Convention.

Hon. Members may also be interested to know the names of the countries which have already ratified the Convention. They are, U.S.A., U.K., Japan, France, Switzerland, Mexico, Germany, Italy, Spain, Argentina and Brazil. These are some of the important countries.

**An Hon. Member:** How many countries?

**Dr. K. L. Shrimall:** I am afraid the totals are not given here; but, I will place the list on the Table for the information of hon. Members. I have already given the names of the important countries.

Along with the Convention, there are three protocols. Protocol I pro-

vides for the assimilation of stateless persons and refugees having habitual residence in a State with nationals of that State. India has no problem as regards stateless persons are concerned. But many of the war refugees who have made India their permanent home but have not acquired Indian citizenship would benefit by this.

Protocol II provides protection in accordance with this Convention to works of institutions and other allied agencies. And, Protocol III reserves to State ratifying the Convention the right to notify that this ratification shall not take effect unless a specified country also ratifies the Convention.

We have no present intention of making use of this Protocol. I therefore, commend to the House that this Convention and the Protocols may be ratified. India has always taken a great deal of interest in all those international organisations which help in creating better understanding among the nations. Art, literature and science can be greatly instrumental in creating better understanding among the people and in ratifying this convention, India will be taking another step forward to create better understanding between the different countries. I, therefore, hope that the House will give unanimous support to this Resolution.

**Mr. Deputy-Speaker:** The Resolution is now before the House for discussion.

**Shri D. C. Sharma (Gurdaspur):** Sir, I welcome this convention. I agree with the Minister that this House should ratify it. But, I cannot help saying that this convention is just an instance of the way in which our international law is being formed. This is perhaps the first stage and not the final stage for the formation of international law.

[Shri D. C. Sharma]

There is Berne Convention. It is some kind of a regional convention between the U.S.A. and the Latin American countries. Of course, other countries can also subscribe to it. Then, there is this universal convention which lays down that it does not preclude any countries from joining in multilateral or bilateral agreements with other countries in that respect.

It comes to this. We have not yet got one simple comprehensive international law in any field of human endeavour. When that happens, that will be a very happy day for humanity; on that day there will be the disappearance of misunderstanding and diffusion of those noble things which the hon. Minister mentioned. But, it is good as far as it goes though it does not go very far. It is reciprocal. It is not going to be one-sided; it is going to be on a mutual basis. For instance, if I accept the works of a country on copyright, that country can also accept my country's copyright.

**Mr. Deputy-Speaker:** There is a very wholesome rule in our House that no Member shall pass between the Member who speaks and the Chair. But I have often found this rule being transgressed. I request the hon. Members to see that this is observed very strictly.

**Shrimati Na Palchoudhuri (Nabadwip):** I am sorry, Sir.

**Shri D. C. Sharma:** I am also glad ... (Laughter) Am I not right? Sir, I was submitting that this has quite a wide scope. It applies not only to published work of writers and dramatists and other but also to musical compositions, cinematographic works and paintings. I am glad it applies to cinematographic work, and painting. I am glad it applies to cinematographic works. If this convention is adopted mutually by India and U.S.A., most of the trashy films in India would disappear because most of them are very

poor and cheap imitations of some of these Hollywood films. I hope a very vigilant eye would be kept on it.

This should be applied not only to published works but unpublished works. Sometimes, unpublished works are of greater value than published works. Sometimes, an unpublished work may be epoch-making; it may lie dormant for want of patronage or for some other reasons. I am glad that this is quite wide in its scope.

It is also good that in the contracting stage, we have not to go to these lawyers. These lawyers are very beneficent people. But, law means so many restrictions and procedures and deposits and regulations and what not. The poor author lives in a world of imagination, far away from the world of stark reality, where he does not feel the impact. He feels hampered by all these restrictions and I think those taxing regulations are not going to operate; when he is going to enter a country, these formalities I hope, will be done away with. Of course, if he wants to seek judicial relief, he will have to undergo the judicial process. Now, otherwise, nobody can hamper the copyright convention of any book anyway anywhere he likes.

It is good that the life of the copyright has been fixed for the life of the author and 25 years after his death. I think that is our law ...

