

MR. CHAIRMAN: The question is: "That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

SHRI B. N. DATAR: Sir, I move: "That the Bill be passed."

MR. CHAIRMAN: The question is: "That the Bill be passed."

The motion was adopted,

**THE WORKING JOURNALISTS
(FIXATION OF RATES OF WAGES)
BILL, 1958**

THE MINISTER OF LABOUR AND
EMPLOYMENT AND PLANNING
(SHRI GULZARILAL NANDA): Sir, I beg
to move:

"That the Bill to provide for the fixation of rates of wages in respect of working journalists and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Sir, the Bill now before the House originated as an ordinance which was promulgated on the 14th June this year. The Working Journalists (Fixation of Rates of Wages) Bill, 1958, was introduced, considered and passed in the Lok Sabha in the course of this session. As amended in the Lok Sabha, it is now placed for consideration by this House.

I shall of course take up and explain the provisions of this Bill but before doing so I think I should deal with one or two questions which have arisen with regard to the approach adopted by Government in this connection. One question is, why was it found necessary to have recourse to special legislation in this case and the second is, why had we to bring in an ordinance? Why did we not wait for this session of Parliament?

Regarding the first question—why we had to introduce a special law for this subject—my answer is two-

fold. In view of the history of this case Government felt that it was incumbent on it to adopt the speediest course possible for the settlement of this long-drawn-out business. It was also felt that the existing laws, good as they are, Industrial Disputes Act, etc. would not have served the purpose which was in view in this case. The second reason was that we thought we should take the utmost care that the procedures we now adopt would not be exposed as much as possible or would be exposed as little as possible to risks of attack on technical and legal grounds. I said that this matter had a history; it is a very long history. There are many episodes in it, the most outstanding being the appointment of a Press Commission in October 1952.

Among the terms of reference of this Commission there is special reference to the working journalists. The Press Commission was brought into being to undertake a comprehensive enquiry into the state of the press and at the same time it was asked to enquire particularly into the method of recruitment, training, scales of remuneration, benefits and other conditions of employment of working journalists. The Press Commission submitted its report on the 14th July, 1954. In pursuance of the recommendations of the Commission, which dealt with wages and other matters concerning the conditions of work of the working journalists, an Act was passed. Section 8 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, which was passed in December 1955, visualises the appointment of a Wage Board and invests the Government with power to constitute a Wage Board. A Wage Board was set up in May, 1956. The decisions of this Wage Board were published on the 11th May, 1957. Then, it was felt that this matter which had taken long enough time already had come to a close and that the working journalists could look forward to the implementation of the decisions of

the Wage Board. It was thought that a new start would be made regarding their scales of remuneration and a measure of realisation of their expectations in this connection would be available to them. But what happened actually was that the newspaper proprietors showed no inclination to implement the decisions of the "Wage Board. We took notice of that fact and we endeavoured to bring the parties together, so that if there was anything very irksome in those decisions and if it was possible to make the parties see each other's point of view and come to some kind of an understanding, then other difficulties may not ensue. We made that effort. I personally invited the representatives of the newspapers, the proprietors and also the representatives of the journalists to meet me. We had long discussions in an atmosphere which I then thought a cool atmosphere, and it looked as if we were on the point of finding means of a settlement which would not further prolong this dispute. It was agreed between the parties that a committee would be appointed immediately and that committee would be expected to make its report in about a month. The functions of that committee would be to consider the points of view of the parties and if there were any anomalies if there were any other points in the decisions which required adjustments, in order to make them more workable, this committee would try to settle things along those lines. Next morning I received a letter from the newspaper society, that is, from the side of the proprietors that they would not now be willing to proceed with this committee, this enquiry and this effort at settlement, because a petition had been filed in the Supreme Court. Thus this effort, which I felt then would bring an end to this kind of dispute, was not successful and the matter proceeded in the Supreme Court. The Supreme Court decision came on the 17th March this year, but before that another effort also had been made in the month of October again to see if

settlement could be made out of court and if the parties could try to smooth out their differences by mutual discussion. That also failed.

Now, Sir, with regard to the Ordinance. After the Supreme Court judgment came, we had to think of course of action to meet the situation that had thus arisen. We thought that to be fair to the journalists and to the industry, we should not let any more time to elapse. We felt that something had to be done immediately. This, as I said, was not only in order to meet the point of view of the journalists, in order to see that further delays were obviated, but also we felt that the interests of the industry would also be safeguarded by that course, because if the journalists and the proprietors remained at cross-purposes continually, if there was bitterness and frustration, constant strife and conflict between the parties, those are not conditions in which any industry can prosper and function satisfactorily. This applies to any industry which produces material goods, but in the case of an industry like the press industry, these intransigent elements really had a far greater value and their influence is far more powerful. So, the idea was that we should try to bring to an end this wrangling and we should adopt a course which will have the effect, the consequence of finalising the matter quickly. Therefore this ordinance. As I said, the kind of conditions prevailing in the industry required that this has to be from both sides. The workers should not make impossible demands. The employers should not be stubbornly always resisting any reasonable demand, any legitimate requests of the workers. In this case this question does not arise because the working journalists had placed themselves in the hands of the Wage Board. That is a judicial procedure, and it is no fault of theirs if somehow it did not lead to results which could have enabled them to receive their due quickly. Whose-

[Shri Gulzarilal Nanda.] fault was it? At any rate, whoso-ever's may have been the fault, the Supreme Court has decided that the manner in which the Wage Board disposed of this question, it had not done its part consistent with its responsibilities under the Working Journalists Act. That may be true, but it is also true that if the Wage Board had been placed in that position of getting the data or the material on which it could have arrived at a more satisfactory conclusion regarding the condition of the industry, possibly this consequence might not have arisen. This material, this data which the Wage Board should have had to discharge its duty properly was not with the working journalists. It was with the employers, with the proprietors. This was not available to the Board, and so this position arose. I need not go into the merits of this decision because the Supreme Court has passed its judgment on that, but then we had to adopt some further course in order to rectify the defect, to make up the deficiency which was pointed out by the Supreme Court. This we proceeded to do through the Ordinance and now through this Bill.

Sir, I shall say a few words about the main provisions of this Bill. I would invite the attention of the hon. Members to clause 3 which gives the main purpose and the central feature of this legislation. The purpose is to enable the Central Government to fix rates of wages in respect of working journalists in the light of the judgment of the Supreme Court dated the 19th March 1958 relating to the Wage Board decision. This, Sir, is the central purpose, the main purpose. The important feature of this proposed legislation is that the Central Government seeks to achieve this purpose through a certain procedure, and that is the constitution of a Committee consisting of certain persons, and the Committee will include a chartered accountant nominated by the Central Government.

This is the most important part of the proposed legislation.

Then, if we proceed to have a look at clause 4, sub-clause (3), here we find what the Committee is supposed to do, what its functions are. Under this Bill the Committee has to make such recommendations as it thinks fit to the Central Government "for the fixation of rates of wages in respect of working journalists, whether by way of modification or otherwise, of the Wage Board decision; and any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect". Then sub-clause (4)—

"In making any recommendations to the Central Government, the Committee shall have regard to all the matters set out in sub-section (1) of section 9 of the Working Journalists Act."

There in that Act, Sir, the requirements are given; the basis on which in the first place the Wage Board had to perform its duties, and now, later on, this Committee has also to keep these requirements in consideration.

SHRI H. D. RAJAH (Madras): Does it mean that the Wage Board will go on making enquiries about the condition of the working journalists?

SHRI GULZARILAL NANDA: There is no question of the Wage Board now. This Committee has to make its recommendations in the light—I am referring to this particular aspect—of the matters set out in sub-section (1) of section 9 of the Working Journalists Act—

"In fixing rates of wages in respect of working journalists, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the¹ circumstances relating

to the newspaper Industry In different regions of the country, and to any other circumstances which to the Board may seem relevant."

That is, this Committee in making its recommendations, has to keep In view all these things and there Is a particular reference to this provision of the Working Journalists Act according to which the Board "then and now this Committee has to keep all these things in view, comparable employment and circumstances relating to the newspaper industry, etc. In this case that matter has been extended further, and so far as the circumstances of the industry are concerned, it has been made very clear and definite—"for enabling the Central Govern ment ___ in the light of the Judgment of the Supreme Court and in the light of all other relevant circumstances". There the question of the capacity of the industry comes in. Here again, it has been specifically mentioned—I go back to subclause (1) of clause 4—how this Committee ig to proceed;

"(1) The Committee shall, by notice published in such manner as it thinks fit call upon newspaper establishments and working journalists and other persons interested in the Wage Board decision to make such representations as they may think fit as respects the Wage Board decision and the rates of wages which may be fixed under this Act in respect of working journalists.

(2) Every such representation shall be in writing and shall be made within such period not exceeding thirty days, as the Committee may specify in the notice,"

and this is important—

"and shall state—

(a) the specific grounds of objection, if any, to the Wage Board decision,

(b) the rates of wages which, in the opinion of the person making the representation would be reasonable, having regard to the capacity of the employer to pay the same or to any other circumstance, whichever may seem relevant to the person making the representation in relation to his representation."

That is, the person who makes the representation can point out in what way the rates of wages which were laid down in the decision of the Wage Board were not reasonable and what would be reasonable scales and rates. All this is open to the party making the representation.

"(3) The Committee shall take into account the representations aforesaid, if any, and after examining the materials placed before the Wage Board"—

That is, whatever material was available to the Wage Board is to be made use of by this Committee—

"... and such further materials as have since been obtained by or made available to it under this Act"....

This is the kernel of the contents of this proposed legislation.

DR. R. P. DUBE (Madhya Pradesh): Will the proprietors be asked to supply the relevant material, because the Supreme Court says that?

SHRI GULZARILAL NANDA: The answer to this question of the hon. Member is in the next clause, clause 5—Powers of the Committee. In the first place, this Committee has all the powers which an industrial tribunal constituted under the Industrial Disputes Act of 1947 exercises for the adjudication of an industrial dispute. Those powers are referred to as production of documents, etc. In subclause (3) we find—

"If in the course of any inquiry it appears to the Committee that it is necessary to examine any accounts or documents or obtain any statements from any person"....

[Shri Gulzarilal Nanda.] This is very important and, I hope, is an adequate answer to the question raised.

"...the Committee may authorise any officer of the Central Government (hereinafter referred to as "the authorised officer") in that behalf; and the authorised officer shall, subject to the directions of the Committee, if any, examine the accounts or documents or obtain the statements from the person."

Then, sub-clause (4)—

"The authorised officer may, subject to the directions of the Committee, if any, exercise all or any of the powers which an industrial tribunal may exercise under sub-section (2)" etc

Sub-clause (5) came in as an amendment to the Bill as originally introduced in the Lok Sabha. This amendment further strengthens the provisions in this behalf:

"Nothing in sub-section (1) of section 54 of the Indian Income-tax Act, 1922 or in any corresponding provision in any other law for the time being in force relating to the levy of any tax shall apply to the disclosure of any of the particulars referred to therein in any report made to the Committee by an authorised officer."

Sub-section (6) elucidates that further, that this information will be treated as confidential, but nothing in this sub-section shall apply to the disclosure of any such information or report to the Central Government or to a Court in relation to any matter concerning the execution of this Act.

It is these provisions which enable the Committee to discharge this rather delicate and difficult function more effectively than would have been possible otherwise. As I indicated at the outset, the Press Commission too was handicapped. It had not got full and adequate information as was pointed out by the Commission itself.

The Wage Board also had to labour under some kind of a handicap of this character. In spite of its repeated efforts, it could not obtain fully all the information bearing on this case, information that was or that might have been necessary for this purpose. Now, whatever data the Wage Board had, would be available before this Committee. In addition, there are the representations made by the parties and whatever further material they choose to submit will be looked into by this Committee. That will help the Committee to form its own conclusions. Furthermore, there are these authorised officers who go about the particular establishments and find out for themselves what the position is. This is a special step taken in this case which will, I hope, make up the deficiency which compelled the Supreme Court to take a certain view of the decision of the Wage Board.

I have briefly explained what this Bill aims to achieve and the methods by which it has to achieve that object. But before I conclude, I would like to refer to one or two points of criticism—or, may I say, misunderstanding—which have arisen in view of the step taken by the Government.

[MR. DEPUTY CHAIRMAN in the Chair.]

It is said that this procedure of appointing a Committee of this kind is a very unsatisfactory one. We place in the hands of the Committee of officials this important function of deciding on the merits of a dispute between the parties. But I think it will be clear, if the provisions of this Bill are properly scanned, that it is not this Committee which is bearing the brunt of the responsibility; it is the Government which is taking a decision. To enable the Government to perform its duty effectively, a certain mechanism has been provided for in this legislation. Whether the Government should intervene in this manner or not, well, it is a question—it is not the executive authority of the Government—of powers which it may derive from a mandate from this Parliament. I can see that

this is not an ordinary, usual, normal procedure. I must admit that it should not be expected that disputes occurring between employers and employees will come up before Parliament, in this form. No, Sir. But this is really an exceptional kind of procedure which has to be adopted because there are exceptional circumstances attached to this case. If a long series of unsatisfactory developments had not taken place before, this might not have been necessary. But in view of all that has happened in the past, it is, as I said, obligatory on the Government to do something which will satisfy the requirements of justice and which will not create and prolong the sense of bitterness and frustration which has already set in because of inordinate delays which had occurred over years in the past.

I have explained briefly the intention of this legislation and how these provisions are expected to operate. Sir, I have done.

SHRI AMOLAKH CHAND (Uttar Pradesh): May I put a question, Sir? The hon. Minister stated that he was negotiating with the proprietors and the working journalists and that he was hopeful that some compromise would be effected. But, in the meanwhile, a petition was made in the Supreme Court. I would like to know the time-lag between the negotiations and the date on which the actual petition in the Supreme Court was made.

