

(i) Letter No. WB/45033, dated the 14th June, 1957, from Shri Upendra Acharya, Deputy President, Indian and Eastern Newspaper Society, New Delhi, addressed to the Union Minister of Labour and Employment.

(ii) Memorandum containing the details of settlement which was acceptable to the Indian and Eastern Newspaper Society and which was handed over by the representatives of the Society on the 29th October, 1957.

(iii) Letter, dated the 28th May, 1958, from the President of the Indian and Eastern Newspaper Society addressed to the Union Minister for Home Affairs.

[Placed in Library. See No. LT-888/58 for (i) to (iii).]

MR. CHAIRMAN: The Working Journalists (Fixation of Rates of Wages) Bill, 1958. Mr. Nanda.

#### REFERENCE TO NOTICE RE MOTION FOR PAPERS

DR. R. B. GOUR (Andhra Pradesh): Sir, before the hon. the Labour Minister begins to speak, now that the hon. the Education Minister is here may I request him through you to give a reply to the Motion for Papers, that I had given you the day before yesterday concerning certain demands of the Ayurvedic College students of the Banaras University? That Motion for Papers was duly received by you, Sir, but so far no reply has come from the hon. Minister.

THE MINISTER OF EDUCATION (DR. K. L. SHRIMALI): Well, Sir, this came to my notice. The information has to be collected from the University, and as soon as that information is available I will place all the information at the disposal of the hon. Member.

#### REFERENCE TO A REQUEST FOR A DEBATE ON THE FOOD SITUATION

SHRI T. BODRA (Bihar): Before he proceeds, Sir, I want to put only one question. Yesterday Mr. Bhupesh Gupta and many of us submitted that we would like to have a debate on the food situation . . .

MR. CHAIRMAN: It is all true.

SHRI T. BODRA: . . . and you said you would fix a date later on.

MR. CHAIRMAN: We are going to meet tomorrow in the Business Advisory Committee to fix a date.

#### THE WORKING JOURNALISTS (FIXATION OF RATES OF WAGES) BILL, 1958—continued

THE MINISTER OF LABOUR AND EMPLOYMENT AND PLANNING (SHRI GULZARILAL NANDA): Mr. Chairman, Sir, this Bill has been considered at very great length in the House. It has been a very illuminating discussion. Hon. Members traversed a wide ground and in the course of the discussion light was thrown in abundance on various aspects of the working of the newspaper industry and, Sir, I must acknowledge that my understanding of the working of newspapers improved considerably as a result of this discussion. Sir, I do not feel I am called upon to reply to a number of those things which occurred in that connection nor do I believe that they have a bearing on the functions of the Committee so far as they concern the determination of the capacity of the industry to pay and the application of other criteria. These things do not directly touch the purpose and provisions of the Bill before the House. Considerable time was devoted to the story of the struggle of the Press in earlier days. Its glorious past was recalled and great names associated with newspapers were mentioned. Sir, we must pay our

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tribute to them; we remember those names with pride and gratitude but I may add that the working journalists too had their part in that story, in that struggle. They also made sacrifices without caring what happened to them and paid the price for their patriotism. Sir, it was also acknowledged that while in the past the Press maintained very high standards, these standards have deteriorated in recent years. The period of the war and the post-war years were mentioned. It was said even by those who had certain misgivings about the proposed legislation that unhealthy elements have entered this industry, abnormal profits are being made and undesirable practices are being followed. We are not concerned here with the character of individual proprietors regarding whom some details were furnished here. But a thought occurs to me. May it not be that this difficulty regarding the capacity of the industry to pay has also something to do with the fact that there are these bad elements and there are certain malpractices being followed?

Sir, the hon. Mr. Shiva Rao raised the question: "How is it that we have brought down newspapers to the level of an industry? The Press Commission took up an enquiry into the state of the newspaper industry but before the Press Commission engaged itself in that task the newspapers had become an industry. They were big business; that is, all the attributes of an industry were there. It is not, as the hon. Mr. Shiva Rao thinks; he hopes and he wants, that newspapers should be put on a no-profit no-loss basis. That would be very good indeed and if that were so I do not think these questions of legislation and disputes would arise. These things would arrange themselves differently, more peaceably but it is not so.

He had particular concern for the quality of newspapers and in that context he thought they should have an adequate margin for the purpose

of maintaining that quality. In his mind, however, that quality was just equivalent to the quality of certain news services maintained abroad. It is good that we should maintain that service on proper standards but we should do that for our internal service also.

Then he said you cannot have journalists one like the other. There is a good journalist and there will be many bad journalists and where is the comparison? Now, there may be prodigies in this line, but the whole profession, the whole newspaper business, has to be maintained not on the strength of one exceptional person here or there but it is the ranks of the journalists, large numbers, who will make that quality and therefore if we want to assure ourselves that we get that quality for newspapers, certainly we must do something for them, the minimum which may be due to them, so that they can maintain themselves in some kind of efficiency. Certain standards are applicable to their own lives just as they are applicable to the newspapers and there it is not a question only of quality in abstract terms. This quality comes from the personnel which is engaged in this service and we have to pay consideration for that aspect. Sir, this question of quality of newspapers is very important and I wish that that were the predominant consideration in the minds of those who have to deal with this question. If that were so, I think all the trouble that has ensued during recent years would not have arisen.

Sir, I have to say something about one or two points which were made in the course of the discussion by an hon. Member from the other side. Some reflections were cast on Government and on the administration of the States. Those observations, I dare say, were uncharitable and unfounded. It was insinuated as if Members of Government had some kind of a bias against the working journalists and in favour of newspaper proprietors. Now, Sir, a Gov-

ernment which appointed a Press Commission, which later on brought up this legislation for working journalists, then set up a Wage Board, and lastly here this Bill, it is not the work of one Member; it is of the Cabinet. That kind of sympathy which the Government have or its Members have for the working journalists is not a thing for me or anybody else to dilate on, to dwell on. Having that sympathy, there is no bias either way.

Then, Sir, I might cite—I may have to refer to that again—the efforts that were made to settle this question amicably after the Supreme Court Judgment. About five or six members of the Cabinet were constituted into a Sub-Committee including the Home Minister, the Law Minister, the Finance Minister, myself and the Minister of Information and Broadcasting. So, this was not a matter of indifference to the Government.

Then, mention was made of the States, that proprietors, some of them, showed a preference for having recourse to the machinery of the States. There was an insinuation there also. Now, what do the States do? When any matter arises, they set up tribunals. It is a matter of reflection on the tribunals. Nothing has happened to create the least degree of suspicion about their total impartiality and integrity. These things, Sir, should not have been raised.

Sir, I said that I would not be feeling that it was necessary to make a reply to a number of things which had arisen. Some of those suggestions concern the functions of the Committee. I am sure they will be taken into consideration there. There was the very considerable, animated discussion about the role and the place and the plight of small newspapers and the impact of the liabilities on the newspaper industry arising out of their obligation to pay to the others, that is those who are not working journalists. There were other things also, the question of

interim relief, the question of fluctuations in costs, the price of the newsprint, etc. Now, I am sure all these things will be gone into and their relevance will be taken into consideration by this Committee. But since the question of the small newspapers occupied so much of the time and attention of the House, I thought, Sir, I might say something about that. These small newspapers have our sympathy always. We know their handicaps. But Government has not been indifferent to that either. It will be noticed that in the Act, the Working Journalists Act, there also special discrimination has been made in favour of the small newspapers in the matter of the payment of gratuity. This is section 5(2), I need not go into the details, but the fact is there. And so also the Wage Board. The whole scheme of thing rests on the kind of view of the varying capacity; all are not lumped together; there is a classification and a basis which more or less corresponds to a distinction between the small, medium and large newspapers. Certain other things are also being considered. For example, the question of newsprint was possibly pointed out here—I have got information about the ways in which it is being considered and something is being done, so that the smaller newspapers may have their supply of newsprint without much difficulty, also on some special terms for which certain special arrangements are being made.

Talking of small newspapers, I have a list before me of a few newspapers which happened to implement the decisions of the Wage Board, and it was a pleasant surprise to me that very many of them were really small newspapers, two-page newspapers. It is a great credit to them that small newspapers can live only on the strength of their quality. As I said before, the quality comes from the quality of the persons who serve the newspaper, the working journalists, and this has been appreciated by the small newspapers because as a matter of fact a number of people

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are being paid even more than the scales laid down by the Wage Board. The best way of crippling small newspapers would be to leave them to themselves so that destructive competition follows and they are not able to maintain any standard regarding the quality of the paper or the personnel they engage. Regarding the small newspapers I believe that this Committee will certainly be apprised of all that has been done here, and also they are bound to look into this matter with the greatest care.

Another question was also raised, and that was about the employees in the newspapers who are not working journalists. Now much was made of that also. Regarding the wage bill attributable to the working journalists, some kind of estimates were made—either 12 per cent. or 18 per cent. or 20 per cent.—whatever that may be, it is certainly the smaller part of the total wage bill. But what are the implications? Since the source from which the working journalists are drawing their wages and the others is the same, therefore you cannot impair the capacity by giving too much in one direction and leaving the newspapers unprepared and incapable of meeting their obligations in another direction. It is a very clear point. But the question is, don't we observe that there is some difference also? The working journalists were given the benefit of the Industrial Disputes Act along with the passage of the special legislation applicable to them. Before that, they had no such protection, no such avenue for raising any question about their conditions of service and about their wages. No means were available to them for securing justice. But all the time since the passing of the Industrial Disputes Act, the non-working journalists, if we may call them so, had all that open to them, and along with some other legislation—the Minimum Wages Act which has been actually applied in certain places to these employees also, to the non-working journalists, and several

adjudication tribunals have given awards regarding them—it was open to them at any time to move for securing justice in the terms of whatever they thought was due to them, and the presumption would be that those processes have been followed. If they have not been followed, I am sure it could not have been that all the other employees were not aware of their needs; maybe that the proprietors also did not do justice, that nobody came in their way. But still the fact would remain that if injustice has been done to them and something more needs to be done for them, I think this is certainly material, and it should be taken into consideration. But I would press again that point that during the period from 1948 onwards, and then later on from 1952 onwards, wages all over the country in various occupations and industries increased several times. They increased considerably also for the others, that is, the non-working journalist employees, but so far as these people were concerned—the working journalists—there was a practical freeze. It arose out of the fact that the thing was being agitated in certain other forms; otherwise we might have thought of doing something—well, just wait or defer any decision in favour of the employees so that here and there somebody may be getting some promotion, etc. As a whole the thing stood still for them. We must see these things in the proper perspective when we are bringing in something else and pitting it against the claims of the working journalists. It should certainly be considered in its proper relationship. There is no question of any double-standard as was said by an hon. Member.

