

SHRI BHUPESH GUPTA: He was very eloquent.

SHRI P. N. SAPRU: . . . which would not be in the interest of the press. I am glad that an improved Bill has been introduced in this House and I give my general support to it and I hope the Select Committee will send us an improved version of this Bill.

**STATEMENT IN REPLY TO CALLING
ATTENTION NOTICES RE IAC
SERVICES**

THE MINISTER or CIVIL AVIATION (SHRI N. KANUNGO): Madam. I am grateful for the indulgence given to me to place a statement in reply to the Short Notice Question which has been given notice of by Mr. Gupta and . . .

SHRI BHUPESH GUPTA (West Bengal): Calling attention.

SHRI N. KANUNGO: Yes, calling attention notice. In fact while I was preparing my answer, a substantially similar notice of Mr. Patel on this matter came along. Therefore this should be taken as a statement in reply to these two notices. Madam, this is rather a long statement of five pages. If you like, I will read or shall I place it . . .

SHRI A. B. VAJPAYEE (Uttar Pradesh) : We would like to have a brief summary.

THE DEPUTY CHAIRMAN: **You** ma, give a brief summary.

SHRI N. KANUNGO: This is a summary that I have made but I may mention that in the other House the Speaker directed me to place it on the Table.

SHRI BHUPESH GUPTA: We do not follow them. Read it, it will be good.

SHRI N. KANUNGO: It will take time.

THE DEPUTY CHAIRMAN: You may give the gist since the Members are desirous of it.

SHRI BHUPESH GUPTA: Unless you give . . .

THE DEPUTY CHAIRMAN: If the Members so desire, the whole statement will be read.

SHRI A. B. VAJPAYEE: Not the whole statement.

THE DEPUTY CHAIRMAN: Please give the gist.

SHRI N. KANUNGO: Shall I take it up now or after lunch?

THE DEPUTY CHAIRMAN: Now. The House will sit till the statement is over.

1 P.M.

SHRI N. KANUNGO: The cancellation of all the Caravelle Services and some other services by the Indian Airlines Corporation has been occasioned by the reduced availability of Pilots for flying its fleet as a result of the enforcement by the Indian Commercial Pilots' Association, with effect from the 22nd August, 1964, of the duty and flight time limitations after the failure of negotiations between the Management of the Corporation and the Association on the 13th August, 1964.

Briefly stated, these limitations involve that a Pilot will not do duty for flying aircraft except for certain hours during the day, or certain hours in a week, or in a month. They will also be given certain rest between periods of flight and duty. It is the claim of the Pilots that they entered into an agreement with the Chief Operations and Planning Manager of IAC on the 29th July, 1963, providing for these limitations and that the Corporation has failed to enforce it and consequently they have no option but to implement it on their own. The

Corporation, on the other hand, claims that this particular agreement was not negotiated between the Management and the Association, that in any case it does not cover Caravelle operations, that they were not aware of this for some considerable time and that when in agreement with the Pilots this was enforced as an experimental measure in April-May, 1964. It gave rise to certain dislocations of services as well as rostering difficulties and anomalies which justified, as provided in the arrangement, a reopening of the issue. They therefore submitted an alternative proposal to the Association for their consideration, which they rejected. The Corporation also claims that these limitations are not enforceable on the normal schedule of operations of the Corporation without adding to the strength of the Pilots, which has been ruled out in one of the conditions of the agreement negotiated between the Chief Operations and Planning Manager and the Pilots' Association. The Corporation also claims that the scheme of the Pilots' Association is more liberal than what generally prevails in other airlines. In their latest communication to the Corporation, the Pilots' Association has claimed that the schedule of operations should be changed in order to enforce the scheme of duty and flight time limitations agreed to by the Management, although it was pointed out to them that the schedule involves other considerations such as passenger convenience, connecting flights, aircraft utilisation and engineering requirements and as such is not capable of any substantial changes.