SHRI GULZARILAL NANDA: Sir, I cannot state here as to when the intention originated in the minds of those who later on filed the petition before the Supreme Court. But in point of fact, it was probably the same day, if not the next day. It was on the same day while these talks were proceeding that this action was under way.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to provide for the *fixation of rates of wages* in respect

of working journalists and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

SHRI BHUPESH GUPTA (West Bengal): Mr. Deputy Chairman, Sir...

SHRI B. SHIVA RAO (Mysore): I am only asking for a clarification *of* one point. I think that will help the debate.

MR. DEPUTY CHAIRMAN: Clarification?

SHRI B. SHIVA RAO: Can the hon. Minister throw some light on the implication of clause 6 of this Bill because, as I read it, it looks as though as soon as the Committee has made its report to the Government—as soon as may be, that is, without any delay—the Government will proceed to accept those recommendations and frame its decisions in accordance with the recommendations of the Committee, What I want to know from the hon. Minister is, whether the report of the Committee will be published, whether opportunities will be given to both sides—the newspapers and the working journalists—to make representations on the recommendations of the Committee, before the Government proceeds with the next stage, that is, of implementing the report of the Committee.

SHRI GULZARILAL NANDA: The clause speaks for itself. It is very evident here that if recommendations come to the Government, if it makes only slight alterations and no substantial alterations, then those recommendations are accepted and they will be notified. However, if the Government makes any substantial changes, then it can have two courses open to it. One is that it makes these modifications known to the parties and then it takes the decision. It has the representations before it. So, it again refers to the Committee. Then, if the

[Shri Gulzar Ual Nanda.] Committee's
recommendations are adopted . . .

SHRI B. SHIVA RAO: You must answer
the question whether . . .

MR. DEPUTY CHAIRMAN: You are
speaking on this. Mr. Shiva Rao. You can
raise these points in your speech.

SHRI BHUPESH GUPTA: Mr. Deputy
Chairman, once again, we rise to speak on a
matter of some great importance which had
been discussed in this House. I confess that we
speak with a sense of disappointment and
frustration because the objectives that we
sought to achieve as a result of the
recommendations of the Press Commission are
yet to be achieved. However, I stand in
support of this measure, although it does not
go far enough. I should have thought that the
experience of these years would have been
taken fully into account by the Government in
order to plug the loopholes and it would have
brought such a measure which would be diffi-
cult for the newspaper bosses to challenge and
circumvent. I am not quite sure whether this
measure does not leave any such loophole at
all. I should be very happy if it does not but to
that subject I shall come later. It is already
wellknown that the provisions of this Bill have
found universal approbation in the country
except of course in some quarters who have
taken up cudgels against any kind of redress
being given to working journalists. We have
before us a lot of material to which I would
like to draw the attention of the House and I
would like to engage in a fair controversy with
those people who are opposing this measure
and taken the stand of the newspaper
employers or owners because I think that the
case of the newspaper owners has not to be
completely defeated and smashed. They
should be given no quarter

whatever, no matter who speaks in support of
them. Unfortunately I find that some very
important personalities have taken it into their
heads that they have to defend the case of the
newspaper owners as against that of the
working journalists. Of course lip sympathy
for them has been combined with a sort of
advocacy for the cause of the employers. Here
we have the report of the recent conference of
the All India newspapers—it is called the All
India conference of the Newspaper
publishers—circulated to Members of
Parliament privately. As you will see, these
gentlemen have brought out a very well got-up
volume although they would not bother to give
a slight increase to the journalists. Here I have
come across a Resolution in which the
Ordinance, which is supposed to be embodied
in this legislation, comes in for very severe
and vitriolic attack. The Ordinance is rejected
as objectionable, unconstitutional and
unprecedented and a number of charges are
made in this particular Resolution. This
Resolution is typical of the mentality which
the newspaper owners of the country have
been displaying all these years, full of
arrogance, full of their awareness of power
and wealth they command, full of their
capacity to hold the country to ransom and
this is their resolution. Now I should have
thought that they would try to prove it as to
why this is objectionable, why this is
unconstitutional and why this is un-
precedented. As far as the question of
unprecedentedness is concerned, I don't think
the newspaper owners are very much
concerned about what passed before, unless
they served their interests. Such measures
have been passed not only in this country but
also in other countries, to protect the interests
of the working people. There is nothing
unprecedented in this whole business.
According to us, the measure is rather belated.
It is not unprecedented, it is belated. It should
have come much earlier. In other words we
should have fixed the rates or the wages of the
working journalists much earlier than today.
What is objectionable of course is understand-

able according to them. The objectionable portion of it is this that it seeks to give some measure of fair deal to the working "journalists and this is something which the newspaper owners are not prepared to put up with. Therefore they declare that this provision is objectionable. They say that it is unconstitutional. They went to the Supreme Court to fight their case and even the Supreme Court did not say anything to sustain their charge of unconstitutionality of this measure. Perhaps they raised this slogan of unconstitutionality in order to frighten some people, especially those who go into all kinds of legal rigmarole but then there is the Supreme Court decision before us which does not hold that either the Working Journalists Act or the actions of the Wage Board under the Act have been in any form unconstitutional. Therefore this opening paragraph of this Resolution in which the owners launch an attack on the Ordinance and the provisions of it, does not stand any scrutiny whatsoever. We have got here the speeches made by some hon. Members. I am a little distressed to have read a speech by an hon. Member of this House, because I have great respect for him and I have been wondering during the past few days as to what made him speak in that tenor. I have in mind Pandit Hirday Nath Kunzru. He seems to have taken the view that something is wrong here. We shall hear him and I anticipate the arguments that he will give because these are stated in the very speech that he delivered at the inaugural session of the All India Conference of the Newspaper publishers.

Then there is the speech of one of the former Governors of India—Mr. Diwakar—who also thinks that the Ordinance is ill-conceived and is against the interests of the industry and all that. I am all the more surprised because this gentleman claims himself to be a working journalist. Here I would point

MR. DEPUTY CHAIRMAN: You need not mention any names, specially of persons ...

SHRI BHUPESH GUPTA: Here are these things. How can I refer to them except . . .

MR. DEPUTY CHAIRMAN: You can say the President of the Editors' conference.

SHRI M. H. SAMUEL (Andhra Pradesh): He is not the President of the Newspaper Publishers' Conference. He made some observations which are controversial . . .

MR. DEPUTY CHAIRMAN: You can say 'Chairman of the Conference'.

SHRI BHUPESH GUPTA: I don't know. If you like it that way . . .

MR. DEPUTY CHAIRMAN: There is a way of putting it. Don't mention names of persons who are not here.

SHRI BHUPESH GUPTA: I am always straightforward as you know. Anyway, one is the Chairman and the other?

MR. DEPUTY CHAIRMAN: You have the report. I have not got the report.

SHRI BHUPESH GUPTA: I am more concerned with the name. I thought that would be a better way of dealing with them. Anyway, I believe 'former Governor' will solve that difficulty. The former Governor, in his speech—whether he was the Chairman or somebody else we can find out later . . .

MR. DEPUTY CHAIRMAN: You have the report and you can find it out.

SHRI BHUPESH GUPTA: Yes. It is said 'speeches by Pandit Upendra Nath Acharya, Pandit H. N. Kunzru' etc.

MR. DEPUTY CHAIRMAN: You are trying to achieve the object in a surreptitious way . . .

SHR. BHUPESH GUPTA: Anyway I will say 'former Governor'. There are, I believe, a number of Governors going, existing. I would like not to be interrupted. Let me develop my argument because I will have a long and strong case to place before you. Now the former Governor in his address made a number of observations to which I would like to draw your attention. First of all, you will find that since he was the President, he made the Presidential Address and he takes the stand on the Supreme Court decision. It was the Supreme Court that has come to his rescue. He challenged the Wage Board. He says everything and takes cover under the Supreme Court decision. He said:

"After the Supreme Court decision regarding the Award of the Wage Board, one would have normally expected that a new chapter would be opened."

He gave a call for the opening of a new chapter and in the Resolution the outlook of the chapter had been opened by a thorough repudiation of all the decisions, of all the commitments that had been made or mutually agreed upon. Now to that chapter we shall come to later. It seems that he is at war with the Wage Board, its decisions and all the rest of it. An hon. Member of this House also said in his Inaugural Address:

"I have no hesitation in saying that they have not received a fair deal (that is to say the working journalists)."

Naturally, being a right-minded man that he is, he would always concede that point. I have no doubt in my mind about the sincerity of his statement. Then he said:

"The question of increase of the wages of working journalists cannot be considered except in relation to

the capacity of the newspapers to pay, as the Supreme Court has pointed out. I personally think that the Committee that has been appointed and the procedure adopted by Government are highly unsatisfactory."

Now we would hear from him as to why he thinks it is highly unsatisfactory. I would like the Committee to be strengthened in favour of the interests of the working journalists but I would like to know if it is unsatisfactory, what type of Committee, if at all he would like and how he would like it to be composed of.

Then I was very much distressed when I read this remark^:

"They have appointed a committee, ostensibly for the purpose of considering the question in the light of the Supreme Court judgment, but really to get round the judgment of the court."

Well, I want to make this quite clear. If any judgment of the Supreme Court shows that the law does not fulfil the objective or the purpose for which we passed the legislation, it is for us to modify the law, to change the law. And we have been modifying even our Constitution and we can modify any Act. That we can do. Therefore, one need not be so much upset even if any circumvention of the Supreme Court was necessitated or needed. But here nothing is circumvented and to that I shall come later.

Then he said:

"Government have virtually asked the committee to take arbitrary conclusions as the basis on which it should proceed. This shows that a fresh enquiry was needed."

So throw everything overboard. Nothing remains. A fresh enquiry should come, for the Government has acted arbitrarily. Such is the slogan of the newspaper employers. That is what the newspaper men are talking. I was very much pained to hear

even a very esteemed colleague of ours in this House expressing the same point of view. If I am wrong, he will kindly correct me when he speaks. Now, let me develop my argument.

Apart from these things, I have got before me the Minutes of the 89th meeting of the Executive Committee of the Indian and Eastern Newspapers Society held on July 2nd 1958. Here again there is an all-out attack against this approach of the Government. Nine members, it seems, spoke at that meeting and all of them spoke defiantly and they went all out against the decision of the Wage Board and attacked whatever the Wage Board sought to give and the Government's attempt to do something for the working journalists. Now, I would read out from the minutes the various steps which the Society suggested:

"Public protests in various forms.

An all-India 'protest day' on the 18th July by closing newspapers for a day with a statement explaining the reasons.

Black-out of names etc.

Abridgement of Government and Parliamentary proceedings etc. Lobbying in Parliament."

Further it says:

"It was generally felt that a desperate state of affairs had been reached and that there was going to be strife and tension within the industry. All members were united on this issue that a comprehensive *de novo* enquiry should be conducted into the capacity of each unit to pay and having regard to the demands of other sections of employees also, only minimum wages on a regional basis should be fixed."

This is how they talk. These are the accents in which they talk. Some of these people are talking in terms of trouble, in terms of intimidation and black-mail. I make it very clear. This

is not anything surprising, because intimidation and black-mail are their habit. In the Press Commission Report on page 269 it was stated:

"In one chain operating from Bombay instructions were apparently issued, at the time of the last general elections, to play down or not to report the activities of one political leader *on* the ground that the proprietor did not want them printed."

This is the same kind of mentality when they suggest that some kind of newspaper black-out should be made against all those who happen to express opinions against the stand that the newspaper owners had taken. We should take note of this. Parliament should take note of it. Many of the hon. Members here may not have gone through these minutes. But they should seriously take note of it when the newspaper industry in our country, or rather the employers at the top, have assumed such a position of power and authority that they speak in terms of intimidation, not only speak in terms of intimidation, but they also hold out violent threat" against the Members of Parliament and against the Government and against all men who may take the side of the working journalists, a war against the working journalists, against Members of Parliament and other public men, patriotic men in this country. This is their line, this is their tactics. But Mr. Deputy Chairman, I should like to know how the Government feel about it, when they hear such threats. As far as we are concerned, they deserve the greatest condemnation and I have no doubt that they will be condemned by every right-thinking man, no matter how he feels about other matters, no matter on which side of the House he sits. He will condemn this kind of threats, this policy of threat of black-mail conducted by the newspaper owners. But how dare they talk in such accents? How dare they issue such threats? There may be reasons. First

[Shri Bhupesh Gupta] of all, they are conscious of their own great power, the power that they can wield because of the monopolistic hold they have over the industry; secondly because they have close contacts with some persons in high positions in the administration and I must regretfully confess that it is well-known also that there are elements in the Government, people constantly appeasing the press barons of the country, only to increase their insatiable hunger for more profit. This is the price we are paying today for not fully implementing the recommendations of the Press Commission regarding the diffusion of ownership and the control of newspapers regarding the setting up of a Press Council and so on. If anything, these threats and the developments that have taken place in the past few weeks underline the urgency and the importance of fully implementing the measures recommended by the Press Commission. You know that you stopped half-way. You did not take many of the measures for their implementation and the result is that there is this talk, this intimidation to bully you and they behave in this manner, not only in respect of journalists, but in respect of others also. Sir, the big business press, be it noted, is not hostile to the Communist Party or to the Opposition, only. When it comes to their self-interest, they are hostile to all democratic norms, to all democratic institution and they would not spare anybody so long as he does not take their side. That is the position and there is yet time today to check-mate and control them. Otherwise the time would be too late. I would ask the hon. Members not to feel happy that the Press is attacking only the Communist Party or some opposition and it is not doing anything against them. If they are allowed to continue, if the press men are allowed to hold out threats in the affairs of the Indian Press, the time will come when this Fascist mentality will be openly expressed and the Press, entrenched as it is, will take the law into its own hands and will seek to hold society and social progress to

ransom. I strike this note of warning because there is yet time.