There are certain other matters which concern not the Committee even, but which generally should be of interest to the Government—the question of postal concessions. Well, I have information about that, but I do not want to take up the time of

the House. There was an impression in the Department, or there was substantiation in that, that there was misuse of those concessions and that they then tried to curb the decision. But some kind of enquiries are being made.

Now, I come to the heart of the matter—the objections raised against the proposed legislation. These are of several kinds and grades. There is, in the first place, a kind of opposition to the entire approach of the Government in all such matters dealing with industrial disputes. The hon. Mr. Shiva Rao took up that line. The other stand is, well, the Government may have something to do, but it should be only judicial procedures and the Government itself should not assume responsibility. And then, later on, even if you had that, this kind of machinery that we have set up in the Bill is not appropriate and correct. There was also an objection to the Ordinance and the various steps connected with the procedures and processes which were adopted in this case. Regarding the approach, the hon. Member said that the whole scheme of industrial relations, of the Industrial Disputes Act, was wrong, that there should be no outside, external, settlement imposed on the parties and that there should be only collective bargaining. Adjudication has to be kept out. It has not brought peace in industry. That is the point. I might ask him—he is very familiar with the history of labour movement here and in other countries—is it that those countries which have a different system of industrial relations have peace more than we do? No, Sir. Here, prior to the period when we introduced this new scheme of industrial relations through legislation, what was the position? I was in Bombay State and I have had opportunities of observing at close quarters what was happening there. Before this legislation came in, practically half the Bombay textile industry was crippled or destroyed. Government had nothing to do with it. It was collective bargaining, pure, simple, and undiluted, and that is what happened there. This country cannot

afford that luxury of unrestrained industrial strife and freedom to destroy one another. That should not be available to us; we cannot afford it.

Sir, the hon. Member perhaps knows or does not know that recently I had made an offer in a certain conference where this question was raised. I said, "Well, if the workers or anybody who represents them think that this machinery is not conducive to best results, then I, for my part, would be willing to set it aside for the time being and suspend it in favour of any arrangement which the workers and others might come to with the Government. This question was put at the Indian Labour Conference at its most recent session and the outcome was that not only all the representatives of the employers, but all the representatives of all sections of the labour movement of the central organisations of labour, unanimously asked for the retention of the present arrangements and not giving them up so that there was unanimity regarding the need for this type of industrial arrangement that is now going on. He and some other hon. Members believe that collective bargaining is the need. But collective bargaining is not ruled out. This is a stage in the system of industrial relations that is in vogue here. Collective bargaining is not ruled out at all. Had we not got collective bargaining here in its fullness in this case after the Wage Board decision? Well, I was responsible for bringing the parties together. There was mediation at the level of the Labour Minister and the Deputy Labour Minister later on twice. I have, before I got up to speak, laid on the Table of the House, in response to the hon. Dr. Kunzru's request the other day, some correspondence in connection with the various stages of that collective bargaining, conciliation and mediation. This was that stage and later on, as I just mentioned a little while ago, it was at the level of the Sub-Committee of the Cabinet. The Home Minister and several other Ministers dealt with this matter and not for one or two

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days, but four weeks we spent on that.  
How much time . . .

SHRI B. SHIVA RAO (Mysore): May I ask, on a point of information, whether the correspondence that the hon. Minister says he is going to lay on the Table of the House . . .

MR. CHAIRMAN: He has placed it.

SHRI B. SHIVA RAO: Does it include the proposals made by the Newspaper Society on the one side and the working journalists on the other, and the offer which was made by the Government to both sides in these conversations to which he is now referring?

SHRI GULZARILAL NANDA: Sir, there are certain limitations in these matters. I have put the correspondence, whatever passed between us in writing. But I thought that if the particulars of offers made and counter-offers made and all that are given here, it will prejudice the course of conciliation in future. It may be that out of generosity, out of consideration and out of a desire somehow to bring to an end all these long trivialities, some party may have offered to forego some of its rights. It is not a question of the rights for which a party stood. It is a question of concession.

SHRI B. SHIVA RAO: We have a right to know from the hon. Minister positively on what point or points the breakdown occurred and who was responsible for the futility of the negotiations.

SHRI GULZARILAL NANDA: I shall give that information to the hon. Member. At the first stage of the negotiations, after some discussions, it was agreed that a Committee would be appointed which would look into this and decide in the course of a month. This correspondence which is laid on the Table of the House shows that. The reply came next day that the parties—that is, the Newspaper Society representatives—were not able to proceed with it because their members had filed a petition and that they were

unable to persuade them, prevail upon them, to avoid that. Some kind of an arrangement was there. I do not know how far I can give all the information, but I may say this. The working journalists have offered that they would see to it that no paper is compelled to close down because of excessive burdens on their account. It was a very generous offer. Of course, it was subject to everything being looked into, as to whether a certain paper was not in that position or whether it could not be put in a better position. But that was a kind of offer they made. The second stage was we had something in writing as to what kind of alterations or modifications were asked for. The third stage was a prolonged affair. There were several offers. But ultimately, it boiled down to certain specific suggestions regarding the modifications of the decision of the Wage Board. They were accepted by the working journalists. The representatives of the proprietors did not say 'No' on the spot. At least that is what appeared to us. I went away after the conclusion of those talks. I left the place with the impression that everything was all right. Of course, I cannot say that they said anything specifically in so many words. After that they said that they would go round and contact some other members, because they did not want to commit the entire society. After a number of days their letter came to us saying that they were not able to pursue the matter on those lines. So, Sir, this is the history of the case. And that is why we had to take certain further steps

Sir, in the same context, the hon. Member asked me something about the proof-readers. It has been stated that there was a kind of pledge that proof-readers would be excluded from the operation of these arrangements and why that thing has not been done. Now regarding proof-readers, Sir, I would like to point out to the hon. Member that this matter was dealt with at various stages, and some views were taken by the Press Commission. Later on, in the Working

Journalists Act these proof-readers were included. Then this Wage Board dealt with this matter, and we have got various recommendations made by this Wage Board. Some of them have been marked to show that they are majority decisions and others are unanimous decisions. Among the unanimous decisions there is one recommendation where it has been defined as to what types of proof-readers would be admitted for the benefit of these arrangements. Later on, I find that there are several decisions taken by the High Courts. The Madras High Court dealt with the matter. Then there is this Delhi decision with me. It says:

"From the evidence it is clear that the proof-readers not only correct mistakes of spelling, but also mistakes of grammar, facts and syntax. Their work is not merely mechanical as contended on behalf of the management. A vast responsibility is cast on them. If they do not perform their duties efficiently, the paper, as it comes from the press, would be neither printable, nor readable. Heavy responsibility is cast upon them to see that all kinds of mistakes are eliminated. In this connection, the observations of the Supreme Court in the Writ Petitions referred to above are also very important. It is observed therein as follows:—

"There is no doubt that proof-readers were not all recommended by the Press Commission to be included in the definition of working journalists, but it has to be remembered that proof-readers occupy a very important position in the editorial staff of a newspaper establishment. If this is the important role played by the proof-readers, then no wonder that the Legislature, in spite of the recommendations of the Press Commission, included them also in the definition of working journalists. No doubt they would be entitled to higher wages by reason of the fixation of rates of wages by the Wage Board, but that would by itself be no ground for holding

the inclusion of proof-readers within the definition of working journalist an unreasonable burden on newspaper establishments."

This is the same Supreme Court and the same judgment which is now the subject-matter of discussion here. The Supreme Court has taken notice of the Press Commission's view. But then it deals with their duties. So, Sir, this is regarding proof-readers.

Then, Sir, there was another point which the hon. Member wanted to emphasise as if something was being done in the matter of proof-readers which had no sanction, authority or justification. I have quoted those extracts and I have made reference to certain decisions which will abundantly prove that it was not something which was being done in any hurry or haste. That was not at all the case. On the strength of actual facts and on a proper scrutiny of their duties and work that they have to perform, the proof-readers are entitled to all the benefits which are available for the working journalists.

Sir, I was dealing with the question of collective bargaining. The question was whether collective bargaining was the right thing to do. By mentioning collective bargaining some impression was sought to be created as if the Press Commission had just contented itself by suggesting collective bargaining. In certain places some further observations are quoted. But the total impression is that the Press Commission said, "Well, have a minimum wage, and then have collective bargaining. Why have this series of laws and Boards etc.?" But I think, Sir, it would be fair to all concerned if this whole position is placed before the House and before the public in its fullness. The Press Commission laid down the scale of minimum wages. Now the first question that would arise is, why that scale has not been enforced? If they had so much faith only in the words of the Press Commission and nobody else's words, well, nobody prevented them from giving

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effect to that thing at any rate. But that has not been done. I can tell you, Sir, that even the Press Commission had visualised and envisaged the application of the Industrial Disputes Act to the working journalists.