After the negotiations finally broke down, Government has tried to bring the Management and the representatives of the Association together for a full and frank assessment of the difficulties involved with a view to finding a solution. When this failed, Government offered to the Association that the Secretary, Civil Aviation, would discuss the matter directly with

the Committee of the Pilots' Association with a view to finding a solution on the basis of the arrangement reached and in the light of the difficulties experienced and dislocation caused, but the members of the Committee felt that in the absence of a positive proposal a discussion would serve no useful purpose. In the meantime, the Corporation had also sought conciliation proceedings, in which the Pilots' Association declined to participate. In the circumstances, Government had no alternative but to refer the dispute to the National Industrial Tribunal, presided over by Shri G. D. Khosla, a retired Chief Justice of the Punjab High Court, for adjudication.

Despite this the Association is persisting in enforcing its scheme of duty and flight time limitations. Government is examining the legal position with a view to finding some means of restoring the *status quo ante* which has prevailed for so many years. Some evidence is forthcoming that the Pilots are inclined to review the matter in a discussion with Government. They have accordingly been called for a discussion with the Secretary, Civil Aviation.

The continuance of the enforcement, of the duty and flight time limitations by the Pilots' Association through its members has resulted in a progressive curtailment of services since the 22nd August, 1964. When Government found that this unsatisfactory state of affairs was creating an increasing state of uncertainty and hardship to the hundreds of passengers who were the innocent victims of the deadlock between the Corporation and the Pilots, it asked the Corporation to work out a schedule of operations which could be maintained with definiteness and certainty so long as the dispute lasted. The cancellation of the scheduled services of which a notice has been given by the Corporation, is thus the result of an attempt to assure the passengers of services which could be maintained. Since the Pilots qualified to operate Caravelle services have

[Shri N. Kanungo.] already completed their schedule of monthly flying hours and would not be able to fly any longer because of the limitations imposed, it has become necessary to suspend the Caravelle services for the time being. It is hoped, however, to resume them again on the 22nd September when the new period of flight time limitations would commence unless the situation has earlier changed for the better.

I have refrained from burdening this statement with details or from commenting on the merits of the case on either side since the matter has now been referred to the Tribunal. I would like to explain, however, that there can be no objection in principle to duty and flight time limitations; in fact, the principle has been recognised internationally and such limitations are in force in various airlines of the world. So far as this country is concerned, the flight limitation period under the Indian Aircraft Rules is 125 hours during any period of 30 consecutive days and I.A.C.'s Flying Crew Service Rules qualify a pilot flying in excess of 80 hours per month to receive excess flying pay. However, in the agreement between the Pilots and the Corporation in 1960, the following provision to these limitations occurred;

"Flight Time Limitations will be the subject of separate negotiations. The demands of the Association for Flight Time Limitations will be studied by a Special Committee consisting of the representatives of Management and the ICPA. The conclusions will be reported to the Management and the ICPA and the matter will be finalised after discussion between the two."

However, no such demand as was contemplated in the agreement appears to have been made to the Corporation officially and it was only on the 29th July, 1963, that an agreement on

the subject was reached between the Chief Operations and Planning Manager and the Association.

I am very sorry for the inconvenience, hardship and discomfort that has been caused to so many passengers every day but, as my brief account of the happening would show, every attempt was made to prevent this development but without success. I have not yet given up hope and still have faith that good sense ultimately will prevail and public interests, which appear to have become a casualty in the process of negotiations between the Corporation and the Pilots' Association will evoke a satisfactory response from the Pilots in maintaining the *status quo* pending the evolution of a solution.

SHRI BHUPESH GUPTA: Two things I would like to say. First of all, the matter has been hanging fire since the end of July even according to the statement, and I do not quite understand why the Government should not have directly intervened in the matter in order to bring about an understanding and settlement, and why it was left to the Corporation to deal with the Pilots' Association. In comparable situations in the past we had the Minister concerned calling the Pilots' Association and talking to them directly sometimes. I think that should have been done here. Even now, instead of leaving it to the Secretary, Civil Aviation, I think the Minister should directly invite them—the representatives of the Pilots' Association—and hear them; that may help matters and expedite a solution of the problem. As far as the memorandum is concerned, we do not understand all the details of it, because they involve some expert knowledge, but it does seem to us that the situation could have been easily averted by the Corporation taking a more sensible view of the matter when the pilots were demanding something which was not

very unreasonable, and so on. Anyhow, as we find now, the problem could have been solved earlier. One thing, how could he say that there were no positive proposals from the side of the Pilot's Association? We understand they had [made certain positive concrete proposals for the solution of the problem, may be they may not have reached the hon. Minister. Anyhow I would suggest this to the hon. Minister. Let other things go on, and since the matter is rather serious the Minister can easily invite the representatives of the Pilots' Association, sit across the table and settle the matter. It is after all a type of dispute which is peculiar in its own way and I think, given proper understanding and approach, it could be easily solved. We would not like the Services to be discontinued in this manner and dissatisfaction needlessly created among the pilots and their Association. ?