Mr. Deputy Chairman, we should tell these newspaper owners from this House that if they dare issue such threats, we are not powerless either. We here in this supreme Parliament, if we can run our steel mills in the public sector, if we can run our Railways and other corporations, why can't we in case of such intransigence take over, if necessary, some of the big presses and run them as corporations or cooperatives under the leadership and management of the working journalists themselves. Let this warning be uttered here, because I think that sometimes, monopolists have to be spoken to only in the language that they understand better than the language that is sometimes used by some very respectable people on both sides of the House.

Then we have got the government advertisement and other things and if Government is serious they know that they can stifle some of the press barons, the moment the Government wants to. What about the advertisements?

1 P.M.

The Government advertisements and advertisements from other semi-government bodies are also there. Therefore, if they want to play the game, we should also be fully ready to play the same.

MR. DEPUTY CHAIRMAN: You may continue at 2.30 P.M.

The House stands adjourned till 230 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at half-past two of the clock, Mr. DEPUTY CHAIRMAN in the Chair.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, before the recess, I was referring to certain documents which contained threats the news, owners had given. I have mentioned this thing only to emphasise the need for vigilance on the part of Parliament and the need for very foolproof measures. Here, Sir, I would like to mention again that we are faced with certain tasks and I think that it is our duty, when we deal with such legislation, to see that we so develop the law that it really fulfils the purposes it has in view. As far as the newspaper owners are concerned, I think their poisonous fangs must be broken, their powers must be curbed and it is necessary for us, in that context, to rethink as to whether we can delay any longer the implementation of the other salutary recommendations of the Press Commission. Here, Sir, I would like only to point out another thing. Here is a document again by the newspaper owners circulated privately, "Problems of the Newspaper Industry in India." Towards the conclusion, it is stated:

"It is urged that the Working Journalists Act should be repealed and journalists should be brought on par with others. The Government of India should rescind the Wage Board decisions which are contrary to natural justice."

It is clearly stated as to what they aim to achieve by their present manoeuvres. When such is the position, it is most regrettable that one former Governor should have come all the way to New Delhi to espouse the cause of the newspaper owners and another former Governor should have found it convenient to appear in the Supreme Court to defend their case. I should have thought that our ex-Governors will find better jobs than this miserable advocacy of the cause of the exploiting classes, in this case the newspaper owners. I hope, Sir, in this House, this measure will *meet* with the unanimous support of the

Members. We should unanimously rally behind the cause of the working-journalists. That should be our answer to these people and I think this is one of the cases where we can express public opinion in this House. When I say this thing, I speak in no party terms, nor even in a partisan sense because I know that what I am saying and will be saying in the course of my speech is shared by many Members opposite. Seldom have we had so solid a case as that of the working journalists to defend in this House but, Sir, I regret that it has not been yet possible for us to ensure a fair deal for the working journalists. Sir, I would like, in this connection, to refer to certain observations made by one of the greatest living Judges in our country, I mean Mr. Justice Chagla. I recall his words because they carry great weight in the country and it has been shown how fair and just he is in his dispensation of natural justice.

SHRI AKBAR ALI KHAN (Andhra Pradesh): A Judge cannot administer natural justice.

SHRI BHUPESH GUPTA: This is what he says:

"A lawyer or a doctor only starves if he has no work to do. But a journalist starves even when he works and works hard. I know the deuce of frustration and bitter cynicism from which a briefless barrister suffers. But that frustration and cynicism does not have very serious consequences. But in the case of a journalist he has to do his day's job whatever his mental suffering may be. Such mental suffering must leave its mark upon the work produced by the journalist. The journalism which comes from the pen of frustrated and embittered men cannot by its very nature be healthy and robust journalism. And therefore I am as anxious as the Press Commission to see that our working journalists are paid a living wage, that they have security of tenure, that in old age they are

[Shri Bhupesh Gupta]
not thrown on the scrapheap but
receive a proper pension or
gratuity."

I quote this thing because I know much reference will be made to the Supreme Court Judgment. Here is one of the distinguished Judges of our country whose integrity, character and sense of justice are established factors and of which we are very much proud. In spite of all that, this is what happens today. I would like to know from the hon. Members who support the case of the employees as to what they have to give in answer to this. What Mr. Justice Chagla wanted to do, we have not been able to do. Here, the statement prepared by the newspaper owners speaks of natural justice and this is what one of the Judges in the country looks at the problem. Sir, where are we standing today? That is the problem as far as the question of the demands of the working journalists is concerned and it is for the House to consider. I should, in this connection, refer to the origin of the dispute because it seems that the employees are interested in dragging on the dispute; it seems that they think that if they can keep alive this problem, if they can prevent a solution of the problem, if they can keep on the dislocation, it helps them. Maybe they have their own reasons. In 1950, the All-India Convention of the Working Journalists held at Delhi demanded an enquiry into the conditions of the working journalists. About eight or nine years ago, the voice was raised that something should be done; that the voice had not been raised earlier but raised from an all-India forum of the organised working journalists for the first time. In 1952, the working journalists demanded the appointment of a press commission and also more or less formulated their major demands. Later on, we know, the Commission was appointed. In

In 1954, the Press Commission submitted its Report in the month of July and in 1955, Parliament discussed it; we discussed it in this House and in the other House. We expressed our

reactions on the Report. We gave vent to certain feelings and ideas and gave our considered opinion. It is a well-known fact that the report of the Press Commission was unanimously, almost unanimously if not unconditionally, supported by both Houses of Parliament. There had been very few reports in the country which won so much of public support, not only in Parliament but also outside. This is a fact which must be borne in mind when we are dealing with the question of the wages for the working journalists. Sir, we are now in the second half of 1958. Four years have passed since the Press Commission submitted its Report and six years have passed since the working journalists made a representation of their demand and still we are debating as to what procedure should be laid down in order to fix the rates of wages of the working journalists. Well, it does not speak well of our state of affairs, of the state of affairs in the country, that we should have taken so long a time. Now, Sir, something must be very wrong with the administration or somewhere else also. Let us face facts. Why is it that it has been found so difficult even to fix the wage rates of the working journalists? They are not many and the industry does not present so much of complicated problems as certain other industries present. Sir, obviously we are not handling our affairs; obviously, the Government is not doing what it is expected or something is coming in the way of the Government when it seeks to do even a little thing that is promised in this measure.

I would ask the House to ponder over this state of affairs because we have to seriously consider as to why such a delay should have occurred. Is this how we are going to promote social justice? Is this how we are going to bring about industrial peace in this country which we so much talk about? Surely not; eight years is a long time. If we cannot settle a dispute of this kind and solve a problem so simple as that in eight years' time then I think we have to find where

we are wrong. Naturally, we all feel a bit disappointed by this.

Now, let me come at this stage to the conditions in which the working journalists live and work. That melancholy story has been told at length in the Press Commission Report and it does not need to be recapitulated here. I would only like to mention some up-to-date facts because it is four years since that Report was presented. According to our information, at present there are about 3,000 working journalists. This is the position today. According to the Press Commission Report 189 newspapers employ 1,135 working journalists and out of these 684 working journalists were in 36 English newspapers. Now, Sir, 60 per cent of the working journalists were concentrated in the four metropolitan cities, namely, Bombay, Calcutta, Madras and Delhi where problems of living are becoming acute every day. This was the finding of the Press Commission. You will agree that in these four years the living conditions in the cities have become much more difficult than they had been four years ago. If anything, the working journalists would be entitled to a greater benefit than that envisaged by the Press Commission at the time of its enquiry. The editorial staff of the Indian language newspapers comes to about 1135. Compared to the number of papers this is extremely low. According to the employers the working journalists of all papers account for only 8 per cent, of the total cost of production. What do I find from these? These figures are significant figures which show that the working journalists have to bear a heavy workload. Few people have to do a lot of work. Compared to other countries perhaps one working journalist in this country has to bear the workload of two or three journalists abroad. It also shows that the management or the proprietors spend a very small fraction of their revenues or earnings for meeting the demands of the working journalists. These are telling stories. Hon. Members should

consider as to how we can improve journalism in our country and guarantee an advance in the standards if we continue to put more and more burden of work on the working journalists on the one hand and deny them the barest living conditions on the other. These are figures taken from the Press Commission Report and I do not think they will be challenged by anybody, even by the employers. With regard to the average pay, we do not have exact figures but it appears that the majority of the journalists in our country get less than Rs. 100 or so. There are some 500 or so who may get over Rs. 200 but over 2,500 or so would be in the category of Rs. 150 and less. There are many who get less than Rs. 100 or so. These facts have to be borne in mind when we are discussing the question of fixation of rates of wages for the working journalists. Here I would like to draw the attention of hon. Members to the recommendations of the Press Commission. The Press Commission recommended a basic wage of Rs. 125 plus Rs. 25 dearness allowance; that is, emoluments totalling Rs. 150 in basic wage and dearness allowance. The Wage Board which has come in for so much attack recommended only Rs. 120, Rs. 90 being the basic wage and Rs. 30 being the dearness allowance. This is the recommendation of the Board and it is less than what the Press Commission recommended, whereas the cost of living has gone up and the Wage Board would have been justified to recommend a higher scale of pay, higher than what was recommended by the Press Commission. I would like hon. Members who will be speaking on behalf of the employers to tell us whether they have got any objection to this, whether they would like it to be increased if they have an eye on the cost of living or whether they would like it to be diminished if they have an eye on the employers' purse. As you know, there was a big battle and two cases were before Press Commission, on the one hand the case of the working journalist backed by their own memoranda of demands and

[Shri Bhupesh Gupta.] their movement and on the other, the rise of the employer, and there is no denying the fact that the case of the working journalists triumphed in that context before the Press Commission. After that and during that time the Press owners or the newspaper owners resorted, as they have been doing even now, to all manner of threats and victimisation. Pressure was brought to bear not only on the working journalists but also on the Government in order to frustrate the work of the Press Commission and its decisions. Sir, this constituted the grand strategy of the employers to sabotage at that stage the work of the Press Commission—and I would ask hon. Members to note this—because what they are doing now is only a continuation of that strategy because, having failed to prevent the recommendations of the Press Commission from being placed before the country, having failed to prevent the Government from making any move whatsoever in this matter, now these employers are interested in creating obstacles at every step in order to scuttle whatever stand the Government might take to protect the interests, to advance the interests, of the working journalists. Sir, they acted from their position of strength—I am using political language—these newspaper owners seem to think that they are acting from a position of strength. And they count on the money, monopoly and manipulations which, permit me to say, the bourgeois society offers to them. This is their policy today, and, Sir, the same strategy of course will be continued, as I have told you. If we sum up this aspect of the story, what do we find? Concealment of facts about finance, manipulation of accounts, intimidation and victimisation of the working journalists, expensive litigations against them, attempts at blackmail and at bringing pressure on the Government, these are their methods and tactics for achieving their anti-social objectives. Today their anti-social objective is how to deny the working journalists a fair

deal, how to keep them down under their heels. This is their objective and I would therefore ask hon. Members of this House to take a very serious view of this matter because we cannot pass over this lightheartedly in silence; when we know that a powerful organised sector in the community is up against another section of the community whose case is just, it is the duty of Parliament to powerfully and unequivocally take the side of the aggrieved and give protection to it. We have to do so; we have to defend their interests, the interests of the working journalists because they have been suffering at the hands of the exploiting employers. It is our task to take up their cause and strengthen it and we are going to do so. Sir, we must counter the manoeuvres and moves of the employers and we should be sorry if any one of us got in any manner associated with their moves. The employers should be given a fitting rebuff.

Let me now come to the decisions of the Wage Board. Much has been said about the Wage Board decision, as if a great crime had been committed by the Wage Board. There was a howl from the employers and among other quarters as if justice had been brought down to dust. What was the decision of the Supreme Court and what were the decisions of the Wage Board? I would like to point out that except in six cases, in all other matters the decisions of the Wage Board were unanimous. And the Wage Board was constituted of an equal number of employers' representatives and the working journalists' representatives. That is to say, the employers committed themselves at least morally and otherwise to all other matters on which agreed decisions had been taken. With regard to six matters they might have certain grounds for qualification. Now, the decisions had been taken through mutual consultations, the decisions were taken with a view to, as far as the working journalists were concerned, settling the dispute amicably across the table by mutual talk and ar-

iving at certain honourable and amicable solution of the problem. Then, Sir, after the decisions were out Government took and particularly the Labour Minister took, the initiative in calling a tripartite conference of representatives of Government, representatives of working jour nalists and representatives of the employers. Naturally efforts were made there in order to see how these decisions could be implemented. It was agreed that the employers should not go to court and the working journalists should not also take certain other militant, offensive actions. A gentleman's agreement was arrived at. Then, what happened? A strange thing happened. On the one hand, they were talking about this thing. On the other hand, they were preparing for litigation. On the very 'day on which this agreement was arrived at and a decision was taken to aDpoint a kind of committee where all the interested parties could discuss and settle matters, a petition was filed on behalf of the employers by the legal subcommittees of the employers, in the Supreme Court challenging the entire Wage Board decision—a breach of faith, dishonourable conduct. And certainly it does not show any semblance of good faith. Were they not indulging in double dealing—these employers—now it is for the House to judge. How can you deal with a set of people who are so unscrupulous, who do not believe in any canons of public behaviour, who talk and come to an understanding only to violate them, who talk for agreement and settlement only to question the decision which they have arrived at in the Supreme Court? How can you deal with such people? If we find that these committees are not in a position to deal with this lot of people, it is our duty, I submit, to Dass such legislation where we shall lay down the law and then call ut>on them to implement that. I doubt to what extent these employers are worthy of honourable discussions and honour- I able negotiation. It is for hon. Members in this House to judge and consider. Then, the hon. Minister has said

this morning that the employers did not want to implement the decisions of the Wage Board and he has shown how they are against the Working Journalists Act itself. Now, something more should have been said. I would have liked him to say what he said in the other House. He also said in the other House: "The working journalists did not come in the way of any settlement." This is what he said, a clear, categorical statement, coming from not a communist, not a Member of the Opposition, nor a vociferous member on the Congress side, but one who occupies a Cabinet position, who cannot be accused of taking a very biased attitude this way or that way. I must pay a tribute to the hon. Minister because he has acted in this matter in good faith and he has worked for a solution of the problem. He had been very badly let down by the very people whom other members of the Government are fond of patronising all the time.