**Dr. K. L. Shrimall:** Fifty years.

**Shri D. C. Sharma:** Our law is better than that. But, a wholesome provision has been made in regard to translations. But, no provision has been made in regard to abridgements. It is an age of abridgements. You take the most widely circulated papers. There will be abridgements of very costly books. Suppose I publish a book and somebody publishes an abridgement somewhere, the sale of my book is thereby curtailed. In addition to translations, abridgements and condensations should also have

been banned according to the international Convention. That would have given fuller protection. I find that it has not been done. I do not know why.

I have not been able to follow the procedure of these conventions and I have not read through all of them. I think it is a very grave omission. If this convention is again to be revised—as it is, it is a provisional convention—this point should be taken into account. The right of abridgement and the right of condensation should be looked upon as sacrosanct as the right of translation or the right of a book, published or unpublished. I was glad to read the names of the countries which have subscribed to it, and I think it is a good list. But I would like to submit in all humility that the country from which—I say this without any insinuation—our country suffers most is Pakistan. I find that sometimes there are certain books published in India and are available in India at prices, I should say reasonable. But those very books published in Pakistan without the knowledge of the authors, the publishers, the stockists or anybody else, are coming to us from across the Pakistan border and they are cheaper than the prices at which we get them here. Of course, the hon. Minister will say that there is a remedy, that Pakistan will also ratify this convention and then we will be safe. Therefore, the only thing I can do at present is that I should pray to God that Pakistan may also ratify this convention as early as possible, so that the authors, the publishers and the stockists of books in India do not suffer from some kind of an unworthy competition from Pakistan so far as these books are concerned.

**Dr. K. L. Shrimall:** I would like to inform the hon. Member that Pakistan has already ratified the convention.

**Shri D. C. Sharma:** I am glad to know that. When did Pakistan ratify it?

**Dr. K. L. Shrimall:** The instrument was deposited on 28th April, 1954 and it has come into force from 16th September, 1955.

**Shri D. C. Sharma:** I understand the meaning of ratification. What I am saying applies not to 1854 or 1857, what I am saying applies to the three or four years that we have passed. Anyhow, I hope that after ratifying this convention our Government will be more vigilant, other Governments will also be more vigilant and they will see to it that not much harm is done to anybody.

Therefore, I welcome this convention. I think it gives freedom of creation to the authors, it also gives them freedom of publication, and it also gives freedom of diffusion within the framework of this convention.

**Shri Naushir Bharucha (East-Khandesh):** Mr. Deputy-Speaker, Sir, I am afraid I have to strike a discordant note. I am absolutely against India ratifying the convention as proposed by the hon. Minister. The point is, it is a great mistake to ratify the convention. Public works of nationals of any contracting States are expected to enjoy in each of the contracting States the same protection that other State accords to the work of its own nationals first published in its own territory.

Let us examine actually in operation what this will mean. It will mean that the convention will be one-sided against India. The reasons are, India is industrially a backward country and requires import of technical knowledge in the shape of technical books. The price of these books is unusually high, and once the convention is ratified such books cannot be mass-produced in India so as to make cheaper editions available to Indian students and public.

There will be a far far greater number of cases for India to produce technical books of foreign authors than other contracting States wanting to produce technical books of Indian authors. May I point out to

[Shri Naushir Bharucha]

this House that in India there are 192 written languages. It is most unlikely that any of the other contracting parties would want to translate works written in any of the 192 languages except English, Hindi or, perhaps, a provincial language. The language difficulty itself affords better protection to 99 per cent of our authors' works than any such convention can afford. The language difficulty is so great that it is most unlikely that any of the Indian authors' works would be plagiarised in foreign countries.

Sir, I very well remember when the Government of India Act 1935 was enacted the British Government gave this country a reciprocity of a type similar to which the convention seeks to give us. They stated in the Act that it was open to any Britisher to start any industry in India and India to afford certain preferential treatment, and Britain undertook to afford to Indian industrialists similar treatment if they started industries in the United Kingdom. For instance, it would be open under such a reciprocity convention for ship-builders of the United Kingdom to start ship-building yards in India, and we could also go to England and start ship-building yards! That was the reciprocity.