I am now going back to the question of industry. If anybody brought these newspapers within the pale of industry, it was not this Legislature, nor the Government. But the Press Commission had done it before that, because it had made the Industrial Disputes Act applicable to them for good reasons. Then what really they are asked to do is collective bargaining. Yes. Then some concessions further. Have minimum wages. Then the Resolution of the Publishers' Conference says minimum wages, not at the all-India level. What about scales? For the scales, they have made a very curious suggestion. I wonder if any one of them who participated in that conference had an inkling of what consequences would flow from that suggestion if it were adopted that each and every individual establishment should have its own way of settling it by adjudication, finally of course, when difference arises so that—I don't remember immediately how many hundreds of those newspaper establishments are there—each establishment is to have its own separate adjudication.

[MR. DEPUTY CHAIRMAN in the Chair]

Therefore, I was compelled to observe that the plain implication of that would be that there should be no settlement at all, to scales available to any one of them till the end of time, at least so far as all of us are concerned. Not that anybody intends to deny, anybody here at any rate, to the working journalists their dues, their right, but from the way in which the thing is being dealt with and the way in which some impressions are being sought to be created or put across, one might construe that it all amounts to this. There

has been long enough delay now. A few more years might pass. Then the situation might change and something else might happen. This would be a kind of deduction from the manner in which the matter has been dealt with on that side. That is one stage of it. Collective bargaining we have tried and failed. Then what should we have done? The suggestion made to us is: "You had other courses open to you. You should not have assumed responsibility as a Government. You should have let the normal procedures prevail, that is, the Industrial Disputes Act, Adjudication, etc." and it is being made out that interference of Government as such is really an arbitrary exercise of its power, and is therefore some kind of an encroachment on freedom. I might explain that whatever is being done now is not an act of Government. It is going to be an Act of Parliament and without the sanction and support or approval of both the Houses of Parliament, whatever we might do will have nothing to stand upon. It was of course understood, when we passed the Ordinance, that it would come before both the Houses of Parliament and would have the sanction of the Legislature. Therefore it is a step with the support of Parliament in terms of the Constitution. How does it become an interference with freedom? How and where does arbitrariness come into it? The Supreme Court too has not anywhere said that it is only judicial procedures which could be employed for fixing wages. No. They have, in the course of a long judgment, dealt with that aspect at length that it is not only adjudication, not only judicial procedure but also legislative procedures. They may be quite appropriate in certain cases and they are actually being employed in various cases and we too here have, in the shape of our Minimum Wages Act. We have here lakhs of employees. Their wages are being fixed. There is a score of occupations apart from agriculture where the wages can be settled by Government. There may be committees or no committees. It is the Government's decision. If Parliament thought it was



quite fit and proper and nothing very strange about it that Government should have the power to fix minimum wages for such a large area, why should it be held as if this procedure that is now being adopted in this case is contrary to anything that has been done in any civilized country? It looks as if this is the kind of impression that is being created. It is perfectly legal, constitutional and proper but I would like to say a word or two about the concept of freedom itself.

What is the idea? It is that Government should not intervene and let everyone have his way—*laissez faire*—that is the idea. Collective bargaining; the underlying concept is, let the parties contend and let the stronger prevail. But when it comes to the interest of industry, they are not content to leaving Government to play that role. When it is the consumer's interest and when he can have cheaper imported goods, then Government is asked to come in and it has been at the expense of crores of rupees of consumers' money, that protection has been given by various Acts of Government. There this idea of 'everybody to himself' does not arise. It is not my concept of freedom. I may be wrong. My concept of freedom is not this that everybody is free to starve and is free to be crushed and there are others who are free to exploit. That is not my idea. I believe just as freedom means that they have to pursue their livelihood without undue restraint, there are rights also as part of that concept of freedom. There is a right to livelihood, and right to employment. Maybe that we are not in a position to extend it and apply it and make it available in the fullest measure today but these are Directive Principles in the Constitution. To the extent it is possible for us wherever we can do that, we have to do that. We extend the application of that principle to see that real freedom, true freedom, is ensured in this country and this Parliament has adopted a socialist pattern so that all this should be interpreted in the context of that. That means there has to be positive intervention. We may not

disturb them if it is assumed that the things as they are in the country are all properly balanced, that everybody has justice. Then you can say, why Government should come in and disturb a set of relations which are now based on justice for everybody and you come in and disturb it. Does anybody say so? I think it is very clear to us all that the conditions today in spite of our best efforts have not reached a stage where we can say that social justice has been secured and if it has not been, then there is the duty on the part of the Government through Parliament—various measures or ways are open to it—to take positive measures to see that the imbalances are set right and the injustices are redressed and it is in that context I would say that what has been done by this Government is a right step. It is in support of the concept of democracy and freedom which we have accepted for our consideration. I am sorry that I have had to take the time of the House to expound what I believe, in a larger sense, the concept of freedom and not a limited concept which arises from a narrow political sense but in all other senses—social and economic; that is, there is no vestige of freedom left. This I have said in relation to the contention that Government should not have assumed responsibilities one way or the other. But having assumed that responsibility, it had to take certain steps. The question still remains, why did we not adopt the judicial procedure? Why did we not have recourse to the Industrial Disputes Act and appoint a tribunal or again a Wage Board? I must now re-state the position that I stated in the opening speech when the Bill was offered for consideration here that this is not an ordinary procedure. It is certainly an exceptional procedure but there are reasons why we had to adopt this exceptional procedure. If it had been a fresh dispute, nobody could have conceived of an Ordinance for this purpose. If it had been just a matter which had been lingering on for a few months then also not. But this has been there some six to eight years. One of the hon. Members pointed out what is done in other countries. That

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is in relation to the Ordinance, and I shall come to that later. Regarding the Ordinance, why had we to bring in an Ordinance?

MR. DEPUTY CHAIRMAN: You can continue after lunch. The House stands adjourned till 2.30 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 GULZARILAL NANDA: Mr. Deputy Chairman, I was dealing with the objections which had arisen, primarily aimed at the manner in which the Government has dealt with this question, the point being that we have adopted courses which did not show sufficient respect for the Supreme Court, which might amount to circumventing the judgment of the Supreme Court, objection to the fact that an Ordinance has been issued or promulgated, that judicial procedures normally available under the Industrial Disputes Act had not been availed of, that an official committee had been appointed which, Sir, in their eyes does not seem to be a proper thing to do. Sir, I am dealing with these things together, because there is one common element in them, and that is the time element.

But before I explain that a little further, I would like to refer to an expression used by the hon. Member Shri H. N. Kunzru more than once in the course of his speech here also, that the way in which we have gone about this business has created an impression that Government is not doing the right thing, that it is trying—to give the language which he used—to evade the essence or circumvent the essence of the judgment of the Supreme Court. But I would like to ask

him and I would like to ask it of other hon. Members here, whether there is really such an impression? It may be that the hon. Member carries that impression and since he is an eminent citizen of this country, a respected person for whom I have great respect, it is a matter for regret that he should carry such an impression, because the fact is that others do not carry that impression. In the Lok Sabha, in the course of the whole debate, I did not find even a trace of that kind of an impression. And here also, though he and some other hon. Members may be carrying a feeling of that kind, that is not being shared by many other hon. Members or by others.

Sir, I was referring to the question of the time element. Why is it that we did not adopt the usual course of, say, having a tribunal or another Wage Board? But I must first refer again to the issue of the Ordinance. It was said by the hon. Member, Shri Shiva Rao, and others also, that this is a misuse of the powers of the Government, the promulgation of an Ordinance of this kind. They say it is something which may be resorted to rarely. Accepting that position that we should have recourse to an Ordinance only rarely, I would say without the least hesitation that if there was an occasion, that rare occasion was this. And I am fortified in this belief by the fact that hon. Members in the Lok Sabha, who as a rule and very often take very strong exception to Ordinances being promulgated, they themselves stated very emphatically that this was one occasion, at any rate, where the use of this extraordinary procedure was justified fully. Sir, here is the Constitution which I have in my hand and in that I see there is an article which provides for the issue of Ordinances. I also find that there is an article which provides for various petitions, writs, etc. Both of them find place in the Constitution. Both of them are constitutional procedures. Both of them are not intended for day to day use. We are told that in the Commonwealth countries like Australia, Canada and so on, they do not

employ such devices, things like these that we have here, Ordinances of this kind. But I would ask the hon. Member whether he can cite a single case of a dispute between employers and employees regarding the rates of wages which extended over a period like this, or even half or quarter of this period? These things are settled in a matter of days or weeks. Here it is a question of years. Where is the parallel? It is not usual to have Ordinances. We should make the most sparing use of this device of Ordinances. Similarly, recourse to these petitions and things like that should also not be frivolously adopted.

Sir, I have here the report of the Bank Award Commission. It is about a dispute regarding the bank employees and I find a very interesting reference there. It gives the history of the appointment of the present Commission and they say after the report of the Commission is received and considered by the Central Government they come to the final conclusion. Then it says:

"It is not surprising that since the dispute has spread over nearly six years, it has resulted in bitterness in the minds of the bankers and frustration in the minds of the employees. I have no doubt that many banks now rue the day when they scored a technical and legalistic victory over the employees by challenging the validity of the Sen Award before the Supreme Court."

May I hold, Sir, that when a provision is made and some kind of a safeguard had been adopted in the Constitution for certain occasions or for certain order of importance and urgency, it is not as if—because it is available, therefore—anybody can run to the Supreme Court—its doors are open—to delay the course of justice, to delay in the sense that some slight technical matter is brought up. I am not referring to this particular case now, but I am referring to the case of the general criticism about the use of Ordinances and special procedures.