Sir, now I should like to examine the decision of the Supreme Court. The employers contested the decisions of the Wage Board, as far as I understand, on eleven counts before the Supreme Court. They went with a big noise. They went like a rocket. They threw their case like a rocket, but it came down like a stick. You will see that on all counts the Supreme Court rejected their arguments and only in respect of one the Supreme Court held their contention and that also by qualifying it. This is what was said. The Supreme Court said that the Wage Board in arriving at its decision had not acted in accordance with section 9 (1) of the Working Journalists Act. According to the Supreme Court, the Board did not act in conformity with what they understand as natural justice. This is there. And they pointed out that the decisions had not been communicated to the parties concerned, employers concerned, so that they could make representation. Now, the argument about regional basis, and all that had been rejected. The argument about deciding on the basis of individual unit

[Shri Bhupesh Gupta.] has been rejected by the Supreme Court. I would like the hon. Members who would be speaking in support of the employers to carefully enlighten us on the details of the judgment of the Supreme Court, rather than raise a row about the Supreme Court judgment in order to drown a just case, in an attempt to drown a just case. Now, with regard to the Supreme Court judgment, the journalists had their case. One of their points was that the decision of the Wage Board was not a kind of judicial or quasi-judicial decision. They pointed out that the functions of the Wage Board were not like the functions of a judicial court which should be subject to review by the Supreme Court. They pointed out that such functions were of the nature of a legislative function, delegated legislative function. Now, I need not go into that. The Supreme Court did not give any verdict on the particular point. This seemed to be an *obiter dictum*. They have not pronounced as to whether the functions of the Wage Board were of a legislative nature, or of a judicial nature. However, the Supreme Court decided to declare that a particular clause, section 9 (1) was not adhered to and certain things had been done not in conformity with natural justice. Then the most important thing for us to note in this connection is that the Supreme Court did not say that the scales of pay as such were wrong. That is not the contention of the Supreme Court. The Supreme Court judgment relates to the manner in which the scales of pay had been arrived at. That is to say, the judgment relates to a matter of procedure. It is therefore, pointless to quote the Supreme Court judgment in order to say that the scales of pay were wrong. That cannot be done. I am not suggesting that the Supreme Court had said that the scales of pay fixed by the Wage Board were right. Neither have they said that. But those who are interested in using the Supreme Court judgment, because certain procedure under the law or in conformity with natural justice according to the Sup-

reme Court had not been followed^ will please remember that as far as the Supreme Court is concerned it has not given a verdict on whether the pay scale should be the particular amounts that had been mentioned or not. Let there be no mistake about it. Therefore, we are concerned here with the question of procedure. Now, this Bill seeks to rectify the procedural lapses according to the Supreme Court that had occurred. I should have thought that those people who are interested in a just procedure, people who are interested in seeing that the rules of natural justice are obeyed would now be satisfied at least since the procedure laid down in this Bill would fulfil the requirements of section 9(1) of the Working Journalists Act. But they are not happy at all. They are challenging now the whole thing. Therefore, I think that much of the argument that had been advanced in this connection by the employers is not only being advanced in bad faith, but is something which is mischievously wrong and we ought to take note of it.

3 P.M.

Then, Sir, according to the Supreme Court, the Wage Board should not have fixed the wages, or for that matter the Government or for that matter any institution, on an all-India basis. This is their position. It seems. Sir, that the proprietors have gone back on all the commitments they have made earlier. They want even the fixation of the minimum wage to be left to the State. They want the scales to be determined at the State level by the tribunals, by adjudication, on the basis of the capacity to pay of individual units. We should not be taken in by their words. They have recourse to State tribunals. If you call it madness, it is a madness in which you see the greatest of methods. They want the Central Government and Parliament to be completely taken out of the picture and the whole thing to be left to the State where they can carry on their dilatory tactics and frustrate the fixation of the wages.

This is their idea. Sir, it is not difficult to understand the reasons why they have taken such a great fancy to the State and the adjudication tribunal. We know if this process were to be accepted or given encouragement, there will be no end of this dispute. The working journalists will never get the remedy they have been fighting for justly all these years, but on the contrary this procedure will land them into litigations and all kinds of difficulties and troubles out of which only the employers will gain. Well, they are very fond of the States, but we know why they are so. It seems that some bosses in the newspaper field have got greater pull with the State Labour Ministers, Labour Ministers in the State Governments where they can perform their tricks. We should not be misled by this thing. They do not very much like Mr. Nanda. He is subject to attack by them, and when he is subject to attack by them I feel that he is doing the right thing, and whether we like it or not we stand by him. Now, we want the whole thing to be taken out of the State level. After all we know of States where Labour Ministers had been associated with the Newspaper Trusts, as in Bombay. We know of a State where the son of a newspaper owner is a State Minister in a particular Government. Therefore, they want to go there. These gentlemen would come to their rescue and the newspaper owners would have their pull with them. Therefore, we are opposed to this kind of thing. This is another strategy they have developed. Many-pronged attack they carry on to get out of it altogether. Therefore, they say they want adjudication. The whole series, the labyrinth of tribunal and everything will be there in order to spoil the whole thing and wreck the working journalists' case.

Now, Sir, I should like at this stage to deal with the question of capacity to pay. I would ask the hon. Minister to consider what I am saying. This is no new argument. Whenever the working people have advanced

their demand for a wage rise, this plea is raised by the employers. They say that their capacity has to be gone into, pleading that they have no capacity to pay. Yet, whenever these employers are forced either by strike or by direct action or by a tribunal to disgorge money to meet the demands of the working people, we find they enjoy the capacity to pay, they do not go out of existence, and all their noise about their incapacity to pay disappears. They pay and they carry on.

Sir, in this connection I should like to give a particular experience of mine. In 1947 I appeared in a tribunal on the side of the workers together with two of my comrades in Calcutta. The employers' case was that they had no capacity to pay and much noise was made about it. Right. We went to the tribunal. A strike was called for 90 days. What happened? We won the case, and the employers disgorged, I think, about Rs. 20 lakhs straightway and accepted wage increase, dearness allowance increase, and even agreed to pay, according to the tribunal's verdict, the strike wage for 45 days. We found that they were quite capable of paying. Am I to understand that the Indian Express is incapable of paying if you make the award? Am I to understand that the gentlemen of big money who have grabbed our Press are not in a position to pay? Should we lay down that this payment must be made to the working journalists? Well, they may shout, but the moment we compel them to pay, they will pay and carry on, because profit is their mission in life, and still they can make profit. They will not go out of business, they will not become the proletariat. They will continue in their places. The only thing is grudgingly they will be paying the money.

Here I should like to take the case of the newsprint. Newsprint accounts for 45 per cent of the production cost. Please note this figure, this is very important. Newsprint costs 45 per cent of the total produc-

[Shri Bhupesh Gupta] tion cost of the newspaper that we read. When the price of the newsprint went up from £45 per ton to £115 per ton during the Korean war, the Press kings did not stop publishing the papers, nor did they plead incapacity to pay. How could they manage! But at that time if certain demands had been made for wage increase, surely they would have raised the same plea as they are doing today. They continued their business, they made their profit, they went on, and some of them had fattened themselves after that price increased from £45 per ton to £115 per ton in respect of that item in production which makes almost half the total cost. An enormous amount of extra money they had to find in order to keep the Press running. They did so. Today they are pleading incapacity to pay.

Then, Sir, as we all know, there is a newspaper known as the Times of India. It always pleads incapacity. We know how it has behaved, but we know that it controls a number of papers. When someone connected with the Times of India was arrested on a charge of defalcation of insurance funds, and so on, Rs. 2J crores immediately came from a friend of his. Where was the incapacity there? There was no tribunal, there was no dispute, there was no Supreme Court. A gentleman appeared from the blue suddenly, a relative of his, and said that he was prepared to compound the case by paying Rs. 2J crores cash down. The solution came. Am I to understand that in order to make these Pressmen, Press barons, realise their capacity to pay we have to arrest such people and put them in such a difficult condition so that their brothers-in-law and sons-in-law come to redeem them by paying heavy amounts. Ours is not that way.

Then, Sir, I would like to draw the attention of the House to the findings of the Press Commission. The Press Commission examined some aspects of the finances of the Press.

Out of 127 newspapers that supplied figures to the Press Commission, 68 were running at a loss, while 59 were running at profits of about 1 per cent on a total capital investment of Rs. 7 crores. These figures were arrived at on the basis of the earnings at the time of the Korean War when the cost of production went very high on account of the rise in newsprint prices. But then it was not properly made, everyone knows it for a fact. Everybody who knows our Pressmen knows very well that the average profit is much higher. Of course some newspapers have earned much higher profit—even here was a margin of 50 per cent. Even according to the Press Commission the average profit of the industry as a whole would not be less than 2 to 3 per cent, on the total capital investment of Rs. 7 crores. Therefore, the Supreme Court was right when it considered all these matters and rejected the contention that the capacity of each unit should be gone into. It said, "Nothing doing; it is not necessary to go into the capacity of each unit." I trust that those who are interested in quoting the Supreme Court Judgment would read the judgment a little more carefully and see the spirit in which it has been delivered. Just because certain procedural rules had not been, according to the Supreme Court, observed, one should not come to the conclusion that Supreme Court has completely demolished the case and has established the case of the employers and there is nothing left for us to submit to the upreme Court in the name of natural justice and so on.

Coming to the present conditions, in 1952, 122 newspapers had a circulation of 18,03,818. In 1957, this circulation went up to 23,31,730, as per the Audit Bureau of Circulation report. What does it show? It shows that in this period, the circulation had gone up by 29'8 per cent. Am I to understand, when the circulation goes up, that the profits go down? Then, of course, the newspapers would not be interested in increasing the circulation. Yet, we find our newspaper

barons are interested in increasing the circulation and are having an increased circulation. Compared to the days of the Press Commission, the position is much more improved. It is much better for them to meet the minimum demands of the working journalists. Why then is this sturdiness, why then is this callous denial of the demand of the working journalists? Why should they sabotage the whole thing? For the life of me, I cannot understand, Sir.

Advertisement revenue is another source of income. According to the Annual Report of the I.E.N.S.—I am quoting their figures themselves, I am not quoting our figures, I am quoting the Holy See itself—in 1953; in the advertisement revenue was 1.93; in 1956, it was 2.66, all in crores. That is to say, a rise of 37 per cent was registered in a matter of three years in advertisements. The revenue does not include the advertisements placed by the local bodies, corporations, Governments—Central and State—and certain other classified advertisements. The revenue would be of a much higher order if we include the earnings on account of these advertisements. Luck is on their side. The introduction of naya paisa again brought a windfall to them of the order of Rs. 75 lakhs. This is how they are getting money. Rs. 75 lakhs just because we passed from one system of coinage to another! Many benefits had not gone to the poor man, the working journalist. Benefits—unjust benefits—have been pocketed by the employing class, the newspaper owners.

Now, we will hear in this House a lot of talk about the small and medium newspapers. Whenever we come with any social legislation directed against the big bosses and for protecting the interests of the 'E' class, there is talk of the small band. When it is the Company Law, you hear about the small shareholders who are spread all over the country, not the big directors. You come to the newspaper,

what will happen to the small and medium newspapers! Some non. Members throw up their arms in horror. "What will happen?" But then, I would ask, "What is there about the medium and small newspapers?" We have seen how the big newspapers are interested in crushing the small and medium newspapers in severe competition—unjust competition. It does not lie in their mouth to speak in terms of the small and medium newspaper. He will tell you—his story of competition, his story of unjust attack, coming from the big newspaper owners. I repeat, some hon. Members take up these misleading arguments. Sir, we are also interested in small and medium newspapers. But then, we would like to point out here that the Wage Board fixed the minimum wage in respect of 'E' class newspapers, that is to say, newspapers whose revenues come below Rs. 2,50,000—they fixed it up at 90+30=120. Well, how could they live unless you give them even 120, to a small newspaper? The small and medium newspaper, if they employ some people, must give them that money; they must give them that remuneration. Otherwise, it will be slave—driving in the name of protection of industry, in the name of protecting the small and medium newspaper industry. We cannot possibly create a state of situation where there will be simply exploitation of human labour and human talent. We can never go in for that kind of things. Then again, small newspapers employ very few people from outside. They manage with their friends and others. In any case, the employees there are very few. It is not the small newspapers that account for the largest proportion or the biggest chunk of newspaper journals in our country. There, let us not raise this argument about small and medium newspapers in order to create confusion, in order to cloud the real issues and try to get some kind of a sympathy from those people who, like us, are genuinely interested in all the legitimate interests of the small and medium newspapers. The fact is that when the)

[Shri Bhupesh Gupta.] decisions of the Wage Board were announced, it is the small and medium newspapers—a hundred of them—who implemented the decision, whereas the big newspapers continued to defy, continued to threaten and continued to black mail. This is the story. Here, I should like to draw the attention of the House . . .

