

THE VAIKUNTH MEHTA NATIONAL INSTITUTE OF COOPERATIVE MANAGEMENT BILL, 1984

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): We will now first take up the Bills for introduction. Yes, Shri Suresh Kalmadi.

SHRI SURESH KALMADI (Maharashtra): Sir, I beg to move for leave to introduce a Bill to declare the Vaikunth Mehta National Institute of Co-operative Management, Pune, in the State of Maharashtra to be an institution of national importance and to provide for its incorporation and matters connected therewith.

The question was put and the motion was adopted.

THE CONSTITUTION (AMENDMENT) BILL, 1984 (TO AMEND ARTICLE 371)

SHRI SURESH KALMADI (Maharashtra): Sir, I introduce the Bill.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

The question was put and the motion was adopted.

THE WORKING JOURNALISTS AND OTHER NEWSPAPER EMPLOYEES (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1980—contd.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Sir, I introduce the Bill.

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Vice-Chairman, Sir, the Bill relates to the problems of the working journalists and other newspaper employees. Today's position under the law is such that the journalist or a newspaper employee has no right directly to go to a labour court and get any

grievance decided by the labour court or by adjudication. The working journalists got their rights after a long struggle and after a number of decisions of the courts—High Courts and the Supreme Court—and the Journalists' Act of 1955 was the result of their struggle and the support which they got in Parliament. The famous case which gave rise to this Bill was Vinay Narayan Sinha *versus* Bihar Journalists Ltd., who was an Assistant Editor in the daily newspaper. His case was taken to the Labour Commissioner and the matter was referred to the tribunal. The plea was taken by the management that he is not a workman under the provisions of Industrial Disputes Act, 1947 and, therefore, this cannot be treated as an industrial dispute and it is only an individual case. The Patna High Court gave a ruling in favour of the management holding that the journalists or the editorial staff are not workmen within the definition of the Act and, therefore, they were left with no remedy in this matter. Government, therefore, thought fit that this is a matter which should be referred to the Press Commission and the Press Commission in its report 1954 has discussed this matter and a specific reference was made as to what should be decided about the industrial dispute and the dispute about retrenchment, dismissal and discharge. In para 627, the discussion starts and it says: "With regard of the question of reinstatement or compensation in the case of wrongful dismissal, it has been held by the Federal Court in the Western India Automobile Association *vs.* the Industrial Tribunal Bombay (LI, Bombay Law Reporter, page 894) that the question of reinstatement of a dismissed servant could be a subject matter of industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act. Because of the conflicting views on the subject, it is proposed that the Tribunal should have a discretion either to order reinstatement or payment of compensation or both. That was the view which was accepted by the Select Committee on the Labour Relations Bill and it is proposed to embody this in the proposed legislation. It is also proposed, following the principle enunciated in the Labour Relations Bill, that when