There is a feeling of discontentment among the working classes in the country on the ground that there is excessive, too frequent, approach to the Supreme Court and High Courts on matters which are of economic interest to the workers and the employers and which could be settled more or less on grounds other than technical and legalistic. I was referring to the main reason for the adoption of this exceptional procedure, this issue of the Ordinance. It was because the whole course of this case had already extended over an exceedingly long period and it was felt, so far as we were concerned, that we should not allow this period to be prolonged unnecessarily by a day. It is in that background, this sense of urgency has to be appreciated. If we had adopted the course of appointment of another Wage Board or a Tribunal, what would have happened? The kind of thing to which the Bank Award refers would have happened. It might have taken several years and maybe the whole ground might have to be covered again. All the data collected by the Wage Board will need to be collected as otherwise that might again become a point for nullifying the work of this new body also. So, all those formalities would have to be gone through. The very thought of all that makes me feel oppressed, the sight of cases, normal demands for increase in wages, something which has to be tackled between the workers and the employers taking such a protracted course and thereby bringing discredit to a procedure, a mechanism, the scheme of industrial relations which is otherwise naturally intrinsically very good. This decision of the Wage Board, as hon. Members know, was set aside. Why? Because it did not conform to certain principles of natural justice and the criterion of the capacity of the industry to pay but, is there no criterion of natural justice also applicable to the other side? The Press Commission laid down the minimum scale of wages for working journalists in 1954. So many years have passed. If they had been enforced, how much would they have got by

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now? We forget all these things. Nobody is responsible for all the loss. Is there any natural justice in that, is there any natural justice for what they are being deprived, from year to year, of something which they would have got? At any rate, there would have been readiness on the part of the proprietors to pay something more. That was there; that is there and that also is not available. Is it that this Committee and this Government going to make up for all these years? It is going to be very difficult. The time that has passed away and the loss that has taken place have become irreparable. It cannot be repaired because the burden of the retrospective effect becomes very heavy. It was too heavy in the eyes of the proprietors when the Wage Board made its decision applicable from the date of the appointment of the Wage Board. That was found to be too heavy and that was one main consideration. That period is gone. Another period also expires and so, it will be very difficult for anybody to give all that back; all that is a dead loss to the working Journalists. It might be a very great gain to the proprietors which I hope will have increased their capacity to pay later on. When we talk of natural justice, we have to see things in a balanced way and not simply in a nice, legalistic way and question the efforts that are being made in order to rectify that injustice.

Sir, there was this question of circumventing the judgment of the Supreme Court, a rather strong expression. This phrase occurs in hon. Mr. Kunzru's speech in the Publishers' Conference and it was repeated here in the House when I was not present; it was reiterated again for my special benefit. Sir, in spite of the fact that it comes from an hon. Member like Dr. Kunzru, I must say definitely that it is not a correct statement. Simply because it is repeated often, it does not acquire any more weight and does not become a correct statement. I may say and I am going to say that it is an unwarranted statement and it does not become so simply because

I will go on repeating it. I say so because I have reasons for saying so. The strongest reason, the weightiest reason, is that there is no intention to circumvent on the part of those who have assumed the responsibility. On the other hand there is the most earnest resolve to endeavour to see that the judgment of the Supreme Court is fully applied, that the deficiencies which it has pointed out are removed and that, whatever is later on settled is fully in accord with the principles laid down by the Supreme Court. Why is it then thought that it will amount to circumvention? There are two points. One is that we have adopted in this Bill, a provision which makes the decision of the Wage Board the basis, the starting point and it is perhaps felt that a decision which has been set aside by the Supreme Court is being now made a starting point and, therefore, this kind of an appearance is created as if something which was vitiated, which was wrong and which had been destroyed by the Supreme Court, has been reinstated here and that, therefore, we are trying to do something which runs counter to the intentions of the Supreme Court. Sir, it is not so at all.

To say that this has been adopted as the starting point is just a way of putting forward something concrete on which the parties can then start and apply their minds without any kind of commitment, without any kind of assumption that this is going to be maintained, going to remain intact in any part of it. It could be, and therefore it is stated clearly that it could be modified, altered, or anything could be done to it. And so it is not that any special status has been given to this decision which will disable the Committee from doing its duty on the basis of the facts which are disclosed before it, the evidence which is presented before it and the material on which the capacity of the industry to pay and other things have to be settled.

MR. DEPUTY CHAIRMAN: That will be the basis from which the Committee starts; is it not?

**SHRI GULZARILAL NANDA:** I will explain the position. The Supreme Court in its judgment has said this about the decision of the Wage Board. This is the portion:—

“Even though the Wage Board came to the conclusion as a result of its having collected the requisite data and gathered sufficient materials, after receiving the answers to the questionnaire and examining the witnesses, that a certain wage structure was a proper one in its opinion, it was necessary for the Wage Board to communicate the proposal in that regard to the various newspaper establishments concerned and invite them to make their representations, if any, within a specified period. It was only after such representations were received from the interested parties that the Wage Board should have finalised its proposals and published its decision. If this procedure had been adopted the decision of the Wage Board could not have been challenged on the score of its being contrary to the principles of natural justice. It would have been no doubt more prudent to have followed the procedure outlined above.”

In several places in the judgment it has been brought out that the Supreme Court might not have thought it at all necessary to go into the merits of particular figures if they had felt the assurance that the Board had applied its mind to this problem and this was before their minds. Then, if that had been clear, whatever the decision of the Board might have been, it might not have been liable to question. That is the presumption, Sir, which arises from what the Supreme Court has stated.

**SHRI H. N. KUNZRU** (Uttar Pradesh): May I interrupt the hon. Minister? I do not think that it is a complete statement of the position of the Supreme Court. The Supreme Court had first pointed out that certain factors which the Wage Board should have considered were not considered by it, namely the benefits already granted to the working journalists by

the Working Journalists Act and also the consideration that other workers in the press, who formed eighty per cent. of the total staff, would also demand rights and privileges, if not equal to, at least similar to those accorded to the working journalists. As the Wage Board had not done this the Supreme Court said: If in these circumstances it had asked the newspaper for its opinion with regard to its tentative decision then it would have been on firmer ground.

**MR. DEPUTY CHAIRMAN:** But it has been made clear during the discussion, Dr. Kunzru, that the working journalists stand on a different footing because, for the other workers there are other Acts governing their wages and other benefits.

**SHRI H. N. KUNZRU:** I do not know, Sir, anything about the other Acts. The Supreme Court knows; if there are such Acts the Supreme Court is aware of them and yet they pronounced that judgment from which both the Minister and some other Members of Parliament have quoted.

**SHRI GULZARILAL NANDA:** Sir, to continue, there were several grounds urged against the decision of the Wage Board. One by one they were examined by the Supreme Court; one by one they were rejected. This one question of the capacity of the industry was examined closely and the Supreme Court did not feel satisfied that justice had been done to this particular aspect by the Wage Board as was evident from their proceedings, from the note of the chairman, etc. Therefore it was an incomplete decision—that decision of the Wage Board; it had to satisfy a number of criteria, which are mentioned partly in the Working Journalists Act and they are in the terms of reference to the Wage Board, and they were, all of them, complied with—a number of criteria which had to be applied, so many other things which had to be satisfied in coming to a decision regarding the scale of Wages and the minimum wage. And in the case of the Wage Board decision they had been complied with but this thing; this one thing was not; it was an

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incomplete decision. Now when we go further, I do not think, Sir, there is anything wrong in it. We tell the parties: Here is what the Wage Board has done so far and we have said in this that this further examination has to be made in the light of the judgment of the Supreme Court dated the 19th March, 1958, relating to the Wage Board decision, and in the light of all the other relevant circumstances, etc. There is the definite direction that the figures should go out quickly to the parties. Now what would you say to them? From either point of view something more may have to be said, and the proprietors certainly would say, must have said already in their representations to the Committee that they are not in a position to pay this. It may have been all right considering the rise in the cost of living; it may have been all right considering the needs of the working journalists on the basis of a normal reasonable standard of living; it may have been all right considering the comparability of their scales with those of other occupations which require the same kind of experience, qualifications, etc. A number of tests have to be applied and, well, all those tests are satisfied, but this one is not. Then the proprietors say: Yes, this may be all right in other ways, but we cannot pay all this. We can only pay 10 per cent. less or 20 per cent. less. Whatever they have to say, they will say that and . . .

MR. DEPUTY CHAIRMAN: You concede that the decision forms the basis.

SHRI GULZARILAL NANDA: Forms the starting point.

MR. DEPUTY CHAIRMAN: The point made out here was that that modification could have been done only by the Wage Board and there was no necessity to resort to this new legislation. That was the point urged by some of the Members.

SHRI GULZARILAL NANDA: Well, Sir, if we had to set up the Wage Board again, *de novo* enquiry and all that . . .

MR. DEPUTY CHAIRMAN: Not do that; these points can be considered by the very Wage Board; that was the argument.

SHRI GULZARILAL NANDA: That Wage Board, as far as I understand, is *functus officio*; it is not functioning at all. New criteria, new terms of reference, new questions and new everything will have to be done, and even an hon. Member, Mr. Sapru, I think, had something to say about the composition of the Committee, but he was definitely of opinion and he expressed it that a *de novo* enquiry was not a thing called for in the circumstances and he has urged it, that so much material has been collected, so much data have been collected, so much valuable material is there; why throw that away, he said. Of course he had his own objections otherwise. Therefore it was in view of all this that this was made a starting point. Clearly, if it had been something which has to be accepted as it is, then the question won't have arisen at all. It was well-known that this called for, might call for . . .

SHRI P. N. SAPRU (Uttar Pradesh): What I said was that the starting point might be the Supreme Court's decision. As a matter of fact on a matter of law the Supreme Court's decision set aside the Award. The operative part of the Supreme Court decision is that the Award does not stand. If the Wage Board had been in existence, then the correct order of the Supreme Court would have been to pass an order of *certiorari* and an order of *mandamus*; the Supreme Court would have set aside the Award and directed the Wage Board by a writ of *mandamus* to arrive at a new Award in the light of their observations. That would have been the right order but then, as the Wage Board had ceased to exist, they stopped with the order of *certiorari* and they did not go into the question of *mandamus*. But the fact cannot be got over that the Supreme Court decision set aside the Award of the Wage Board.

3 P.M.

**SHRI GULZARILAL NANDA:** I have not got that much grounding in legal matters as to start an argument about that. I depend upon the advice of the law officers of the Government but the hon. Member himself said that the terms of reference of this Committee were wide enough and there was no necessity for a *de novo* enquiry and he was not for an entirely new appraisal. It was not proper to throw away all the work that had been done.