MR. DEPUTY CHAIRMAN: I have got 20 names.

SHRI BHUPESH GUPTA: I will continue.

MR. DEPUTY CHAIRMAN: I have got 20 names before me.

SHRI BHUPESH GUPTA: We can take a lot of time on this.

MR. DEPUTY CHAIRMAN: Please listen.

SHRI BHUPESH GUPTA: I know. We can see about other things. Sir, I am coming towards the end of my speech. If you will give me . . .

MR. DEPUTY CHAIRMAN: I only tell you to be brief. There are 20 more speakers.

SHRI BHUPESH GUPTA: I knew that thing. It will be difficult, but not for you. Here is a big case.

MR. DEPUTY CHAIRMAN: Therefore, I have to say this, so that there is no repetition.

SHRI BHUPESH GUPTA: I will try to minimise the time. Only I would like to place the facts before you.

MR. DEPUTY CHAIRMAN: That is all what I wanted to tell you.

SHRI BHUPESH GUPTA: Coming to the big newspapers, we are concerned with them. Is it the small newspapers that went to the Supreme Court or is it the small newspapers that can easily invite a former governor? It is

not the small newspapers. Governors do not go to small newspapers; they go to big men—big men like them. About newspaper control, the Press Commission pointed out that five owners controlled 29 newspapers with 30.1 per cent. of circulation. Fifty owners controlled 54 newspapers with half the circulation—50.1 per cent. The Press Commission pointed out:

"There already exists in the Indian newspaper industry a considerable degree of concentration."

We are dealing with this concentrated force, not the newspaper industry. It is they who control the circulation, it is they who control the finance, it is they who employ the largest number of people. Let us direct our effort towards them; let us deal with them first and we shall see what happens to them later. I would like the hon. Dr. Kunzru to come out full-throated against the big employers and then I shall be with him, I shall take counsel with him, to protect the small and medium newspapers. They deserve to be helped even in this matter. But, Sir, we won't like this. This argument should be given no quarter. We are told that they have no capacity to pay. Argument is being paraded every day. But you see, at Mathura Road a palace is coming up—a big palace. The bank advances Rs. 55 lakhs to the owner of that newspaper, "The Indian Express". Well, am I to understand that they are so incapacitated that they cannot fulfil the conditions of the Wage Board? Am I to understand that unless we give them full concession and absolve them from all responsibilities from the implementation of the decisions of the Wage Board, the newspaper industry will go to the wall? This is the question that I put before the hon. Minister in this House.

I would like in this connection to-recall to this House—because 4 years have passed—the findings of the Press Commission. With regard to the industrial aspect of the newspaper industry, the Press Commission made

the finding that the industry was based on fraud. It is sometimes necessary, when we are faced with the facts, to remember such good statements and findings of the Press Commission which this Government appointed. Let us not forget that the Press Commission said that it is an industry which had been built at the top level, on fraud. They advance the argument that they are incapable of paying. They are suspect. Now I say I don't accept their argument. I think this is another piece of bad faith and this is another piece of exhibition of their arrogance in such matters. Now, because this is the main thing, I would ask the hon. Labour Minister to bear in mind that he will be faced with all kinds of false representations when the Committee undertakes its work. But then big newspapers—most of the leading newspapers, "Amrit Bazar Patrika" for example, how do they manage their finances? Relatives, friends of shareholders are all employed on the managerial side. The managerial side—I come from Calcutta and I know—is filled with so many people, excessive number of people. The posts are there in order to find positions for the relatives and friends of the proprietors of that paper. Now cousins, nephews, sons-in-law, they all congregate in that office in the name of running that industry. What they do, I don't know. Scarcely have I found any of them writing. As far as the editor of that paper is concerned, his qualities in writing, as far as I know, do not extend beyond writing certain personal letters and I doubt even if they write these letters correctly. His distinction in journalism lies in counting the coins rather than in writing, and he has developed it into a fine art. They get other people to write editorials and other things. This is the position. The editor's salary goes to him and of course the editor is well-paid because he has to do the job by proxy. A proxy is always well-paid as you know. But as far as the reporters and others are concerned, they are very ill-paid. Finances that should go for meeting the demands of the working journal -

ists those who produce the paper, are withheld from such people. The finances are set apart. They do not go towards the demands.

Then there is a paper in Kanpur; because I will be accused of provincialism if I only restrict my remarks to Bengal, I would come to hon. Pandit Kunzru's land. There is a paper of Kanpur called "Jagaran" The editor there gets Rs. 800. I don't know how big that paper is, but it seems that all journalistic prodigies are in that office. One son is a sub-editor and gets Rs. 250. You can Kit ask me to give the name but I have got it. Another son is reading in Lhe Lucknow University. He is the Lucknow representative of the paper and gets Rs. 200. Then there is another son 15 years old. He gets Rs. 150 as a correspondent. Then there is another little son, 5 years old, and he gets Rs. 125. That is the position. Unfortunately I find that the daughters do not feature in the list. I don't know if this gentleman has any daughter but I should be surprised in such a great family of journalistic prodigies if daughters were so much left behind. In any case in these days of equal status for men and women, I don't see why this particular editor should not take into his head that equal status should be established there also between son and daughter.

Now take the case of the Indian Express Group—the biggest chain in the country, a monolithic organisation, a tycoon that is developing before our eyes. The total circulation of the 5 papers is 3 lakhs a day. As I have stated, they got an advance from the Reserve Bank or the State Bank of Rs. 55 lakhs or so. They are favoured by the Ministers. One of the Ministers goes and lives with that hon. man there in Madras whenever he goes to Madras, but he forgets that the son and daughter-in-law of that proprietor were prosecuted for violation of foreign exchange regulations. Ultimately the case against the daughter-in-law was dropped and the case against the son is still pending. I would like to know why in the name

[Shri Bhupesh Gupta]
of fair journalism and dissemination of truth and gathering information this little but of news is not being published in the press. Now these properties are being bought. When the journalists starve, when their demands are being denied, landed estates are being acquired by the newspaper; funds are being utilised. This is the other side of the story.

Then I come to the formidable paper—it is not a chain but it is powerful—"the Hindu" of Madras. Many of you come from South India, and some of you read "the Hindu". I also read it. Here again, as you know, the moneys are being utilised for buying landed estates and buildings. The Kasturi Estate has been set up under the ownership of two sons of the editor-proprietor. He does not feature very much. I don't know what kind of transaction it is. Now the Kasturi Estate is buying properties and that is how the money earned by the sweat and toil of the journalists is being utilised for building up zamindaris, building up estates when the journalists are being denied a fair deal. Then recently you must have heard of it, there was a dispute in "the Hindu". All kinds of complaints had been made and the proprietor of "the Hindu" sent telegrams to the President, the Prime Minister, the Vice-President, Pandit Pant and others. Obviously he must have very good pull somewhere because he is easily enthused to send telegrams to such high quarters. I am not going into that but then how did he behave? Here the disputing union's statement—the statement of their own journalists' union—was not published in that paper. This is how they handle their dispute and treat their journalist. I would like to point out in this connection that the General Secretary of the Madras Journalists Union, Mr. Narasimhan, who was an employee of "the Hindu" was sacked last year by the proprietor and then when the matter went to the Court as an industrial dispute backed by his

fellow journalists, the proprietor challenged it saying that it was not an industrial dispute. Then certain workers signed—employees and journalists—a statement saying that the dispute was an industrial one and it had their support. Next day the proprietor called all the signatories and threatened them and said if they withdrew the signatures, then the Wage Board decisions would be implemented, and somehow or other they were persuaded to withdraw, pressurized to withdraw, the signatures, but the tribunal still held that it was an industrial dispute whereas the employer said it was an individual dispute. Now the tribunal gave the award and they have filed an appeal in the High Court. This is how they behave. Incidentally the hon. Members should know that the proprietors and editor of "the Hindu" is also a Padma Bhushan in our country. I don't know, when such lotus eating managers become Padma Bhushan so easily, what will happen to the dignity of the land.

Then let me come to "Anand Bazar Patrika" of Calcutta. That concern is in Calcutta and "Hindustan Standard" is another establishment. They are under the same ownership. Suddenly you find they are bifurcating it. Here is a separate company and there is a separate company. Why this division? Is it a joint family of the proprietor of this paper? Nothing of the kind. I could have understood if two brothers had divided the property. Nothing of the kind. The division is there because they want to cheat the Wage Board decisions and they want to be placed in Class II so that they don't have to fulfil the obligations that go with Class I papers that they are. So this division is taking place. I would ask the hon. Minister as to what he is doing to frustrate this thing. Even under the old law, you can take action. Under the Books and Registration Act I don't know whether it was not possible to take action. Everybody knows that the same person owns all these things. The division is notional, fictional and

what legal semblance is there has i been given with a view to evading the I obligations under the law. It is like ' the landlord, in order to evade the teulings, dividing notionally the property among brothers. Joint family means joint family but *fhere* it is not even a case of joint family. One head is doing all this.

Then there is a paper called "The Samyukta Karnataka" from Hubli under the management of the so-called Saurashtra Trust, which is i under the ex-Governor who took the trouble to come to Delhi to deliver this discourse on what he considered to be the rights and duties of the newspapers and what he considered to be the legitimate interests of the employers. Now the auditor made a report thatt he funds were being fraudulently manipulated to cover up defalcations. What happened? The auditor was sacked, just as a journalist is sacked when he tells the truth.

Then there is the "Bombay Chronicle" another big paper. It has got a commission of Rs. 41,000, plus an overriding commission of about Rs. 41,000 and 5 per cent on sales. That paper is yet another which pleads inability to pay. Then there is the "Jai Hind" of Rajkot. There the editor ge^t) Rs. 2,000. His son seems to have taken a liking for journalism and he gets Rs. 600. His brothers, not so well disposed to journalism, perhaps, they have been put in the press that prints the paper. Then again . . .

MR. DEPUTY CHAIRMAN: You need not go into individual cases.

SHRI BHUPESH GUPTA: But I have to, Sir. Anyway, I have finished. There is the "Indian Nation" owned by the Maharaja of Darbhanga. I do not know if the Maharaja of Darbhanga is an East Bengal refugee who could plead inability to pay.

There is then the "Times of India" and connected papers. Their gross revenue was Rs. 2^44 crores, but they have managed to show a loss of Rs. 11,877. I think in the world where

the owners of the "Times of India" live there is no end to manipulation. Manipulation has developed into a fine art and crores of rupees of profits are reduced, and, as if by a magic wand, transformed into a loss of several thousands of rupees. Here is a matter for inquiry. When I mention these things, I mention them not for nothing. I want the hon. Minister to unravel the mystery of how about Rs. 2-5 crores of profit could ultimately present itself as a loss of about Rs. 11,000 odd.

Then there is the price of the newsprint wastage. Generally it is allowed at 5 per cent or so; but many papers show 10 per cent of newsprint wastage in order to deplete their account out of which the money has to be found to meet tlie cost of the implementation of the decisions of the Wage Board. Then the travelling allowances are shown at a very high level in certain newspapers. This is another technique. I do not know whether there is any other industry where so much technique has been developed in order to cheat the, public, to cheat the employees, the working journalists and the Government. It seems that even aftjer the recommendations of the Press Commission abom the character and qualities of the class of gentlemen who control the newspaper industry, they have not changed their way, they have not improved themselves. On the contrary, while previously perhaps the flesh was willing and the spirit was not, it seems now both the flesh and spirit are not willing. That is the trouble. For that they have to be dealt with some rigour of law. Therefore, I say that capacity to pay is an exploded argument. The hon. Minister should not be very much bothered about it because it had been gone into by the Press Commission, it had been gone into by the Wage Board ar.d it is a notorious fact that needs no enquiry, that most of the top notches in the newspaper world are quite well-to-do and more than well-to-do, they control banks, they control in-

[Shri Bhupesh Gupta.]

dustries and any day they are in a position to meet all the demands of the Press Commission in so far as the financial implications go. Therefore, we need not be worried about this thing. Of all people, I hope the hon. Member, Dr. Kunzru, should not have been the person to take up their cause. This hurts me, for, after all, I do not put him in any such category. He is not a business man, nor a (t/c) champion of big business men. But sometimes it seems liberalism is taken advantage of by certain people for raising certain antiquated notions, in order to get away from their responsibilities.

MR. DEPUTY CHAIRMAN: You may leave him alone. You go on, please.

SHRI H. N. KUNZRU (Uttar Pradesh): I don't mind it.

SHRI BHUPESH GUPTA: The question of fixing wages on a regional basis does not arise in the case of the newspaper industry. The capacity to pay must not be the basis and it should not be calculated on a regional basis. Tell me, which region the "Indian Express" belongs to. Well, it is spread over Bombay, Delhi, Madras, Madurai, and if we should allow them, they will have their empire spread out elsewhere too. It is not the region, it is the industry that matters. Are we going to judge banks on the basis of their region? They are an integrated whole and they have spread out their tentacles and they draw money in order to cheat the Government and the exchequer, in order to evade taxes and for other reasons, and sometimes they have make-shift arrangements. So we should not be misled by these things. The newspaper industry has been rightly classified by the Wage Board and we should stand by this classification. Only we should take into account the question of location of a I

particular unit of the industry with a view to adjusting the dearness allowance and other things in relation to the cost of living. That is how we should view this matter. The newspaper industry should be treated not as a cherished preserve of these rich people. It should be treated as an important industry of public utility. That is most important. The Press Commission made certain recommendations to the effect that the newspapers in the country which mirror the life of the nation, which mould public opinion and which present India to the rest of the world should not be treated as the personal property of a handful of money-grabbers, financial sharks and manipulators of that kind. That should not be the approach of the Government at all.