Today I ask the hon. Minister in charge of the Bill to tell us how many lakhs of rupees we spend in importing technical books which are so badly needed for industrial growth in India, and will he tell us how much of foreign exchange do our authors earn by selling books in foreign countries? I tell you, this convention is absolutely one-sided. So far as the terminology goes, it seems to be fair and even—"mutual equal protection". But, when I understand that my works of art and my literature are not going to be plagiarised in foreign countries, where is the need for protecting them, and yet I am deprived of the many technical books which India can mass-produce cheaply for the benefit of its poor students; that benefit is completely foregone.

What is it that we are going to gain from this convention, that is what I want to know. My hon. friend, Shri D. C. Sharma, said that the works of our authors are protected. May I know whether there is a ruah in foreign countries of copying our books? Who cares for our books? How many books have been plagiarised in foreign countries? I do not think even ten. Secondly, the protection which this convention gives....

Shri P. C. Bose (Dhanbad): Can we copy books of foreign countries in our country as we like?

Shri Naushir Bharucha: That is exactly what I am saying. We must cut off from all such conventions, even possibly the Berne Convention. We must be free to reproduce what we like.

The second point is, it is generally believed that this type of convention affords protection. May I give a concrete instance. Perhaps many hon. Members know and must have in the school days studied P. C. Wren's *Composition*. It is a very well known book. My client has got the copyright. An instance was brought to my notice that the same book was published, exactly reproduced in Allahabad or Patna. He could not trace actually where the book was published. In fact, I wrote to the Superintendents of Police of these two States to try and investigate as to where it was published. They said they could not detect who were the people who plagiarised and reproduced this work. I ask the hon. Members that if even within our own country it is impossible to do this, it is very difficult and almost impossible for the others to do it in other countries. If the police authorities cannot detect plagiarism of our own works within our own country, what hope is there of our knowing whether in Italy or Belgium or for the matter of that in Brazil, some of our author's work is plagiarised and we will be able to check that plagiarism? It is impossible. The protection which this

Convention gives is absolutely illusory. It is not only the question of copyrights but it also raises the case of people who have got trade marks and other things. Probably, the hon. Members do not know that, for instance Tata's soap is being manufactured not in one or two places alone but in a dozen different places and they cannot detect it. The moment the source is known, the little factory is transferred elsewhere and the same trade mark is being infringed. It requires a lot of investigation and litigation before an offender can be brought to book. Therefore, my submission is this. India does not stand to gain anything by contributing to this Convention, and therefore we should not ratify this Convention. Let the hon. Minister produce necessary figures to show what is the number of books of foreign authors that have been imported into India every year and how much our authors earn by the sale of their works abroad. If these figures are shown, the character of reciprocity will stand exposed.

I therefore oppose the resolution.

Shri Sadhan Gupta (Calcutta-East): Mr. Deputy-Speaker, I have to support the ratification of this Convention in spite of certain drawbacks to which I will come later. This Convention represents the successful struggle waged by authors, by artists, scientists and other producers of cultural works for the recognition of their right to appropriate to themselves the profits which may be had from the exploitation of their works. This right had not always been there in the world. Time was when authors found themselves unable to exploit the fruits of their work when their work was pirated, whether they were scientific works or artistic works or musical or literary works. They were pirated and they had no adequate protection. In most countries the law did not protect them from piracy and as a result a struggle went on for securing their rights. This situation was extremely disastrous for the fruition of culture, because once you know that you have no right to get any profit out of the

production of your artistic, scientific or other abilities, the incentive is killed and as a result the production of those things suffers.

14.54 hrs.

[SHRI BARMAN in the Chair.]

That is why every civilised country realised that it was very necessary to give some amount of protection to producers of such works. This protection varied in different countries and when I come to the drawback of this Convention I shall have some reference to make about it. Not that this protection elsewhere was just from all points of view, but then, protection was achieved after a considerable struggle. That is the aspect to realise.

When protection was achieved inside one's own country, another danger made itself felt which was that although the things might be protected and although the authors or other producers of artistic, scientific or cultural works might be protected inside their own country from plagiarism, yet, their works might be copied in other countries and sold in other countries to the profit of persons who had no part in creating those works, and even sometimes, they used to be imported into those countries, where they are produced. Imports were readily stopped by the laws of the country, but their exploitation for profit in some other country could not be stopped without an understanding as to the mutual application of copyrights in different countries. In order to obviate this difficulty, various conventions were arrived at. There were bilateral agreements besides. For instance, the two major conventions in the world which are extant today are the Berne Convention which comprised a number of countries, and another convention comprising the United States and certain Latin American countries. The object of these conventions was to secure the copyright not only inside the country but also outside the country; to recognise the principle that a person

[Shri Sadhan Gupta]

who produces something of cultural value, whether it is a work of art or a work of science or a work of music or a work of literature, has the right to be protected and the right to exploit the work for his profit not only inside his own country but outside his country also throughout the world, or, at all events, throughout the countries to which those conventions or those agreements apply. That is a very sensible thing. Wherever something has been produced, no other person who has not contributed to its creation has the right to use that thing for his profit. That was the principle followed in arriving at these conventions.