**SHRI P. N. SAPRU:** I am not going back on what I said.

**SHRI GULZARILAL NANDA:** That is all right. I only used it.

Then I shall proceed to the other part. In that Wage Board's decision a number of things were there that were unanimously agreed to; that is, there is a list of points and some of them are marked as decisions which were majority decisions and some others are there—and you can see it has been stated there—and they were decisions that were reached unanimously. It is that composite nature of the decision which makes it incumbent on us, as also pointed out by the hon. Mr. Sapru, not to throw it away but to make such use of it as can be properly made use of and that is all that is intended here.

The other question was, why we have appointed an Official Committee, and that it amounts to some kind of disrespect to the Supreme Court. This appears to me to be some kind of a misconception of the scheme of this Bill. It is not that this Committee is sitting to decide things at the point at which the Wage Board in the first place and the Supreme Court later on left them. This Bill is only to enable the Central Government to fix the rate of wages. It is the Central Government that will do it and well, I do not think any question of status arises as between the Central Government and the Supreme Court. Therefore that misapprehension should not have arisen. Members of the Govern-

ment have the highest regard for the Supreme Court. As I pointed out earlier, they made every effort to see that satisfaction was given to the parties regarding matters which had brought out in the judgment of the Supreme Court and a proper and amicable settlement was arrived at. But since that failed, this had to be brought in. Now, the Committee has been objected to on the ground of its composition. There is some kind of a misapprehension as if this Committee consists of Assistant Secretaries with a joint Secretary as Chairman. Certainly not. The composition is this. The Secretary to the Government of India in the Ministry of Law is the Chairman. Then there is the Joint Secretary, Ministry of Labour and Employment, Joint Secretary, Ministry of Home Affairs, Principal Information Officer, Ministry of Information and Broadcasting and President of the Institute of Chartered Accountants. Sir, they were talking of a high-powered committee. I do not think there could be anything more powerful. We could not think of any; it had power not only in one matter but it had power of a varied kind. It had the capacity to deal with all the aspects which enter into this question. There is Law; there is Labour and Employment, Home, Information and Broadcasting and Accounts. Here the Government of India having assumed a certain responsibility, then proceeded to ensure that it made an arrangement which would enable it to carry out this responsibility properly and effectively and it made that arrangement. The responsibility was that of the Government and I think this was the most effective way of doing things. The capacity of the industry to pay comes and it was felt that this kind of a set-up would satisfy that purpose effectively. It was said that we should have had the Deputy Minister of Law on it. Well, the Deputy Minister of Law also is Chairman of several Committees; but the point is not relevant at all from the point of view of status. There is not so much of law in it that the Law Secretary to the Government of India will not be able to do justice to that

part of it. So far as status is concerned, it is the whole Cabinet which is responsible for it. So where is the justification for such objections and suggestions to change the composition in order to make it more respectable.

**SHRI P. N. SAPRU:** There will be only one person with legal qualifications. The others will not have any legal background.

**SHRI GULZARILAL NANDA:** Any member of the Committee might have been a High Court Judge or a Sessions Judge. I am only pointing out. As a matter of fact, it is not necessary that it should be so. For that ingredient of law that occurs in it we need not waste ten people. I think it would suffice to have the highest executive officer of the Law Ministry. And we have not got too much man power to unnecessarily duplicate the functions. And then in the tribunals they are not all serving judges. The point is that these people are subject to the control of Government while others would be independent. The word 'independent' was much used but many of the retired judges who are enlisted for the purpose of functioning as adjudicators come under the administrative control of the Government. They are not under the High Court or the Supreme Court. So where is the difference? Sir, much play has been made on that word 'independent'. What was the meaning of that word 'independent'? Was it the meaning that they should be independent of the Government? That is not the meaning at all. The meaning of the word 'independent' is given in the Industrial Disputes Act itself where it has been used. The hon. Mr. Kunzru referred to Section 7C and said that if we had conformed to the spirit of the requirements of the Industrial Disputes Act we would have appointed independent persons. Section 7C says:

"No person shall be appointed to or continue in the office of the Presiding Officer of a labour court, tribunal or national tribunal if he is not an independent person . . .

And now, what was the definition of 'independent person'? That should also have been seen. The definition of the expression 'independent person' is given in the same Act:

"A person shall be deemed to be independent for the purpose of his appointment as the Chairman or other member of the Board, Court or Tribunal if he is unconnected with the industrial dispute referred to such Board, Court or Tribunal or with any industry directly affected by such dispute."

None of these Secretaries and Joint Secretaries, as far as I know, is connected with the profession of working journalists or with the proprietors of newspapers and the Government is not a party to this dispute. So, the fact that it was not composed of independent persons and therefore this composition is unsatisfactory, does not stand.

Then the chief question which had been raised was about the impropriety of having an Ordinance, of having recourse to a special procedure and not appointing a tribunal, of having an official Committee rather than an independent Committee and thereby construing from that that we have been guilty of some kind of disrespect to the Supreme Court and that the steps taken are tantamount to circumventing the decision of the Supreme Court. All these things have no basis, and there is not the slightest justification for them.

**SHRI SHEEL BHADRA YAJEE** (Bihar): These are the cries and propaganda of the vested interests.

**SHRI GULZARILAL NANDA:** I have not to deal with propaganda outside. I have to pay the fullest consideration to the observations and arguments of the hon. Members here and I have to answer them as well as I can.

Sir, I have dealt with the real conditions in the case. There were other matters which hon. Members



went on to raise, dealing with the further stages of this Committee and the way in which this Government would handle the recommendations. It has been pointed out that the wording of the Bill in certain respects might still leaves loopholes which might be exploited later on, and very well-intentioned suggestions have been made that we should not leave any such room which may be later on exploited in that manner. Sir, we have given full consideration to all these suggestions. For example, it was said that the Government might make modifications which were of a minor nature, and in that case it would not be necessary to refer them back to the Committee, and then it was pointed out as to who was going to decide whether it was minor or major. The words are clearly stated: "in the opinion of the Government". That position is very clearly stated there. There are a number of other points . . .

SHRI P. N. SAPRU: Objection is always raised that the Government did not apply its mind to this particular problem and it is not guided by *bona fide* considerations. I mean you do not take a matter out of the purview of the courts by merely adding those words "if it thinks fit".

SHRI GULZARILAL NANDA: As I said, I will join issue. I will only take shelter behind the advice that has been given to me after a careful examination of the points which were raised, because I did not leave it at that. I had consultations about it and it was good that the hon. Member pointed out that those possibilities existed. Taking that into account, we re-examined the position and we felt that we were on safe ground and that it was not necessary to do anything further about the matter.

Sir, I have taken long enough time already, but before I close I would like to refer to an aspect of the matter which is not a kind of an argument in a formal sense, not a kind of a plea for one side or the other, for the working journalists or for the proprietors. They have all to serve

a common purpose, to maintain the newspaper—if you will call it—industry or vocation or whatever it is at a high level of efficiency, and its quality should be such that it creates satisfaction, that it does real service to the community. That is very important, and although, maybe, it has so developed that these things must be legislated on, that there should be Boards and Tribunals dealing with them, these are matters of living, the bread, the maintenance of the people, and these things will have to be decided one way or the other. But the chief interest of the community should not be forgotten, should not be lost sight of, in this kind of wrangling and strife between the parties. I stated earlier also that my special interest in this is in seeing to it that the delays are cut short, that frustration does not grow. Not only the present climate and atmosphere that have been created are bad for the working journalists because they suffer, they are bad for the proprietors also, because if they are not functioning in conditions of co-operation they will not get full value for whatever they spend. I am thinking much more of the aims of the newspapers, the free press, that is the press which today is the most powerful medium for enlightening the people and giving a direction to the minds of the people, and therefore it is setting a very bad example if in the newspaper industry this kind of conflict remains and grows. The working journalists have also a duty. We have pointed out the shortcomings of the proprietors, everybody has done that. Only one hon. Member finally said that it should not be that it is only about the proprietors that we have to say things, there may be something to be said about the working journalists also. Well, what has to be said about the working journalists? So far as I am concerned in the course of our efforts to settle the matter, I found them highly co-operative and accommodating. But I want to make a further plea to them that while they have to strive to get their due and the jus-

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tice due to them regarding their economic demands, they also have to keep this in view that if they get more, it has to come from the community in one way or the other, and they must contribute so much towards the industry that the community will willingly and ungrudgingly pass on what is due to them and to the others in the industry. The major purposes of the newspapers are properly carried out by a discharge of their obligations and duties in a manner which is consistent with the situation and position of an independent free country striving for a socialist pattern.

Sir, I have done.

MR. DEPUTY CHAIRMAN: The question is:

"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."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration.

Clauses 2 and 3 were added to the Bill.

#### Clause 4—Functions of Committee

DR. R. B. GOUR (Andhra, Pradesh): Sir, I move:

4. "That at page 3, after line 13, the following be inserted, namely:—

'(d) the alterations or modifications, if any, which, in the opinion of the person making the representation, would so improve the management of or reorganise the newspaper establishment or establishments, as the case may be, that the working journalists' demand for a reasonable living can be met'."

5. "That at page 3, lines 27-28, the words 'whether on the basis of regional classification or on any other basis' be deleted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are open for discussion.

DR. R. B. GOUR: Mr. Deputy Chairman, Sir, I hope that all those hon. Members of this House who have pleaded for the capacity of the industry to pay to be very seriously considered would readily accept the amendment that I am proposing. This question of the paying capacity of the industry has been raised in relation to every demand that the working class or the trade-unions raise in relation to the wages. Recently and particularly towards the end of the second World War, the trade-unions have taken up this course—a new course and that is, they suggest how the paying capacity of the industry should be increased. In fact, the trade unions are asking for reorganising the industry in a way that its paying capacity is increased. Therefore, my humble submission is, let us get an opportunity to submit to this Committee that the Government is going to appoint through this Bill, our views as regards how the paying capacity of the industry could be increased, how the overhead charges could be decreased, how the industry could be so reorganised or the management so changed or improvements could be so effected that the workers get their due. Therefore, I submit that my amendment No. 4 is—add another sub-clause (d) to clause 4; if any party is interested in submitting such suggestions as to improve the management and reorganise the industry, it should have a chance of giving such submissions also.