Finally, I would like to say that all this is necessary in the interest of the standard of journalism in our country. We want a good standard of journalism in our country. That is why I am speaking, not only because the working journalists and their families deserve every sympathy and support. Yet another point for us to take into account is that of democratic journalism in our country. What comes in the way? First is this control by the monopolistic elements which have shown their teeth in this dispute. There is then the low emolument paid to the working journalist. The third point is this discrimination shown by the Government against the small papers and its giving heavy patronage to the big ones. In the matter of advertisements, despite the recommendations of the Press Commission, they are following a discriminatory policy. We know from our experience how they behave. Sometimes for the sake of showing that they are making no discrimination, they just give certain advertisements to some small papers, but generally their policy is to patronise the bigger papers. They are feeding the very mouths that are biting the Government. That is their policy. That should be stopped.

Another danger is this growing connection between some newspaper

owners at the top, millionaires, and the Ministers and high officials in the Government. I say this because, if this is allowed to continue in this manner, then, journalism would be in great jeopardy in this country and its progress would be retarded. It -will be distorted and made into a gutter journalism which subserves the interests of certain exploiting classes.

MR. DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: You know how some of the newspapers behave. As far as the big newspapers are concerned . . .

MR. DEPUTY CHAIRMAN: No repetition, Mr. Gupta.

SHRI BHUPESH GUPTA: It will not *he*, repetition, just listen, please. Now this discriminatory policy is not restricted to the Government. Newspapers are also discriminatory in the political life of the country. You have seen how they write about things. There is not a word about the trade-union struggle, hardly a word about the trade-unions, or about the kisan struggle or the struggle of the employees. This is not done. As far as we are concerned, lies and distortions have been flooding the columns of the newspapers. I am sorry if any working journalist is associated with it; but by and large, they are a patriotic class and I think sometimes some of them have to do an unpleasant job, not because they believe what they write, but because of the pressure brought upon them by the monopolists, although this is most regrettable.

I am, therefore, saying this thing in order to see that journalistic standard develops in our country because a healthy journalism, a democratic journalism, is essential for the upholding of our national life today and for making the nation conscious of the destiny and the task that lies ahead.

I have, more or less, finished my speech and I would like only to add

here again that it seems to me that it has become necessary for us to reorganise the newspaper industry. How it should be done is a matter for the Government to consider. There are certain very good and sound recommendations in the Press Commission and one is that no monopoly of ownership should take place. I think, Sir, I have placed the case of the working journalists and I think, Sir, have demolished the case of the employing classes, the newspaper owners. It will be for the hon. House to pronounce its powerful verdict against the case of the newspaper owners and support the case of the working journalists. We wish this Bill all success but I think much will depend on how we administer it. The committee should consist of the right type of people. I do not always have faith in Government officers, not that all are bad. Some of them are good but I would like to see good officers there. In the matter of selection, do not take people who are so biased in favour of the employers that their judgment will be vitiated, who have connections with the employers. I have narrated to the House the case of a particular Secretary to a Ministry who is connected with the newspapers, who writes all kinds of rubbish and nonsense. Such people should not be there.

Secondly, I think there should be a penal clause. I have given notice of an amendment for the provision of a penal clause. If a newspaper owner of an A class or a B class newspaper refuses to implement the decisions regarding wage rates, it is not as if we should merely send our inspectors or somebody and be content with it. Those people should be punished under the law. I have proposed in my amendment that in the case of an A class newspaper, the punishment should be of the order of a fine of Rs. 25,000 and, in the case of a B class newspaper, it should be Rs. 20,000.

MR. CHAIRMAN: You speak when the amendment comes.

SHRI BHUPESH GUPTA: But the penal clause is missing. I think these newspaper men merit some penalty. We have talked to them, we have argued with them and we have shown them the limit of our patience. We have negotiated with them and today we should speak strongly to them. We should take the powers of Parliament in our hand and we should call upon them to implement the decisions that may be given with regard to the fixation of wages. If those decisions are not implemented, we should tell them that they should be prepared for facing a court of law. Punishment should be meted out to them. This is how today, after all this bitter experience, could we proceed in an effective manner to fulfil at least some of the objectives and recommendations of the Press Commission which some hon. Members seem to have altogether forgotten.

Thank you, Sir.

SHRI BIBUDHENDRA MISRA (Orissa): Mr. Deputy Chairman, I rise to support the Bill. I must, at the outset, congratulate the Minister of Labour for having sponsored the Bill. It is high time, Sir, that a vital matter like this which has been pending for the last 6J years and which has been engaging the attention of all should be decided finally, finally at least for some time as has been envisaged in the Bill for three years. The vicissitude, the trials and tribulations through which this measure has gone is now a matter of history. Some facts of it have been narrated by our Labour Minister and some facts also have been narrated by the previous speaker, Mr. Bhupesh Gupta, and so I do not want, to cover the same ground and waste the time of the House. I agree with Mr. Bhupesh Gupta that the recommendation made by the All-India Conference of Newspaper Publishers is untenable but I do not agree with him when he attributes motives, when he makes insinuations

against some persons, persons who were holding esteemed posts in the public life of this country, persons who probably are holding now the same position today and, particularly persons who are not present in this House to defend themselves. To make insinuations against them on the sole ground that we cannot see eye to eye with them is a thing which is not understood by me. I do not see what wrong there is in an ex-Governor, after he retires, going back to his old profession, to carry on his old normal avocation. There is nothing wrong in it and it is also too much to say that because a gentleman who is opposing this Bill had come to Delhi at a particular time when this Bill was going to be taken up for consideration by the other House, he came here to put his influence, to put his weight against the Bill. I do not share that view.

Sir, while welcoming this Bill, I quite visualise the difficulties that this committee is going to face. The task of determining the employers' capacity to pay is going to be a difficult one in view of the attitude that the employers have already exhibited and in view also of what the Press Commission has stated in its Report regarding the accounts of newspapers but I hope that the committee will profit from the experience of the Wage Board and, armed with the powers given by this Bill, be fully equipped to deal with the situation. I would undoubtedly be very happy if the members of the profession to which I once belonged get their rightful place in the newspaper world, a place which has so far been denied to them. Well, Sir, while hoping for the best, we should not be too very optimistic and we must not leave any loophole in the Bill to be taken advantage of subsequently by the employers. The other day, as I read in the newspapers, the Labour Minister had stated in the Lok Sabha that he had taken every care to see that this Bill is both law-proof and lawyer-proof. I shall be indeed happy if that were so but, Sir, certain doubts, certain apprehensions, have cropped up in my mind which I feel it might be

better—and it is my duty also—to lay before the House. There are more experienced and mature Members and I would be relieved to be told that if hopes are dupes, fears may be liars. I shall presently state what I mean. Firstly, it has to be remembered that this Bill has been drafted only in the light of the Supreme Court decision, to provide for the omissions that the Supreme Court found in the decision of the Wage Board. It has been said that while making recommendations the main factor of the employers' capacity to pay should be taken into consideration. The question that arises is this: What will happen to those newspaper establishments about which no representation is made? Is the Committee going to consider their economic problems, their economic stability or not? That is the main point. In the light of the Supreme Court's judgment, it cannot be said that simply because a newspaper establishment or any working journalist connected with it did not make any representation as has been made by other parties, they have lost their right to come up against any decision of the committee afterwards. That cannot be said, Sir, because even in fiscal statutes, where the party does not appear, where a party does not produce its accounts, that party is not barred from raising its objections to any decision given by the authority. We have to see whether the norm, the standard, the requirements laid down by the Supreme Court—that is, the capacity of each newspaper establishment to pay—has been taken into consideration or not while making the recommendations. The hon. Labour Minister who has not stated anything about this, whether each and every newspaper establishment will be taken up or not, will please answer this point. Secondly, I refer to Section 6. I think so far as sub-clause (1) is concerned, it is not very happily worded. I will read it out for the convenience of the House:

"As soon as may be, after the receipt of the recommendations of the committee, the Central Govern-

ment shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations." I am taking objection to that part of the provision where it is said 'which,, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations'. Here I do not know why voluntarily the Central Government has thought it fit to put a restriction on its own powers. For example, so far as the date from which the rates of wages should take effect is concerned, the power to fix it has been given to the Committee. The Committee has the power to state whether the decision will be given prospective effect or retrospective effect. Supposing the Committee decides that it has to be given retrospective effect, can the Government in the face of this restriction say that no retrospective effect will be given to it? I think that it cannot do it. Therefore in my view the Government should not have put a restriction on its own powers. Secondly, I would like to draw the attention of Members. to sub-clause (2) of clause 6:

"Notwithstanding anything contained in sub-section (1), the Central Government may, if it thinks fit,—

(a) make such modifications in the recommendations, not being modifications of the nature referred to in sub-section (1), as it thinks fit; . . .

And the proviso is important:

"Provided that before making any such modifications, the Central Government shall cause notice to be given to all persons likely to be affected thereby in such manner as may be prescribed, and shall take into account any representations which they may make in this behalf in writing."

Sir, when it is already said that the Central Government is not going to make any important alteration that

[Shri Bibudhendra Misra.] would affect the character or the substance of the recommendation, if the modification is going to be only of a minor nature, there is absolutely no reason why there again should be delay by giving notice to the parties anrf. by getting representations from them. I think the Labour Minister said that the main purpose of bringing forward this special legislation was to avoid delay. My point is, if only minor modifications are going to be made, there is absolutely no point in asking the parties to make representations and then spend time in considering them. Inevitably delay will be caused thereby. Of course, I can see the logic behind it and the logic probably is that nothing should be decided at the back of a party against whom a decision is to be taken and that the party must be given an opportunity of being heard. But, Sir, the modifications being of a minor nature, I think this is unwarranted.

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Then, I would have been happy had there been some provision regarding small newspapers, some provision for the protection of small newspapers. By small newspapers I do not mean the class of newspapers to which Mr. Bhupesh Gupta has referred. It is well known that there are many newspapers in India—many weeklies and fortnightlies—whose total investment, whose total outlay must be bordering about a few thousand rupees. Some concession should have been given to them under this measure. A feeling for the small newspapers, a sympathetic attitude towards small newspapers, was found in the Working Journalists (Conditions of Service and Miscellaneous Provision) Act where so far as retrenchment benefit was concerned, small newspapers were given a consideration and they were asked to pay less than the big newspapers. I do not understand why the same consideration, the same amount of sympathy, cannot be shown to them in the present circumstances. I think a similiar provision should have been made so that the small newspapers in this process may not be wiped out altogether.

Lastly, I would point to an omission in the Bill. I should say that there is another feature the inclusion of which could have made the measure more wholesome. That has arisen out of the problem of retrenchment of journalists. It is already well known that the process of retrenchment started ever since the demand for fixation of wages started and now there will be no time lost in retrenching as many people as possible. So my suggestion is this. The interim wage that was contemplated under the previous Act is not contemplated here. There is no question of granting any interim wage to the working journalists because that provision is no longer there. If you are going to give the Committee full powers similar to that of the Industrial Tribunal constituted under the Industrial Disputes Act, I do not understand why a similar provision like that of section 33 of the Industrial Disputes Act should not have been incorporated in this Bill. That is, the employers should have been directed not to effect any retrenchment until the Committee decides the wages that have to be given effect to. Until it has decided finally, the employers ought to have been precluded from making any retrenchment at all. A similiar provision as exists in the Industrial Disputes Act should have been here.

Sir, as I have said earlier, these are my fears and apprehensions—they may be unjustified—and it is for the Labour Minister to answer to them. I again support the Bill and I wish the measure all success.

SHRI V. K. DHAGE (Bombay): Mr. Deputy Chairman, I shall be brief and I will only make a few points in my speech and not deal extensively with them as has been done by the previous two speakers.

I am in general agreement with the Bill that has been brought before us by the Minister concerned. But I would like to say, without going into the details, as I said before, that I must state my case. I am to speak for the small newspapers.

As you know, the judgment of the Supreme Court brought out two points against the Wage Board for the Working Journalists and they were; one, the capacity to pay and the other, natural justice. It is here that the small newspapers come in for some consideration. I am not saying that there should be no minimum fixed for the working journalists; not that the small newspapers should not be asked to pay the minimum that may be fixed. The question is what should be the attitude of the Government in order to help the small newspapers to become capable of paying the wages that are fixed by the Wage Board. It will be noticed that the small newspapers cannot meet in competition the big newspapers, particularly, control- led by three or four persons, namely. Dalmias, Jains and Birlas.

HON. MEMBERS: Not Dalmia; |
Goenka.

SHRI V. K. DHAGE: Thank you for the correction, Goenka. But it does not matter what the names are. These are people whose considerations have been mainly commercial. Whether it was during the days of the British or whether it is during the days of the national Government, their main consideration is commercial. Their consideration is how to make more and more profits. This profit point of view is to my mind not so much a consideration with us as the fate of the working journalists. It has been recognised that the small newspapers have rendered during the struggle period yeoman service. It is the small newspaper, particularly the vernacular newspaper, which reaches the masses; it is the small newspaper which conveys the ideas of the national Government; it is the small newspaper which conveys what your second Five Year Plan is. And it is for the Government to help these small newspapers as much as possible and, as stated by Mr. Bhupesh Gupta just now, it was not the small newspapers that went against the Wage Board's award. In fact, a number of them implemented

it to the best of their capacity but it is the big newspapers that went to the Supreme Court and got this judgment.