The great merit of this Universal Copyright Convention is to harmonise those different conventions. Those different conventions literally created a wilderness of copyright laws. It must be so because copyright laws must differ in different countries and, as a result, as different countries were parties to different conventions, all these different countries had different kinds of laws. It so happened then there was a wilderness of copyright laws, and the merit of this Universal Copyright Convention is to harmonise those various conventions. It has harmonised them by leaving the conventions in-tact and only by prescribing certain rules as to how the copyright laws of different countries should apply to one another and how the copyrights of nationals of different countries should be protected in other countries. That is its great merit.

Of course it has its drawbacks, as I said. The greatest drawback which appears to my mind as such, is the protocol which contains a declaration by which countries belonging to the Berne Convention are practically bound down to the Berne Convention. The difficulty about the Berne Convention is, it was arrived at long ago, as you know, in 1887, and ever since then, the ideology of those times

seems to have influenced the Berne Convention a very great deal throughout the States in which it has been revised from time to time. The last revision was in 1948 when it was revised in Brussels. The Berne Convention protects the copyright of an author for 50 years from his death and the parties to the Berne Convention are obliged to give at least that amount of protection to authors of other countries. Of course, it is not binding as regards authors belonging to their own country, but to authors of other countries, the country which is a party to this Convention has to give a protection of at least 50 years after his death or 50 years post mortem as it is called.

15 hrs.

To my mind, it is a very unsatisfactory state of affairs. It is true that copyright was intended originally to protect the right of the authors from undue exploitation by unscrupulous elements. But when we have secured that right, we must also look to another aspect of the matter, the other aspect of the matter being the interest of the public also in the dissemination of cultural or artistic works. It is quite conceivable that an author should be allowed to exploit his work reasonably for his own profit. But, after that, the public also must have a chance of participating in the work which the author has produced. After the author has had his reasonable profits out of it, the public also must have its own share of exploiting it for its own cultural advancement.

A fifty-year post mortem guarantee of the author's right is unfortunately a thing which militates against the interests of the public at large. If an author produces his work at an early age, it is conceivable that he will have reaped quite enough of the profit by the time of his death. You can allow some time after his death, so that for the lifetime of his children, his immediate posterity, the work

may not be used to the profit of another. But when the author is dead and 50 years later, when his children must be dead and even the generation of his grand-children must be about to be extinct, even then the profit remains or is supposed to remain with the author. Why I say 'supposed to remain' is because actually it is worse; because it does not remain with the author, it remains with the publisher in most cases. Even if it remains with the author, I think it is encouraging idleness to far into the author's posterity if we give a fifty-year post mortem guarantee.

What I would suggest, and what I had suggested during the discussion on the Copyright Act, is that we should adopt a formula by which the author should have full right to exploit his work during his lifetime; his children, his posterity; should enjoy security out of the profits of the copyright, but let it stop there. Afterwards, let it go into the public domain and the public should be allowed the freedom to reproduce it on a competitive basis, thereby bringing down the price of the work. This is the balance that needs to be struck. I had suggested that a formula may be evolved by which, for example, it may be provided that if an author lives to be more 90 years old, then the copyright should subsist till his lifetime and if the author lives to be less than 90 years old, then the copyright should subsist till the time when the author, if living, would have been 90 it might subsist for a minimum period of 20 years in either event.

If we provide that, we would be guaranteeing the author his right of exploitation during his lifetime and the right of the children of the author to enjoy security out of the profits of the copyright. By approving the Protocol about the Berne Convention, I am afraid we might be tied down to that rigid rule of 50 years post mortem, which is neither satisfactory from the public point of view nor even scientific.