SHRI N. KANUNGO: I do not propose to say anything, and the suggestions which he has made I will bear in mind.

SHRI A. B. VAJPAYEE; Madam, may I know whether it has been made clear to the pilots that while the Government and the Corporation would be prepared to look into any reasonable demands, Government will not tolerate any indiscipline on the part of the pilots?

SHRI CHANDRA SHEKHAR (Uttar Pradesh): I support Mr. Vajpayee.

SHRI BHUPESH GUPTA: Who says there is indiscipline?

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you have made your observations: the hon. Minister has accepted your suggestion and he is going to look into it. Let Mr. Vajpayee make his own points.

SHRI A. B. VAJPAYEE: I wanted, to know whether it has been made clear to the pilots that while Government would be prepared to look into every

reasonable grievance, in no case indiscipline on the part of the pilots will be tolerated. We are facing an emergency in the country, and how can we allow the pilots to go on like this?

SHRI BHUPESH GUPTA: They are not showing indiscipline.

THE DEPUTY CHAIRMAN: It is for the Minister to say that.

SHRI BHUPESH GUPTA: I think he is provoking the Minister to say so.

SHRI N. KANUNGO: I am not going into the merits of the dispute; whether the position of the pilots is right or that of the Corporation is right will be decided by the Tribunal. I am not prepared to commit myself in this regard.

SHRI NIREN GHOSH (West Bengal): It is there in the Statement that the pilots say that there is an agreement and the Corporation says that they are not aware of an agreement. Then between whom was the agreement reached?

AN HON. MEMBER: It is going to the Tribunal.

SHRI NIREN GHOSH; But there is the question of the existence of an agreement. The pilots say there was an agreement between them and the management. Between whom was that agreement? There is the limitation of flight schedule. Otherwise the pilots' flights are shortened. So an agreement was reached. The whole crisis seems to have been brought about by the management itself.

THE DEPUTY CHAIRMAN: Mr. Kanungo will take note of all the points raised.

SHRI M. M. DHARIA (Maharashtra) Madam, my submission to the hon. Minister would be that this should

[Shri M. M. Dharia.] not be made an issue of prestige. So far as the pilots and the Corporation are concerned, even though the matter has been referred to an Industrial Tribunal, if we want to render speedy justice, something else has to be done. For the Industrial Tribunal to work and formally give its decision, it takes a long time. As you know, when this goes to the Industrial Tribunal, then the issue will remain pending for days together. Under these circumstances I entirely agree with my hon. friend, Shri Bhupesh Gupta, that the hon. Minister concerned should personally intervene in the matter and call the representatives of the Pilots' Association and he should have personal talks with the Association and try his level best to find out a solution.

THE DEPUTY CHAIRMAN: Yes, that will do.

SHRI M. M. DHARIA: This is my last sentence, Madam. In today's paper it is found that during one month the corporation will be suffering a loss of a crore of rupees. This is a very huge loss and naturally it should be treated as a serious matter. The hon. Minister should try to act on the suggestion of Mr. Bhupesh Gupta and treat it as an urgent question, as a practical question which should be settled speedily.

SHRI I. K. GUJRAL (Delhi): Madam unfortunately the impression created by the hon. Minister day before yesterday, particularly when answering questions here, was that the Ministry was casual in its treatment of this problem. When it came out in the morning's papers that the services were cancelled, we realised how serious the situation was. This is very unfortunate and when we have a Ministry exclusively devoted to Civil Aviation, more attention should have been paid to such matters. It is very unfortunate that rather than dealing with the problem much earlier they should have allowed the

problem to drift and we are now faced with this pass. The statements of the hon. Minister today and day before yesterday are on the lines followed by the Corporation and carry no conviction whatsoever. The main point is, we have a feeling that the seriousness and the intensity of the problem has not been realised. It must be understood that you are dealing with a class of people who are highly educated, highly technical and highly sensitive.