However, what exactly are the factors which restrict the capacity of the small newspapers to pay? Firstly, they are not able to get newsprint. The Government can certainly help them by restricting or regulating the import licences in a manner that the small newspaper does not have to resort to the black market but is able to get newsprint at a fair price and he is able to meet 4 P.M. the competition which he has to face from the big newspaper. Not only is this the case. The bad paper and bad newsprint ~~now print~~ affects him in the matter of circulation, as well as in the matter of getting advertisements. Government can certainly, if there is paper shortage, stop their printing of supplements, which they give to the people at the same price. And that affects the small newspapers very badly. It can also do one more thing, namely, to have a fair distribution of the newsprint. They can ask the import corporation or the State Corporation to import all the newsprint and distribute it equitably among the small newspapers as well as the big newspapers according to demand. That would be a very equitable proposition. Then, Sir, the small newspapers can be helped by implementing what is called the price page schedule. There has been an Act to that effect. But what prevents the Government from implementing that Act in the matter of the price page schedule, I am not able to understand.

Another thing that the Government can do is that they should, as far as possible, implement the recommendations of the Press Commission and that is with regard to fair distribution of the advertisements. I will point out to you what the Press Commission has said in this regard:

"We found that there are some papers in which the Government

[Shri V. K. Dhage.] advertisements' form an important source of revenue and the influence of Government on such papers would, therefore, be greater. Certain papers have either been favoured by the Government or have obtained substantial advertisements by making false claims of circulation. On the other hand, a large majority of district and mofussil papers appear to have been ignored by Government as well as by local authorities when placing advertisements."

This is what the Government is not doing. They can certainly help the small newspapers by giving a fair and equitable distribution of these advertisements to them. They say:

"Introduction of the principle of rotation specially in display advertisements would benefit some of the district and mofussil papers which do not receive advertisements when allotments are limited."

This is something which is recorded. It is not only this that they should do, but in the matter of the distribution of advertisements they should take into consideration the factor as to which are those papers that go to the masses and what has been their circulation, whether the giving of advertisements to the small newspapers will popularise the Second Five Year Plan and the various other objects and benefits which the Government have in view. In this regard they should also not take into consideration what the political views of that particular paper are. I am reminded here of a speech made by Dr. Keskar in the other House during the Budget session:

"We try to take care to see that politics is not brought into this _____ I might mention, as an example, that all important papers belonging to the opposition parties are getting Government advertisements. I might read out a few names: New Age . . ."

It is for Mr. Bhupesh Gupta to say whether he gets the advertisements or not. He was once the editor of that paper.

SHRI AKBAR ALI KHAN: He is getting it already.

SHRI V. K. DHAGE: Then.

" ___ Vishalandhra, Navjeevan, etc."

They also make mention of a paper from Cuttack known as 'Gantantra', Prabhatam, etc.

"I am not claiming that we give this much or that much, but we try to give all papers and we do not in that process keep in view what is the opinion of that paper."

But I am sorry to say . . .

SHRI BHUPESH GUPTA: We are not respectable enough to be on their list. Originally, one or two they gave.

SHRI V. K. DHAGE: I am sorry to say that a newspaper like the 'Gantan-xra' the editor of which paper has been a Member of this House for a long time and is a Member of the other House too he told me the other day that because he wrote a certain letter or a certain article in the paper the Government stopped the advertisement totally. In spite of these assurances being given in the House, I fail to understand as to why the Government thought it fit to stop totally the advertisement in the paper, irrespective of the fact as to what the political opinion of the paper is. Now if this is the attitude which the Government maintains, I am sorry that the small newspapers will have to face a very hard time. Thank you.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Deputy Chairman, I should like to give to this Bill my very general support. I say 'very general' because there are frankly certain features of the Bill and the policy underlying it which I do not like. The Bill, as has been explained to us by the Minister for Labour, was brought in initially in the shape of an Ordinance. It was

the Government's view that the situation was of an emergent character and, therefore, should be dealt with by an Ordinance. Now, I have heard the explanation which Mr. Nanda has given for bringing the Bill in the shape of an Ordinance first. I confess that I am not entirely satisfied with that explanation. I think it was possible to proceed in the matter in some other manner, but I do not stress or emphasise that point. I would like to emphasise the importance of the press in a democracy such as ours. The press is an instrument of public education. It is the press which makes the functioning of democracy possible. Democracy does not simply mean the ballot box. Even free elections we shall not be able to have if we do not have a free press. A free press is the life breath of a democratic society. Therefore, a Bill which affects the press and those who have to work the press has to be viewed with critical eyes, with critical as also sympathetic eyes, by this House. Now, let me first say that I have a very high regard for the Indian press. The Indian press did not originate as a commercial press. You had great editors in the past, they were leaders of the national movement. They regarded journalism as a vocation and they established papers which were instrumental in bringing forward the national movement in this country. I would like here—it is not usual to do so—to pay a tribute to the work of papers like the "Hindu" of Madras. A number of its distinguished editors like G. Subramania Iyer, Kasturi Ranga Ayyangar, Rangaswami Ayyangar, were all very great leaders of the national movement.

Sir, I would like to pay a tribute to papers like the Amrit Bazar Patrika, the Hindustan Standard, the Hindustan Times, the Bombay Chronicle associated with Pherozshah Mehta's days, and the Times of India, even though the Directorate of the Times of India may not be to our liking. Even today we have got

and great editors, and I would like to mention my own connection with the National Herald, a paper of which Mr. Chalapati Rao is an editor, and we are glad that he is going as one of our principal delegates to the United Nations. We had great journalists in this country, and I have mentioned some of them. In Bengal we had in the early days Surendranath Banerjee, Motilal Ghose and Bepin Chandra Pal. In Bombay we had Bal Ganga-dhar Tilak and N. C. Kelkar. In the U.P. we had C. Y. Chintamani, and I would add the name of Dr. Sacchida-nanda Sinha who, though not a working journalist, was still a journalist. In the Punjab we had Lala Lajpat Roy. We had Mr. Kalinath Roy and Mr. Nagendranath Gupta. They were not only great journalists, they were great patriots also and they helped the movement for independence when Mr. Bhupesh Gupta's party was nowhere in the picture. Therefore, it is as well to remember that the movement for independence was helped not by our Communist friends—the Communists were flirting with the imperialists during the days of the war—the movement for independence was helped by these great giants, and India owes a deep debt of gratitude to them for the political awakening which we witness today, for the awakening in social matters, for the awakening in economic matters, which we witness today.

Mr. Deputy Chairman, it frequently happens that in life there is a commercial side to every venture. We began to have this institution of press barons or press lords after 1921. Even in regard to these press barons, may I just say that some of them were, in running these papers, guided by patriotic motives? I am not suggesting for a moment that the record of all our press barons has been clean. No one's record is clean. I do not think that the record of our labour leader also, if it is examined very closely, is clean in every respect. But I do say this that the press barons were guided to some extent at all

[Shri P. N. Saprui] events—the profit motive was predominantly behind them, but even so they were guided to some extent by patriotic motives. Therefore, we should not just start finding fault with them, we should not think it part of our patriotism to decry them. Let us admit that they did something good by this country.

May I, Mr. Deputy Chairman, also say that I very greatly sympathise with the working journalists? I know that the working journalist in this country has not got a fair deal. He has been exploited by some of the big papers, and he makes out or he ekes out a miserable existence in many cases. He is underpaid and he is made to work harder than his health can stand. He does not get enough holidays. He does not get the amenities of life to which he is entitled. My sympathies are very much with him. I think in regard to this question of the working journalists, the Press Commission, of which Mr. Chalapati Rao was a distinguished member, took a balanced view, and suggested that a minimum wage should be fixed for these working journalists. Now, we do not know the definition of the expression "minimum wage." I will give the word "minimum" a very wide interpretation. I think when you are fixing a minimum, you should fix a wage which will enable the person to live in fair comfort. The defect from which our social organisation suffers is that the rewards are not equal. A successful advocate makes a very large income. A successful solicitor or a successful doctor makes in some cases an equally large income. But a journalist, howsoever brilliant, can never hope in this country at all events to make the income that they do. One reason for that is that in this country he has a limited reading public. Only 20 per cent, or 18 per cent, of the population is literate. The big papers are in English, and 1 per cent, of the population subscribes and about 10 per cent, reads that paper. Even big newspapers have a circula-

tion only of 10, 12 or 15 thousand.

In Great Britain, you have newspapers which have a circulation of millions, papers which have a very, very large circulation. It is so, I believe, in other European countries. I cannot speak with any experience of the eastern democracies. Naturally, the press barons in these countries, the men who control the press, are in a position to pay their editors, sub-editors, assistant editors and leader-writers a bigger salary than our press barons are able to do. The Press Commission went into all these matters and made a number of recommendations. Some of them were embodied in the Working Journalists Act which was passed in 1955. Under that Act, the Government appointed a Wage Board which was presided over by an ex-judge of the High Court. The Wage Board reported, I think, about two years back. Thereafter, discussions took place between the Government and the employers and employees and no final decisions were arrived at. Some of the newspaper owners went to the Supreme Court and challenged the validity of the Working Journalists Act of 1955 and also of the Wage Board which had been constituted under Section 8 of that Act. The Supreme Court gave a very elaborate judgment. I will not read that judgment. It runs into 102 pages. It came to the conclusion that the Act was *intra vires* the Constitution. It repelled all the conditions which went to suggest that the Act itself was *ultra vires* the Constitution. The constitutionality, therefore, of the Working Journalists Act was upheld by the Supreme Court. But it came to a conclusion which vitiated the Wage Board Award. It came to the conclusion that the Wage Board Award was bad having regard to the provisions of Section 9(1) of the Working Journalists Act. The Wage Board in arriving at its conclusions had not directed its mind to the question of the capacity of the industry to pay. I would like, Mr. Deputy Chairman, to read out to you the portion of the Supreme Court judgment bearing on

this point. This is how they argued the matter:

"It is pertinent to observe that even before the Press Commission the figures had disclosed that out of 127 newspapers 68 had been running into loss and 59 with profits and there was an overall profit of about 1 per cent, on a capital investment of seven crores. The profit and loss accounts and the balance sheets of the various companies owning or controlling newspaper establishments were also submitted before the Wage Board but they had so far as they went a very sorry tale to tell. The profit and loss statements for the year 1954-55 revealed that while 43 of them showed profits 40 had incurred losses. Though no scientific conclusion could be drawn from this statement it showed beyond doubt that the condition of the newspaper industry as a whole could not be considered satisfactory."

This is the opinion of the Supreme Court:

"Under these circumstances, it was all the more incumbent upon the Wage Board even though it discounted these profit and loss statements as not necessarily reflecting the true financial position of these newspaper establishments, to consider the question of the capacity of the industry to pay with greater vigilance."

The conclusion which, therefore, they have come to is that the Wage Board did not consider the question of the capacity of the newspaper industry to pay with greater vigilance.

Then, they again point out:

"In the absence of such data and materials, the Board was not in a position to work out what would be the impact of its proposals on the capacity of the industry to pay as a whole or even region-wise."

They have not excluded the region-wise consideration of the matter.

"and the Chairman in his note stated that it was difficult for the Board at that stage to work out with any degree of precision, the economic and other effects and its decision on the newspaper industry as a whole."

The Chairman says:

". . . that no newspaper would be forced to close down as a result of its decision, but that if there was a good paper and it deserved to exist, the Government and the public would help it to continue."

Now, we know that the Government, in Russia helps the Pravda and the Izvestia to exist. But in a democratic society, it would be monstrous for the Government to come to the aid of any newspaper whether it is a good paper or a bad paper. It is not for the Government of the day—it is only a party Government—to judge whether a paper is good or bad. I think the learned judge who wrote this sentence, who made this observation—I speak with all respect to him—did not know the elements of democracy. He did not know what democracy was. He was talking about something which obviously was not within his grasp. It is an absurd statement for any Chairman to make, that the Government should come to the rescue of any paper and save it from extinction. We do not want a subsidised press in this country. We want a free, independent, virile and honest press, a press which will judge issues with integrity and with complete independence. Mr. Deputy Chairman, I am sorry to have to make these observations. The Supreme Court could not criticise obviously the Chairman in the language in which I have done because they had to respect the Chairman's position as an ex-judge of the High Court. But I am under no such compulsion or obligation and I say that it was—to put it mildly—an unfortunate statement for any Chairman to make.

Then they go on to point out the difficulty of working out a just formula. It becomes all

[Shri P. N. Sapru.] the more difficult when one remembers that the working journalists constitute only 20 per cent, of the total staff of the newspaper industry.

A newspaper is a great cooperative venture. To the making of a newspaper not only the editor, the assistant editor, the leader-writer and the sub-editors but also the managerial staff, the compositors and even the men who act as distributing agencies of the paper contribute. It is a cooperative venture and it is obvious "that if you increase the salaries of the working journalists, there will be a demand on the part of those who are not working journalists for an increase in their emoluments. That may be a just demand. I don't say that the working journalists should not get their dues. That is not my point but in finding out what is their due, in determining their claims, the claims of the other members of the staff who contribute to the working of a good newspaper cannot and should not be ignored. This is a point which has been stressed by the Supreme Court and if the Committee should bypass this and some other considerations which they have pointed out in the course of their judgment, I am somewhat apprehensive that we may be in for some further litigation, litigation which may go to the Supreme Court, litigation the result of which neither the Government nor the employers nor the employees can, on the material before them, visualize or anticipate.

SHRI M. H. SAMUEL: May I point out that the non-journalists in the newspaper industry have at least three Acts for their protection while the journalists in the newspaper industry are getting the first enactment for their protection.

SHRI P. N. SAPRU: I am quite aware of that. That is not my point. My point is that in finding out the capacity to pay, various considerations will have to be borne in mind by the Committee and one of those considerations is the effect of the increase that

they are suggesting on the entire staff of the paper concerned or in the industry. They will have to take into consideration what effect an increase in the emoluments of 20 per cent, of the staff will have upon the demands of 80 per cent, of the staff. This is what the Supreme Court itself has said.