For example, if an author produces a book at the age of, say, 70 and if he lives for 10 years more, the book will run only for 60 years. But if he produces a good book at 25 and lives till 80, then it will have a life of over a hundred years. That is most unscientific whereas the formula I have suggested would have been scientific and would have introduced more or less a uniform system of copyright in all cases after the author's death. That is the drawback, but in spite of that drawback, I would still support the ratification of the Convention, because we must have some universal law, if possible, for regulating the copyrights in different countries.

I do not look at it from the point of view of profit or loss to our country. Copyright has been regarded as a very sacred thing on an international scale today. Just because an author happens to be the resident of another country, we cannot claim the right of pirating his work, because we are residents of a different country. I can quite appreciate Mr. Bharucha's anxiety to enable our country to profit out of technical books and so forth by reproducing them at cheap rates. But there is no necessity of sacrificing our reputation as a nation of principles, of sacrificing our self-respect, for this little advantage which we might receive. It may be that technical books are highly priced, but I think if we adhere to decent standards, we have to recognise that we have to give the author some right to exploit his copyright. What that right is may be a matter of dispute, but some right must be there and if possible, there should be some system by which that right should be recognised throughout the world.

Apart from this stipulation about the Berne Convention, there is no other bar towards revising our copyright rules, towards granting certain concessions or for that matter towards making the copyright law more stringent by reducing the period of copyright and so forth. Therefore, from

[Shri Sadhan Gupta]

this point of view, on account of the principles involved, on account of the necessity to adhere to a decent code of rules as regards recognition of copyright, I think this Convention should be ratified and I would support the motion for the ratification of this Convention.

श्री श्रीनारायण बाल (दरभंगा) :  
सभापति महोदय, अभी मन्त्री महोदय ने जो विश्वव्यापी कापीराइट अनुसमर्पण के बारे में संकल्प उपस्थित किया है, उसका समर्थन करने के लिए मैं खड़ा हुआ हूँ। ऐसा करते हुए मैं यह कहना चाहता हूँ कि जिस प्रकार किसी राष्ट्र के लिये अपने देश के लेखकों का अथवा दूसरी प्रकार की कलाओं के निर्माताओं के कापीराइट की रक्षा करना जरूरी है उसी तरह से उस राष्ट्र के लिये यह भी जरूरी होना चाहिये कि वह दूसरे राष्ट्र के लेखकों एवं कलाकारों के कापीराइट सम्बन्धी हकों की रक्षा करे। सर्व साधारण जो उन चीजों का उपयोग करते हैं या उनका प्रकाशन मनाफे के लिए करते हैं, चाहे, सेख हों, चाहे विज्ञान सम्बन्धी निबन्ध हों, चाहे साहित्यिक कृतियाँ हों, चाहे उद्युक्त सम्बन्ध दूसरी कलाओं से हो, वे ऐसे व्यक्तियों द्वारा निर्माण की जाती हैं जो अपने मस्तिष्क से समाजोपयोगी चीजों का निर्माण करना जानते हैं। हमारा यह कर्तव्य है कि हम उनके अधिकारों की उसी तरह से रक्षा करें जिस तरह कि उनकी रक्षा राष्ट्रीय अंत्र में होती है।

अभी एक माननीय सदस्य ने कहा है कि हिन्दुस्तान को इस व्यवस्था (कनव्हेन्शन) के अनुसमर्पण से कुछ भी फायदा होने वाला नहीं है और हिन्दुस्तान के अन्दर ऐसी कोई कला की कृतियाँ नहीं हैं जिनका प्रकाशन दूसरे देशों में हुआ हो और उससे जो फायदा होने वाला हो वह इस देश के नागरिकों को मिले। एक बहाना था जब प्रायः सभी लेखक इस सिद्धान्त को हृदयंगम करके कला का