SHRI A.B. VAJPAYEE: And highly paid also.

SHRI I. K. GUJRAL: Therefore, to try to take this line as if you are dealing with ordinary industrial labour, I think, is a very wrong line of approach. The hon. Minister has to deal with this Ministry alone and in the last analysis he has only two corporations to deal with.

THE DEPUTY CHAIRMAN: Mr. Gujral, you cannot make a speech. Please be brief.

SHRI I. K. GUJRAL: I will be very brief. I will take only half a minute more. Therefore, I submit, Madam, that the hon. Minister, rather than allowing the whole situation to drift into these channels of tribunals and conciliations and so on, should himself take up this matter and immediately solve it within the next four or five days so that the situation does not become worse. "We have difficulties and it is highly prejudicial to the cause of the country that we should lose so much money and also that we should not have these services at a time when we need them most.

THE DEPUTY CHAIRMAN: Yes, Mr. Sen Gupta, please state your point only. We are not entering into a debate on the matter. It is already 1.13.

SHRI D. L. SEN GUPTA (West Bengal): My question is as to what time really elapsed between the dispute being raised and the dispute be-

ing referred to the Tribunal. And in view of the time that is bound to be taken up in the adjudication proceedings, I would like to know whether the Government is prepared to have some sort of interim relief, which is a very common thing in such disputes.

SHRI N. KANUNGO: In my reply I shall give only the factual information sought for. My hon. friend, Shri Niren Ghosh, put his question about the agreement and in reply I would say that the agreement was between one of the officers of the Corporation and the pilots. That agreement was not ratified and was not placed for quite a long time before the Board of the Corporation. And the terms of that agreement were such that it could not be worked. It was tried and it could not be worked and the Association agrees that it cannot be worked. Regarding the other suggestions, I had better not debate on them. As for the period of the dispute I may say that it was a little more than a week.

SHRI P. K. KUMARAN (Andhra Pradesh): Who overrides the officials?

THE DEPUTY CHAIRMAN: I think we have heard enough on this. The House stands adjourned till 2.30 P.M.

The House adjourned for lunch at sixteen minutes past one of the clock.

The House reassembled after lunch at half past two of the clock, THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair.

**THE PRESS COUNCIL BILL, 1963—
continued.,**

SHRI G. S. PATHAK: Mr. Vice-Chairman, I welcome this Bill. It fulfils a long-felt need. The Press has rendered signal service in the achieve-

ment of our independence. It is playing a significant role in the development of democratic processes and it has got a glorious future with the traditions which belong to it. The Press is the chief instrument of political education. I visualise the day when a newspaper will be in the hands of every man behind the plough and every workman in the factory. For that it is necessary that the growth of the Press should be on healthy lines. The Press is also a medium, for the participation of the people in the development of public opinion and in the exercise of control over political affairs through the Legislature or otherwise. Therefore, it is essential that there should be an autonomous body which could exercise control over its behaviour and which could watch the progress of this organisation and which could also safeguard and preserve the rights and privileges of the Press. I, therefore, welcome this Bill and, with the exception of one provision in the Bill about which I have serious misgivings, I support every provision of the Bill.

Now, I support Mr. Sapru's view on the question whether the power of selecting the Chairman should be given to the Chief Justice of India or not. This office—of the Chairman—has a political tinge and although I have the highest regard and highest respect for the office of the Chief Justice—everyone of us must have—and although I have got a tremendous amount of respect for the incumbent of that office yet, that is precisely the reason why it should not be the Chief Justice of India who should select a Chairman for an organisational office having a political tinge. Therefore, I support the view that a Board might be constituted for the selection of the Chairman and this matter should not be left to the Chief Justice of India.

Now, Sir, there is a very beneficent provision in this Bill so far as the constitution of this Council is concerned. Editors who have to be appointed shall have no concern