DR. R. B. GOUR (Andhra Pradesh): Could the hon. Member concretise by saying who are the others?

SHRI P. N. SAPRU: Their salaries also should go up.

DR. R. B. GOUR: What do you mean by 'non-journalists'? Let us know, for example.

SHRI P. N. SAPRU: I am reading out to you here:

"If the conditions of service of the working journalists were to be improved by the Wage Board the other employees of newspaper establishments were bound to be restive and they would certainly, at the very earliest opportunity raise industrial disputes with a view to the betterment of their conditions of service. Even though the Industrial Courts established under the Industrial Disputes Act, 1947, might not give them relief commensurate with the relief which the Wage Board gave to the working journalists, there was bound to be an improvement in their conditions of service which the Industrial Court would certainly determine having regard to the benefits which the working journalists enjoyed and this would indeed impose an additional financial burden on the newspaper establishments which would substantially affect their capacity to pay."

They are considering the question of what is the capacity to pay. They are giving an indication of their mind as to what they regard as basic in determining the question of what is the capacity to pay. That is why this sentence is very important for any Committee which goes into this question.

SHRI M. H. SAMUEL: May I interrupt?

MR. DEPUTY CHAIRMAN: You will have your say.

SHRI M. H. SAMUEL: On this I point, I want to say that the journalists' wage bill comes to hardly 8 per cent, of the entire wage bill in a newspaper establishment.

MR. DEPUTY CHAIRMAN: You are speaking. At that time you can meet his arguments.

SHRI P. N. SAPRU: "This consideration also was necessarily to be borne in mind by the Wage Board." These are the words of the Supreme Court. They say:

"This consideration also was necessarily to be borne in mind by the Wage Board in arriving at its final decision and one does not find anything on the record which shows that it was actually taken into consideration by the Wage Board."

The next point is if this consideration is not taken properly by the Wage Board, the Supreme Court might say 'We have a right to intervene and we shall intervene'. Therefore the Committee will have to consider the question in the light of these observations. Then they observe:

"The retrospective operation of the decision of the Wage Board was also calculated to impose a financial burden on the newspaper establishments. Even though this may be a minor consideration as compared with the other considerations above referred to, it was nonetheless a circumstance which the Wage Board ought to have considered in arriving at its decision in regard to the fixing of rates of wages.

The financial burden which was imposed by the decision of the Wage Board was very vividly depicted in the statements furnished to v, on behalf of the petitioners n tne
51 RSD.-6.

course of the hearing before us. These statements showed that the wage bill of these newspaper establishments was going to be considerably increased, that the retrospective operation of the decision was going to knock off a considerable sum from their reserves and that the burden imposed upon the newspaper establishments by the joint impact of the provisions of the Act in regard to retrenchmeo? compensation, payment of gratuity, hours of work and leave as well as the decision of the Wage Board in regard to fixing of rates of wages and the scales of wages would be such as would cripple the resources of the newspaper establishments, if not necessarily lead to their complete extinction."

Then they go on to criticise the procedure which was adopted by the Wage Board and they say that the Board did not adopt a procedure which was in consonance with certain principles of natural justice. I am inviting the special attention of the House to these observations of the Supreme Court because I am anxious that the report of the Committee should be of such a character as not to lead to further litigation, as not to delay the objective which my friend has in view, that is to say, an improvement in the living conditions of the working journalists. I say that for this reason it was essential, it was imperative, it was incumbent on the Government to appoint a high-powered Committee. What is the position of the Committee which has been appointed? What is the composition of the Committee which has been appointed by the Government?

SHRI H. N. KUNZRU: All govern
ment servants. i

SHRI P. N. SAPRU: On page 2 you have it stated:

"For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists in the light of the judgment

[Shri P. N. Sapru.]
of the Supreme Court _____ the
Central Government shall. constitute a
Committee consisting of the following
persons, namely:—

(i) an officer of the Ministry of Law
not below the rank of Joint Secretary,
nominated by the Cen'ral Government,
who shall be the Chairman of the
Committee,

(ii) three persons nominated by the
Central Government from among the
officers of each of the Ministries of
Home Affairs, Labour and Employment
and Information and Broadcasting."

They may be Joint Secretaries, Deputy
Secretaries or Under Secretaries or Assistant
Secretaries. Ana then—

(iii) a chartered accountant nominated
by the Central Government."

Now, I agree that there should be a chartered
accountant, and I fully support the provision in
3(1) (iii). But so far as the other members are
concerned, I hope the Labour Minister
appreciates that the Civil Service is not the
only competent body wno could act as
advisers of Government in matters like this.
There are non-officials of standing in the
public life of the country, who have nothing to
do with this industry or any industry, and I
think it is possible to get men of impartiality
and integrity and of legal experience and
honesty to advise the Government on a matter
of this character. The Government was dealing
with the report of the highest tribunal in the
land. The judicial power and the power of
interpretation of statutes and the Constitution
resided with the Supreme Court. The decisions
of the Supreme Court should have been
treated, therefore, with great respect by the
Government, and it should not have been left
to a Joint Secretary of the Ministry of Law to
be the sole interpreter of what the Supreme
Court meant by capacity to pay and how the

question of the capacity to pay should be
decided.

SHRI BHUPESH GUPTA: It was not a
question of law, it was a question of fact.

SHRI P. N. SAPRU: My dear friend, Shri
Bhupesh Gupta, should know that questions of
law are sometimes mixed up with questions of
fact and here I have to point out that in the
opinion of the Supreme Court, trs question of
law was mixed up with the question of fact
and they pointed out that in considering the
capacity of the industry to pay, you will have
to take into consideration many many factors.
And the interpretation of a judgment, believe
me, Sir, is not always an easy matter.
Therefore, it should have struck the Ministry
to appoint a person of a superior status,
superior to a Joint Secretary as Chairman of
the Committee. I see no reason why, for
example, the Deputy Minister of Law, who is
an excellent lawyer, should not have been
appointed as the Chairman of this Committee.
You have appointed him Chairman of the
water supply enquiry committee. But I think
his services could have been spared from that
committee and his services could most
certainly have been used for presiding over a
committee of this importance. I see no reason
why some eminent advocate should not have
been asked or some retired judge of a High
Court should not have been asked to serve as a
member of this Committee.

AN HON. MEMBER: A Joint Secretary is
also of superior status.

SHRI P. N. SAPRU: Yes, a Joint Secretary
is of superior status and these people can do
almost anything in the world, except appoint a
Minister or change the Government, I
suppose. But we seem to have a government
by civil servants, almost with a vengeance. I
have very high regard for the men of the civil
service. But the civil servant must not become
our master and I think the composition of

this committee is not one which any man of judicial conscience can support. I find it impossible, Mr. Deputy Chairman, to agree to the composition of this Committee presided over by a Joint Secretary of the Department of Law. You know in this committee of five, he will be the only person with any legal qualifications. The others will have experience as Joint Secretaries or as Deputy Secretaries of their departments. Of course, one satisfactory feature of the composition of this Committee is that there will be a chartered accountant. I certainly think that there should have been a chartered accountant. I am glad that there is provision for this chartered accountant. But I can see no case for having a completely official committee. Let me not be misunderstood. I am not one of those who think that there should have been an entirely new appraisal of the situation. I mean, I am not criticising that part of the Bill which leaves it to the Committee not to do *de novo*, that part of the work which has been done by the Wage Board. It is not necessary that that work should be done over again, by this Committee. I am not criticising the Committee on that account. I am only criticising the composition of this Committee and I think the composition of the Committee should have been better. Of course, we are faced with a *fait accompli*. If that were not so, I would say that it could even now be bettered, it should even now be improved.

Having said this much, I must admit that so far as the actual terms of reference are concerned, they are fairly wide and they are fairly comprehensive, because in clause 3 it is said that the Committee shall have power to decide questions of wages in the light of not only the Wage Board decision but also in the light of all other relevant circumstances, these relevant circumstances being the circumstances mentioned in Sec. 9(1) of the Working Journalists Act and in the observations of the Supreme Court judgment. There-

fore, I think that so far as the terms of reference of this Committee are concerned, they are fairly wide and they are fairly comprehensive.

I have not got much fault to find with the terms of reference but I have, as I said, a great deal of fault to find with the actual composition of the Committee.

Then, I would like to say that I find it rather difficult to understand clause 6 of this Bill. This clause says:

"As soon as may be, after the receipt of the recommendations of the Committee, the Central Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations."

Now, whether a recommendation was important or not may raise a question of law and may raise complications. A question of this character may lead to litigation. It is said that the Central Government may accept the Report of the Committee as it is with minor modifications. The Central Government may look upon a change as a minor change but there may be others who may not look upon it as a minor change and there may be litigation on this basis that the change effected is not a minor change. Why introduce a complication like that, I cannot understand. The complication is made worse by sub-clause (2) which says:

"Notwithstanding anything contained in sub-section (1), the Central Government may, if it thinks fit,—

(a) make such modifications in the recommendations, not being modifications of the nature referred to in sub-section (1), as it thinks fit:

Provided that before making any such modifications, the Central Government shall cause notice

[Shri P. N. Sapru.] to be given to all persons likely to be affected thereby in such manner as may be prescribed, and shall take into account any representations which they may make in this behalf in writing."

Now, who are the persons likely to be affected? Now, that question is also a question which may give trouble. The Central Government may think that I am not a person who is likely to be affected and I may think that I am a person who is likely to be affected and a kind of a legal issue or a legal controversy arises if you have the clause worded in this manner. The other part of sub-clause (2) says:

"(b) refer the recommendations or any part thereof to the Committee, in which case the Central Government shall consider its further recommendations and make an order either in terms of the recommendations or with such modifications of the nature referred to in sub-section (1) as it thinks fit."

I think, Mr. Deputy Chairman, seriously speaking, this clause really requires rewording, rephrasing. I think from this point of view, it was necessary that this Bill should have been referred to a select committee. The joint wisdom of the select committee might have helped to improve this Bill but it has become usual not to refer Bills to select committees and if we have a select committee, we have select committees only of the other House because it is assumed that all wisdom resides in the other House and that there is no wisdom in this House at all. Well, I regret to say that I am apprehensive as regards the possible effect that this clause and this Bill might have in promoting further litigation. I think it is not drawn up in such a manner as to avoid further litigation.

Now, Mr. Deputy Chairman, it must not be inferred from what I

have said that I am in the slightest degree unsympathetic to the demands of the working journalists. As I have said, I have very high regard for the working journalists. I should have preferred a Bill which prescribed the minimum wage for them and left the scales and the grades to be settled by direct negotiation. I am not raising any question as to that. If the working journalists want a more elaborate arrangement, I will not raise any objection because my sympathies are always with the . . .

AN HON. MEMBER: Under-dog?

SHRI P. N. SAPRU: Well, with the under-dog, if you like. I am just avoiding that particular word. I am not looking at it from the point of view of the big men who own the press. I am not prepared to use the language which Mr. Bhupesh Gupta thought fit to use about them, about the big men who own the press but my sympathies are not with the big men. I would say that it is an advantage to a democracy to have a national press. We have in these big newspapers national newspapers. I would like the national newspapers to live and flourish. I would not like them to disappear. I would like them to be very profitable concerns and I would like them to pay decently their employees but I would like the middle and the small newspapers also to flourish. May I say, Sir, that I have some apprehensions in my mind as to the effect of this Bill upon the small and the medium-sized papers? I do not know what the decisions of Government are going to be in regard to the question of the price-page schedule. I have not worked out the implications of the price-page schedule business but I would like, Sir, some method to be devised—it must not be a method which subsidises newspapers—which would ensure that the small papers,— not the paper that just indulges in scandalising people day in and day out but the paper which offers good criticism, the paper which discusses

any question in a rational, reasonable spirit,— are helped. I am not bothered J about the ideology of the paper so long as it fulfils the requirements I have enumerated above and I want i such small papers to continue because, after all, if a free press disappears, ! democracy is endangered. I was, therefore, glad when Mr. Bhupesh Gupta stood up for the democratic rights of small and medium-sized i papers. I wish he had approached the Bill with greater objectivity.

SHRI M. H. SAMUEL: He has a medium-sized newspaper.

SHRI P. N. SAPRU: It is a very good newspaper which gives us his point of view and I read it with respect. The point is that in doing justice to our working journalist friends, we should not have a law which will do injustice to others. We should have a law which will finally settle this question. One way of doing things was to leave the matter in the hands of an industrial tribunal and treat the dispute between the working journalists and the employers as an industrial dispute. That perhaps was a method which would have meant delay. I am not criticising Government for not taking that line but I should certainly say that the composition of the Committee is not such as to inspire confidence or to suggest that the Government has paid proper respect to the decisions of the highest tribuna'l in the land. Thank you, Sir.

SHRI ROHIT M. DAVE (Bombay): Mr. Deputy Chairman, the proposition that we are considering today is one of the links in a large cycle of events that have gone on before and I would have been very happy if I could have said that this was the last link but, looking to the resolution that has been passed by the newspaper publishers, I have my own doubts as to whether this would be the last link.

This particular measure is perhaps the result of a resolution passed by the working journalists as early as 1950 and repeated in 1952, as a result of which the Press Commission was appointed. The Press Commission made its Report and, as a result of that Report, the Wbrking Journalist Act was passed. After the Working Journalists Act was passed, a Wage Board was appointed and the Wage Board gave its decision. Government tried to bring the various parties together in order to see that this particular decision of the Wage Board was implemented. It could not be done. Matters went up to the Supreme Court.

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MR. DEPUTY CHAIMAN: You can continue tomorrow.

The House stands adjourned till
II A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Tuesday, the 2nd September 1958.