निर्माण करते थे कि "कला कला के लिए है" तथा उनके दिल में यह ख्याल नहीं होता था कि वे अपनी कलाकृति द्वारा कोई लाभ प्राप्त करेंगे। लेकिन आज ऐसी सामाजिक व्यवस्था हो गई है, चाहे वह हमारे देश में हो चाहे दूसरे देशों में हो, जिसके अन्तर्गत हर लेखक को अपना जीवन निर्वाह का साधन जुटाना पड़ता है और जीवन निर्वाह करने के लिए साधनों की तलाश करनी पड़ती है। जितने भी विद्वान् हैं, जितने भी लेखक हैं, यदि उनके अधिकारों तथा उनके उत्तराधिकारियों के अधिकारों की रक्षा की समुचित व्यवस्था न हो तो फिर साहित्य, विज्ञान एवं कला-निर्माण के लिये कोई प्रोत्साहन नहीं रह जायगा, इसलिए यह आवश्यक हो जाता है कि अच्छी-बुरी कला की कृतियों के निर्माण के लिए, अच्छे-बुरे लेखों तथा अच्छे-बुरे ग्रन्थों के निर्माण के लिए उनको प्रोत्साहन दिया जाए और जिस तरह से राष्ट्रीय कापीराइट कानून बनाया जाता है और देश के अन्दर रहने वाले जो लोग हैं उनके हितों की रक्षा की जाती है तथा वे जिन कृतियों का निर्माण करते हैं, जिन साहित्यिक या वैज्ञानिक अथवा दूसरी प्रकार की पुस्तकें लिखी हैं, उनके बारे में उनके हकों की हिफाजत की जाती है उसी तरह से मैं समझता हूँ कि अन्तर्राष्ट्रीयक्षेत्र में भी उनको हिफाजत होनी चाहिए। इसी तरह से संगीत तथा ड्रामा सम्बन्धी यदि कोई ग्रन्थ लिखते हैं उनकी भी हिफाजत होनी चाहिये। मैं समझता हूँ कि वह कोई व्यापारिक समझौता नहीं है और हमें अपने देश के नफे को तथा दूसरे देशों को होने वाले नफे को नहीं देखना चाहिए। हमें मूल्यवान् ग्रन्थों का तथा उनका निर्माण करने वाले लेखकों के हकों का संरक्षण करना है। इससे राष्ट्र की सीमा का ख्याल नहीं करना है। इसलिए मैं समझता हूँ कि जो माननीय सदस्य ने नफे की बात कही है, उसमें कुछ तथ्य नहीं है। बहुत भारत की ऐसी कृतियाँ भी हैं जिनका अनु-

बाद या जिनका प्रकाशन दूसरे देशों में हुआ हो और यदि नहीं भी हुआ है तो भी नैतिकता का यह तर्कशा है, अन्तर्राष्ट्रीय समझौते का यह तर्कशा है कि हम ऐसे लेखकों के हकों की हिफाजत करें और उसी तरह से करें जिस तरह कि उस लेखक के अधिकारों की रक्षा उसके अपने देश में होती है। यह व्यवस्था जिसका कि निर्माण १९५२ में हुआ था, इसकी पुष्टि करना बहुत जरूरी है और मैं चाहता हूँ कि सरकार को अधिकार दे दिया जाए कि वह इसका जल्दी से जल्दी अनुसमर्थन कर दे।

समापति महोदय, इस व्यवस्था में जहां तक मैं देख पाया हूँ, इसमें लिखा है कि लेखक के मरने के बाद कम से कम २५ बरस तक कापीराइट का अधिकार जरूर होनी चाहिए तथा जिस देश में इस तरह की व्यवस्था होगी वह देश इसमें शामिल हो सकते हैं। हमारे देश में जो हमने कापीराइट बिल पास किया है, उसके अन्दर हमने ५० बरस लेखक के जीवनान्त की बात कह रखी है। इसलिए मैं समझता हूँ कि हमने बहुत उदारता से इस बात को किया है। अभी तक जिस कन्वेंशन से, जिस व्यवस्था से हमारा सम्बन्ध था उसमें अमरीका या इंग्लैंड आदि देश सम्मिलित नहीं हुए थे। मालूम नहीं इसका क्या कारण है तथा किस बात से उनको आपत्ति थी। लेकिन देर से ही सही, एक विश्वव्यापी व्यवस्था का निर्माण होने जा रहा है और उसमें जितने अधिक से अधिक देश शामिल हो गए हैं या शामिल होने वाले हैं, उसका स्वागत ही किया जा सकता है। यह एक बहुत ही हर्ष का विषय है और मेरा ख्याल है कि इस व्यवस्था के लागू हो जाने के बाद हमारे देश के या दूसरे देशों के जो कलाकार हैं उनके हकों की हिफाजत सहयोगी देशों में उसी प्रकार से होगी जिस तरह से स्थानीय लेखकों की हिफाजत उस देश में होती है।

बूकि समय कम है, इसलिए मैं और अधिक न कहते हुए यह जो संकल्प हमारे

सामने उपस्थित किया गया है, इसका समर्थन करता हूँ।

**Dr. K. L. Shrimall:** I should like to thank the hon. Members who have given their support. In fact the whole House has generally supported except the hon. Mr. Barucha.