Amendment No. 5 is that the words 'whether on the basis of regional classification or on any other basis' should be deleted. I am afraid that it is, firstly, unnecessary and secondly, too much may be read into it. I would request the hon. Minister kindly to look at this sub-clause (5):

"The Committee may, if it thinks fit, take up for consideration separately groups or classes of newspaper establishments . . ."

Groups or classes of newspaper establishments you have agreed to, but you say, 'whether on the basis of regional classification or on any other basis.' Why do you want this particular sentence, because my apprehension is that this would open up another debate for regionalism as the newspaper proprietors are wanting. Therefore, I request you to see that this particular thing is deleted. And otherwise, the Committee is at liberty to go into the whole thing. I hope the hon. Minister will consider these amendments of mine.

SHRI GULZARILAL NANDA: It is the intention of the hon. Member that there should be every possible effort to improve the management of the newspaper establishments. It is not the paying capacity alone which might have been reduced because of a certain standard of efficiency not having been observed and there are other things happening also. This is not outside the purview of the Committee to look into. This aspect can be looked into by them and it is not necessary to make a special provision in that regard.

MR. DEPUTY CHAIRMAN: Do you press it?

DR. R. B. GOUR: After this assurance from the Minister that that can be gone into, I do not press it.

MR. DEPUTY CHAIRMAN: What about the next amendment?

DR. R. B. GOUR: About the next he has not said anything.

SHRI GULZARILAL NANDA: Regarding regional classification and all that, it is necessary to move towards unanimity as much as possible. The Press Commission also has accepted that principle. The regional classification is not only mentioned in the case of this Bill; in regard to the Wage

Boards for sugar and other industries also, it is there. We have made this provision because conditions may vary and it may be necessary to have different arrangements in different regions.

MR. DEPUTY CHAIRMAN: Do you press this?

DR. R. B. GOUR: The second amendment I am pressing. But the first, I am not.

\*Amendment No. 4 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 3, lines 27-28, the words 'whether on the basis of regional classification or on any other basis' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6—Power of Central Government to enforce recommendations of Committee.

SHRI BHUPESH GUPTA (West Bengal): Sir, I move:

1. "That at page 4—

(i) after line 34, the following proviso be inserted, namely:—

'Provided that no such modification shall be made except for raising the emoluments in favour of the working journalists'; and

\*For text of amendment, vide col. 2117 *supra*.

[Shri Bhupesh Gupta.]

(ii) in line 35, for the words 'Provided that' the words 'Provided further that' be substituted."

(The above amendment stood also in the names of Shri V. Prasad Rao and Dr. R. B. Gour.)

MR. DEPUTY CHAIRMAN: The clause and the amendment are open for discussion.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, Sir, my amendment is a safeguard amendment because the Government naturally assumes the power of modifying the recommendations of the Committee. Now, I want such modification to be made only in one direction, if at all, that is to say, in the direction of improving the position of the working journalists—in other words, by increasing their emoluments. Why do I say this? Firstly because, if you look at the Committee, you will find that it is going to be full of officials—officials of the Department. I am not one of those who would say that every official is bad, but unfortunately, I cannot also say that every one is good. There are some officials who may be liable to all kinds of pressure from the employers and owners and it may be that some of them would be influenced by them. Maybe, I am not sure, but I say that it may be. Besides, sometimes we find that when such officials deal with such matters, certain extraneous influences play upon them, not very healthy at times. We have had many such experiences with regard to officials and therefore, I think that we cannot entirely leave it to the Committee. Suppose the Committee makes a recommendation. If it is bad, of course, the Government can improve it. But suppose the officials are good and make a good recommendation—sometimes, they can take very good decisions—in that case, they should not be disturbed and if anything, they should be improved upon by the Government by means of increasing the emoluments of the working journalists. Here, why do I want to restrict the powers of the Government in a parti-

cular direction. This question may be asked. If it were Mr. Nanda all the time, then probably, I would not have pressed the amendment. But we deal with a parliamentary democracy. The matter is, in such democracy no one ever knows when internal party cliques and so many other things happen. In making this suggestion in my amendment—I make it very clear—I make no reflection upon the Minister or on the decision to which he may be a party. I have some feeling, as I have watched this matter, that the hon. Labour Minister would normally take a sensible, sympathetic view. From that presumption, I would support him in this matter at least. But then, we are passing a permanent law and it will be on the Statute Book. We do not know what type of Minister will be there in future and what type of Government will be there. All these things are there. Questions arise in our mind about this. I say this more especially because in the various States, some of the Labour Ministers are not very encouraging phenomena. Therefore, I would like to tie the hands of the Government, not of the Labour Minister himself. Well, naturally, he will be subjected to it.

You have had the experience of the Bank Award. The Government changed this Award, modified it in a reactionary, wrong direction and as you know, Sir, that was done in spite of the opinion expressed by the Labour Minister of that time. He had to quit in protest. Such things might happen, not now, but in future and it may be that while Mr. Nanda will have a particular way, his Cabinet colleagues will not accept it and then the Cabinet's decision will come for having this modified in favour of the employer. Why do I presume that? Why do I sense danger? I sense danger not because I have any particular reflection to make upon the Labour Minister. I have my hesitations and doubts about this Government, as a Cabinet team, because there are some people in the Government still who are known to be very great friends...

MR. DEPUTY CHAIRMAN: You can have the law amended. You can move a Bill.

SHRI BHUPESH GUPTA: If he is in a minority . . . .

MR. DEPUTY CHAIRMAN: And you can throw the Government out if you can.

SHRI BHUPESH GUPTA: You are quite right. He is a minority in the Cabinet.

MR. DEPUTY CHAIRMAN: Speak only on the amendment.

SHRI BHUPESH GUPTA: If he is in a majority, he will not allow it in the bad direction. But suppose he is in a minority?

MR. DEPUTY CHAIRMAN: Through Parliament, you can get it amended.

SHRI BHUPESH GUPTA: Please do not come to his rescue. Let him answer now. Sir, you say he can get it amended.

MR. DEPUTY CHAIRMAN: You can get it amended in Parliament by moving an amending Bill.

SHRI BHUPESH GUPTA: I can get it amended? Sir, you are telling me the Arabian Nights tale. I am a little old for that. It is a very good thing—the divine thought—that we can get it amended. But you have seen in six years' time, how many things we have got.

MR. DEPUTY CHAIRMAN: That is the only democratic method in a democracy.

SHRI BHUPESH GUPTA: And the other democratic method is also there and that is why, here is an amendment I am making and I ask him to accept it. Democracy does not mean that it should wait till after the passing of this Bill. It may start now. Sir, your idea of democracy only starts after I finish. Let me proceed, Sir. You have introduced a

little humour in this debate. Very good. Democracy will not work here, I tell you, because I know there is very great pressure on the Government. And the Government is not composed of those people all of whom possess the same type of character and stamina. Some of them are very found of these employers. Otherwise, how was it possible for the employers to have behaved in that manner for all those years? I have known of certain cases where even Mr. Nanda has been maligned and slandered by some newspaper owners, and I also know it for certain that some of the well-known Ministers of the Government are still very friendly to those people who attack their colleagues.

SHRI SHEEL BHADRA YAJEE: Question.

MR. DEPUTY CHAIRMAN: You are repeating your argument Mr. Gupta. You have spoken for one hour and thirty-six minutes.

SHRI BHUPESH GUPTA: I expected that I would be reminded like that. Well, I do not see here anybody who can say everything absolutely new, which has not been uttered in the course of the last three days. If there is anybody who can do that, then I surrender my right to speak. But I doubt if anybody will be able to do that.

Therefore, Sir, I say that I have my own fears and I would ask the hon. Minister to accept this amendment, because as far as the employers are concerned, they can look after their own interests very well. They have made hay all these years. They are very rich and well-to-do people and they have plenty to spare. Therefore the question of protecting their interests does not at all arise. I, therefore, suggest that the modification in the direction of serving their interests should be completely ruled out. And since we feel that there might be some pressure exercised, I think the Government's hands should be tied to prevent any mischief that might otherwise be there. Therefore

[Shri Bhupesh Gupta.]

this particular amendment of mine should be accepted because it is a very sensible amendment, and I would request you to persuade the hon. Minister to demonstrate that democracy is a two-way traffic.

SHRI GULZARILAL NANDA: Sir, I was trying to make up my mind whether the hon. Member intended, that all that he had said should be taken seriously or it was done only to introduce a bit of humour. Anyway, I think, Sir, the hon. Member has missed the entire purpose of the Bill when he made that kind of proposal. Here it is the decision of the Government, and citing the Bank Award here is totally irrelevant. There it was the Award of the Tribunal and the Government was only exercising the special power of modification, which was a very different matter from the initial responsibility of fixing wages. The Committee is there only to give some assistance to the Government in making up its mind. That is the position. So this amendment is not at all reasonable. The hon. Member perhaps knows that it won't be accepted. It is only some kind of propaganda for himself. It may quite well serve by way of propaganda, but really speaking its effect will not at all be very advantageous, because by way of implication it destroys his support to the Bill. The hon. Member does not want the Government to decide. He wants the Committee to decide.

SHRI BHUPESH GUPTA: No, Sir. I want the Government to decide, but while taking any decision, I want to restrict . . . .

MR. DEPUTY CHAIRMAN: It must be only increased, not decreased.

SHRI GULZARILAL NANDA: Sir, I do not think I can prolong that argument. He has done two things. The other thing was wholly unnecessary. He has arraigned officers also, although he wanted their recommendations not to be changed, but to be maintained. Then, Sir, he

said something about my colleagues which is wholly gratuitous, particularly after my reply to the debate and specifically mentioning that it is not the Labour Minister who will count, but the entire Cabinet will count. This is the decision of the Cabinet which has brought forward this Bill or which brought forward the Working Journalists Act before Parliament and set up the Wage Board and all those things. So the Cabinet is responsible for doing all these things. Where is the question of saying that the Members of the Government are not sympathetic? Here is all our sympathy in a concrete form. Therefore, Sir, I am not accepting the amendment.

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 4.

(i) after line 34, the following proviso be inserted, namely:—

'Provided that no such modification shall be made except for raising the emoluments in favour of the working journalists'; and

(ii) in line 35, for the words 'Provided that' the words 'Provided further that' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

New clause 7-A

SHRI BHUPESH GUPTA: Sir, I move:

2. "That at page 5, after line 13, the following new clause be inserted, namely:—

'7A. The proprietor or proprietors and managing director or directors shall be liable to a fine up to twenty-five thousand rupees in the case of A Class newspapers and twenty thousand rupees in the case of B Class newspapers, for failure to implement the decisions as respects the rates of wages fixed by the Government under this Act within thirty days after their publication in the Official Gazette'".

(The amendment also stood in the names of Shri Abdur Rezzak Khan, Shri V. Prasad Rao and Dr. R. B. Gour.)

MR. DEPUTY CHAIRMAN: The amendment to incorporate a new clause—Clause 7A—is now before the House.

SHRI BHUPESH GUPTA: Now, Sir, you have seen how democracy is working. Now here I want to introduce some penal clause. You will say that I mean it only as propaganda. To them we are nothing but propagandists.

Now, Sir, in this whole Bill there is no penal clause anywhere. We are making a very serious piece of legislation. This is a much-delayed measure that we are passing now. And we know it fully well how organised attempts have been made by the employers to sabotage every step that is taken to fulfil the very legitimate demands of the working journalists. And we do anticipate—we have reason to do so—that similar efforts will be made by the employers to frustrate the provisions of this measure by all kinds of trickery. Now, Sir, the hon. Minister himself had said that certain benefits had been withheld from the working journalists for a long time. We do not see any guarantee that justice will be fully done even after the passage of this measure. Now

since we are laying down this law and removing certain difficulties that arose as a result of the Supreme Court's judgment, I think we should at least have these two categories of employers—A and B—and if they violate the provisions of this measure, they should be liable to punishment. Whenever the employees have agitated in support of their legitimate demands or whenever they have asked for the implementation of the Wage Board decisions etc., we have seen how they are persecuted and victimised by the employers, because they have got the whip-hand in this matter. They can suppress any employee individually or even some of them collectively by threats of dismissal and victimisation and also by blocking their promotions and other things. Punishment is being given by the employers to their working journalists just because they ask for their legitimate rights and stand for what we have conceded to them. But when the very same employers violate the provisions of this measure they are not to be punished because no punishment has been provided for in this Bill. After all the working journalists cannot punish them. It does not lie in their hands to do so; they have no power to do so. Only Parliament can punish them. Only Government can punish them. Therefore we want this amendment to be accepted by the Government. I have been very lenient, Sir. I was thinking whether some provision by way of some imprisonment could be made, but then I thought that they were respectable persons, and therefore I should give them some chance. I have provided for a fine up to twenty-five thousand rupees in the case of A Class newspapers and twenty thousand rupees in the case of B class newspapers. It should be known to them that henceforward any violation of the decisions of the Government under this measure with regard to the rates of pay will make them liable to some penal actions on the part of the Government and some punishment. That should be known. That would be a deterrent.

[Shri Bhupesh Gupta.]

It is very essential to provide for such things. In other cases it is done. In certain other Bills we have made such provision and I don't see why this category of people—employers, or newspaper owners should be treated as sacrosanct that they can with impunity go on violating this, complicate the situation, involve Parliament into endless debates and frustrate the measures. We don't like such things. If they are serious about democracy, it is necessary to accept this amendment. He will say that this is not their way of democracy. Obviously those who conform to the rules and decisions of the Government with regard to the wage rates will not at all be liable to any punishment. We are only concerned with antisocial elements here, those who violate this thing. Even after all this, they should be liable to punishment and if this measure offers a threat to that category of people, we should not be upset by it as if we are doing something very harsh. Punishment is essential after the countless victimisations etc. they have made in the course of the last several years. The other day 'The Hindu' victimised. The working journalists were thrown out of jobs at short notice. Summarily they were dealt with. I don't know whether in any civilised country people are treated in this cavalier manner, in this harsh manner. Therefore I would ask him to accept this amendment. Let it remain. If they behave well, it would not come into operation. If they don't naturally they will have to pay a little for it. This is the provision. I am prepared to concede certain alterations in it but I still insist that a penal clause at least with regard to the top employer has become an indispensable thing in order that we can fulfil this objective that we have in view.

SHRI KAILASH BIHARI LALL (Bihar): I wanted a clarification. He has proposed very heavy sums as fines. I wish to know whether he wants to make it a separate fund for helping these working journalists?

MR. DEPUTY CHAIRMAN: That is your suggestion.

DR. R. B. GOUR: All fines go to the Labour Welfare Fund.

SHRI M. VALIULLA (Mysore): Sir, I oppose this amendment. In such cases where generally wages are not paid, nowhere people are sent to jails. They are more or less cases of a civil nature. If money is to be paid, it should be paid from one person to the other. Here there is a clear provision that if any amount is due under this Act, the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue without prejudice to any other method of recovery. In such cases nobody takes it as a crime and punishes him to the extent of sending him to jail and fines him Rs. 20,000 or so. Therefore I oppose this.

SHRI GULZARILAL NANDA: I appreciate the force of what the hon. Member has said. When any legislation provides for the exercise of certain rights by certain persons and also makes provision for certain liabilities and obligations to be performed by others, there should be adequate sanctions. It should be ensured that those rights can be exercised and those duties also will be carried out. In the case of the Working Journalists we found that possibly there was something more to be done in this direction. We should certainly consider but the place for consideration is in the Act itself. We will have to amend that in order to do something about it. This is not the place. This is only for certain matters. The penalty is not only for this but there are various other things which the proprietors have to do regarding which also, maybe, we have to reinforce the sanctions and penalties.

SHRI BHUPESH GUPTA: Do I understand that the Government is considering such things?

SHRI GULZARILAL NANDA: I accept that we should consider this.



SHRI BHUPESH GUPTA: In that case, as a gesture, I am not pressing this particular amendment and I hope the consideration will be in the right direction.

\*Amendment No. 2 was, by leave, withdrawn.

Clause 8 was added to the Bill.

Clause 9—*Recovery of money due to Working Journalists*

MR. DEPUTY CHAIRMAN: There is a verbal amendment.

DR. R. B. GOUR: Sir, I move:

3. "That at page 5, in sub-clauses (1) and (2) of clause 9, for the word 'due' wherever it occurs, the word 'payable' be substituted."

(The amendment also stood in the names of Shri Bhupesh Gupta, Shri Abdur Rezzak Khan and Shri V. Prasad Rao.)

MR. DEPUTY CHAIRMAN: The clause and the amendment are before the House.

DR. R. B. GOUR: Sir, the amendment that I have moved is again one that is necessitated by the judgment of the Supreme Court. If the hon. Minister would kindly look into the judgment of the Supreme Court, in the course of the case the point was raised by 'The Hindu' in relation to this word 'due'. It is unfortunate. That judgment is there before us and we shall have to make this necessary change in relation to this word. Instead of 'due', it should be 'payable'. I must explain my point a little. This particular clause 9 of the Bill is nothing but a reproduction of Section 33A of the Industrial Disputes Act. It is quite true that no employer has gone to the court against that particular section of the Industrial Disputes Act but here 'The Hindu' had gone against this particular clause as it obtains in the earlier Act to the Supreme Court. What is it that the Supreme Court said in this

respect? They said that the word 'due' is that amount which is due to the employees after the amount that is payable has been specified by a civil authority. That is, the amount payable has to be specified by a civil authority and then out of that payable amount, something might have been already paid to the employee and what remains is due to the employee and therefore this 'due' means the amount not that is payable but the one that has been decided as payable by a civil authority. I think my point is very clear. But the purpose of this Bill is, as the purpose of the Industrial Disputes Act, that every employee is not going to a civil court or a civil authority with regard to deciding the amount payable to him or after having decided the amount due to him. What happens is, in ordinary cases we go to the Payment of Wages authority but every employee cannot go to that authority. Because there is a ceiling for a person to go before the Payment of Wages authority. What happens here is you will not go to a civil authority to decide what is payable, after having decided the amount due. Here you are appointing an authority. The State Government is appointing an authority for a summary decision of the whole thing. Now therefore this is going to be a very serious difficulty for us. That gentleman will say 'Obviously what is due we must first get it decided by a civil authority. We must know what is payable to you.' Therefore this word 'due' will create a problem for us. I am sure this will create a problem in the Industrial Disputes Act also. That also will have to be amended. To word 'payable' has to be introduced. The intention of the legislature is not this that the payability will be decided by somebody else and then we will go to recover our dues through an authority that is suggested in clause 9 of the Bill. The authority that is intended by this clause 9 will also decide the payability but this word 'payable' defines the powers of that authority. 'Due' restricts the autho-

\*For text of amendment, vide col. 2117 *supra*.

[Dr. R. B. Gour.]

rity. Therefore this word 'due' will have to be changed to the word 'payable' otherwise we will be in a soup.

THE MINISTER OF LAW (SHRI A. K. SEN): We had in mind the judgment in 'The Hindu' case. That is why sub-clause (2) has been inserted. Originally the question arose under sub-clause (1)—if you will see the clause—as to what will happen when the amount due is not ascertained by any authority. That is why in clause 9 sub-clause (2) it was put in the following words:

"If any question arises as to the amount due under this Act to a working journalist from an employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under section 7 of the Industrial Disputes Act, 1947, and the said Act shall have effect in relation to the Labour Court as if the question so referred were a matter specified in the Second Schedule to that Act which has been referred to the Labour Court for adjudication."