With regard to the points that have been raised by my friend, Mr. Barucha, I should like to say that in international matters India always want to maintain certain moral standards. It is true that India is backward at present technologically. But I do not agree that culturally India has been backward at any time. It is true that at present we have to import technical books. But India has a rich cultural heritage. Due to foreign domination, culture of India was not known outside. In the fields of philosophy, art, literature, in fact in every field, India has made great contribution and we have every reason to be proud of that contribution.

Even in the present times we have produced great intellectual giants like Dr. Radhakrishnan, Rabindranath Tagore, Arabindo Ghosh and Mahatma Gandhi, whose books are being published in large numbers in various foreign countries. It would, therefore, be wrong to under-rate or underestimate the contribution which our own people are making in the field of art and literature.

So far as the publication of technological books are concerned, even though it will be a disadvantage for some time, we have no intention of indulging in piracy or using the works of authors of foreign countries by any unfair means. In this connection, I would like to inform the hon. Members that India is already bound by agreement with the English-speaking countries—by the Berne Convention. We have already some agreement with the United States. So all this convention is doing is to re-affirm the existing relationship which India has with the United States.

With regard to the point raised by Mr. Gupta, this matter, as he is

[Dr. K. L. Shrimali]

aware, was debated thoroughly in the Select Committee and it was after a great deal of discussion and consideration—I know that he was not agreeable to this; but it was after a great deal of thought and discussion that it was decided—that we came to the conclusion that the authors should enjoy the copyright for the life-time and 50 years after the death of the author.

**Shri Sadhan Gupta:** It was decided because of the Berne Convention.

**Dr. K. L. Shrimali:** The Berne Convention also has been approved by Parliament.

It was after a great deal of deliberation that we decided to have fifty years after the life of the author. I am afraid it will not be possible to reopen that question at this stage. India has always welcomed entering into international agreements which bring about greater amity and understanding among the peoples of the world. This is one of those measures which should be welcomed by this country and by this House because it gives us an opportunity to disseminate our works of creation to foreign countries and gives us an opportunity to receive works of foreign authors in this country. It makes intellectual intercourse easier, and it is through these intellectual intercourses that greater understanding can be developed in the world. I am looking at this Convention from this point of view. I would, therefore, appeal to the House to approve of this Resolution.

**Mr. Chairman:** I shall now put the Resolution to the House.

The question is :

"This House approves the Universal Copyright Convention and the Protocols thereto as adopted at Geneva on the 6th September 1952, and recommends that

the said Convention and protocols should be ratified by the Government of India".

*The Resolution was adopted.*

#### AIR CRASH IN NEFA AREA

**Shrimati Renu Chakravarty (Basirhat):** Mr. Chairman, Sir, the subject of aviation has been of intense interest to this House not only because in the first Parliament we took upon ourselves the task of nationalising the airlines and making the nation responsible for this very important public utility service, but also because the private operators were functioning in a way that was open to serious objection from the point of view of by-passing many of our safety regulations, over-working the personnel and in many ways manipulating the rules laid down by the Government to ensure correct flying standards and also because of the fact that almost all these companies were run at a loss and but for Government subsidies they could not operate.

Today the question as to whether there should be private operators or not does not arise, but when we come to the question of airlines various arguments like the difficulty of operating in certain areas are brought forward. Yet today nobody will debate that in places where there are no railway tracks some private companies should open a railway track. Yet in our nationalisation Bill we did leave a loophole and we did allow the existence of non-schedule operators. But I do not want Government to take shelter behind this because we have from time to time to review the workings as they come before us and that is why I have brought forward this particular discussion.

Now, Sir, unfortunately, a correct decision to nationalise the airlines has been brought to disrepute by many of the sins of the Indian Airlines Corporation and its management. The top-heaviness, the heavy expenditure, and other things have been debated