And we thought that this meets the situation.

DR. R. B. GOUR: That means every time the State Government will have to send the whole case to the Labour Court and the Labour Court will decide and it will again go back . . .

SHRI A. K. SEN: If there is an intransigent employer who wants an adjudication on every occasion, there is nothing which can prevent it.

MR. DEPUTY CHAIRMAN: What he perhaps means is when this Committee fixes the wages and if an employee wants to recover those wages and they are not paid by the employer, can he straightway go to the Collector for that amount as an amount payable?

SHRI A. K. SEN: The difficulty is . . .

MR. DEPUTY CHAIRMAN: Or has he to go to another authority if there is a dispute?

SHRI A. K. SEN: After the passing of the Act, whenever the employer tries to raise some kind of a dispute, the result is adjudication.

DR. R. B. GOUR: But we are not creating a dispute now.

SHRI A. K. SEN: If the hon. Member refers to the journalists he will find that they themselves are in agreement with this provision.

DR. R. B. GOUR: We are not concerned with that now.

MR. DEPUTY CHAIRMAN: They are not accepting it. Do you press your amendment?

SHRI BHUPESH GUPTA: The hon. Minister said that to the journalists themselves this is acceptable. Then do I understand that if the journalists do not agree, he will make an amendment and change it?

MR. DEPUTY CHAIRMAN: Shall I put it to vote?

DR. R. B. GOUR: Even with this explanation, I find under clause 9(2) for recovery of my dues, I have to approach the State Government and for deciding the amount that is due, every time the State Government will have to refer the matter to the Labour Court.

MR. DEPUTY CHAIRMAN: If there is a dispute.

DR. R. B. GOUR: It is there, the judgment is there and the word 'due' is already there. My plea is that it should be changed to 'payable'. The amount may be the same.

MR. DEPUTY CHAIRMAN: It may not be the same. There may be a genuine case where the employer may have to recover some amount from the employee.

DR. R. B. GOUR: I have already got an award giving me what I claim. But my claim will not be considered as what is due to me, as my dues, unless and until the payability of it is decided by the civil authority contemplated in sub-section 9(2).

SHRI A. K. SEN: May I explain the position?

Under the Public Demands Recovery Act,—if the hon. Member had read it he would remember—there is provision for adjudication of claims, the moment a certificate of denial of liability is there. Any lawyer Member here will appreciate it. When such a certificate of denial of liability is put up by the debtor, then it needs all the protracted procedure under the Public Demands Recovery Act. It was thought that if a dispute about the liability is raised by the employer, it may be recovered under sub-clause 9(2). The hon. Member may put in provision of any kind, for recovery under the Public Demands Recovery Act, but even that procedure will bring in the procedure for adjudication wherever there is denial of liability.

DR. R. B. GOUR: But the same authority can do it.

SHRI A. K. SEN: No, it cannot; please refer to the Public Demands Recovery Act. If I had a copy of that Act, I could have read out the relevant section. It is a regular procedure, it leads to appeals, leads to revisions and so on, first appeal to the District Magistrate and then to the Commissioner and then to the High Court. The hon. Member will leave some wisdom to us. This provision is much more favourable to the journalists than a procedure for adjudication of disputed claims provided in the Public Demands Recovery Act.

MR. DEPUTY CHAIRMAN: Do you press your amendment?

DR. R. B. GOUR: With all this, why should I press it?

SHRI BHUPESH GUPTA. We are utterly confused. He has succeeded in confusing us. We don't know what to do in this confusion.

\*Amendment No. 3 was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 14 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI GULZARILAL NANDA: Sir, I move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

Let us try to take up some other Bill also.

SHRI H. N. KUNZRU: You will soon take up some other Bill, but I hope you will not and the House will not grudge me a few minutes to reply to some of the observations made by the Labour Minister.

The hon. Minister of Labour said this morning that he had, in response to my request laid on the Table papers containing the information I had asked for. Now, I find these papers only relate to letters received by him from the Indian and Eastern Newspaper Society. They give no indication of the proposals made by the working journalists. Nor do they give any indication of the efforts made by Government to bring about a compromise. Had these papers

\*For text of amendment, vide col. 2131 *supra*.

[Shri H. N. Kunzru.]

contained anything which gave some idea of the compromise proposals by the Government, I could have understood his claiming that he had supplied the information that I had asked for. But the information that he has supplied is all one-sided and does not enable us to know what happened from the negotiations that took place after the writ petition had been filed and before and after the Supreme Court delivered its judgment. We are as much in the dark about the position taken up by the parties and the Government as we were when I asked the Labour Minister for information relating to the points of view of these three parties.

The next point which the Labour Minister referred to was that of proof-readers. He referred to the judgments of various High Courts and that of the Supreme Court. These courts have interpreted the existing Act. The Supreme Court, I take it, will claim that as far as it can it tries to interpret a statute in such a way as not to have to declare that statute as a whole or any part of it, as either unconstitutional or *ultra vires* the legislature. But what I had referred to yesterday was an assurance given by Dr. Keskar and the Labour Minister refrained altogether from referring to it. Dr. Keskar told us how it was that the provision relating to proof-readers in the Bill as it had been introduced was later changed, and when Members on both sides of the House questioned his interpretation of sub-section 2(f) of the Working Journalists Act, he said he relied on what he had been told by the Law Ministry. I think this ought to warn the Labour Minister against accepting all that the Law Ministry says. He gave an assurance and said only those proof-readers would get the benefit of the Act whose principal avocation was that of journalists. The definition itself was, however, such as to bring in all proof readers. Again, in the other House also, Sir, he gave an assurance that if there was

any difficulty, the Act could be amended. He wrote to the Indian and Eastern Newspaper Society that he had conveyed or would convey his opinion strongly to the Labour Ministry but that he could not directly implement the promises that he had made. Now, Shri Nanda did not refer to this at all while what I said referred to the assurances given by the Government when the Working Journalists Bill was under consideration.

The third and the fourth points which the Labour Minister referred to were the objections to the passing of an ordinance and asking the Committee appointed by him to take the Wage Board decisions as its starting point. Now, Sir, some of us, during the debate, did object to the passing of an Ordinance but we, at the same time, expressed the opinion that if the Labour Minister thought that an emergency had arisen and that it would be unwise to wait till the Legislature met, was it necessary for him to appoint a Committee of the complexion that he had appointed? The Committee, as he himself has said, is almost wholly official. Now what compelled him to appoint a Committee of this kind? He said that Government could not allow the usual judicial procedure followed under the Industrial Disputes Act to delay the settlement of this question and that it had to assume responsibility for its settlement but, Sir, was it necessary for the fulfilment of the responsibility assumed by Government that it should appoint an official Committee to consider the matter? Could it not appoint a Committee independent of both the interests but consisting of men in whom the public could have more faith than it can have in an official Committee? That is the point and he has not replied to it. He said, "These are all Government officials. They are independent in the technical sense in which the word 'independent' has been defined in the Labour Disputes Act." But, Sir, my object when I referred to that was that a Committee

could have been appointed which had no connection either with the proprietors or with the employers in a newspaper press. That Committee would have given more satisfaction. It would have been regarded as truly independent. Then, Sir, the Labour Minister defended . . .

SHRI SHEEL BHADRA YAJEE: You want the working journalists and their employers in the official Committee to quarrel among themselves?

SHRI H. N. KUNZRU: I am afraid I have not been able to understand what he said.

SHRI SHEEL BHADRA YAJEE: That you can never understand.

SHRI H. N. KUNZRU: You say clearly what you want to say.

SHRI SHEEL BHADRA YAJEE: If Government accept this suggestion, that the press owners and the working journalists should be appointed or they have to be included in the official Committee, then there would be regular quarrel among themselves.

MR. DEPUTY CHAIRMAN: This is not what he said. You have not understood what he said.

SHRI H. N. KUNZRU: I do not know what he is referring to but, Sir, I was saying that the Labour Minister defended his asking the official Committee, the almost wholly official Committee, appointed by him to take the decision of the Wage Board as its starting point. Now, Sir I do not want to prolong the argument on this point. I cannot understand, Sir, how a decision which, according to the observations of the Supreme Court was no better than guess-work and which was set aside by the Supreme Court could be fairly regarded as an unobjectionable starting point. Certainly at least the Labour Minister will admit that the procedure followed by him is somewhat abnormal. He may have convinced himself that what he was doing was in the public interest but I cannot understand, Sir, how the public interest would have been adversely

affected had he acted in the way suggested by me. He said, that he was anxious that the present atmosphere of bitterness between the employers and the employees should be dispelled as early as possible. He further said that it was against the interests of both as clearly as it was against the public interest. I heartily agree with him in these observations. Let us do whatever we can to have this question settled at an early date but I do submit, Sir, that in order to solve this question as speedily as possible it was possible for Government to adopt a more normal procedure.

DR. R. B. GOUR: The employers were abnormal.

SHRI H. N. KUNZRU: I know my hon. friend's opinion. It will be the same in all circumstances, whatever the facts may be.

However much the Minister may say that in his opinion there was nothing wrong in the procedure and nothing wrong in asking the Committee to take that very decision which had been declared to be null and void by the Supreme Court as the basis of its discussion, it is something which I cannot understand.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman. I did not have the advantage of listening to hon. Dr. Kunzru when he was speaking at the first reading stage.

SHRI H. N. KUNZRU: May I then inform him that I thanked him for the brotherly kindness with which he treated me in his criticism?

SHRI BHUPESH GUPTA: I am sure that he would have appreciated my brotherly kindness. I also appreciate his wisdom but it seems somewhat misplaced in this connection.

Now, Sir, I heard him and it seems that Dr. Kunzru sticks more or less to the position that he had taken. Well, it will be our task to argue with him, to convince him of the correctness of the stand

[Shri Bhupesh Gupta.]  
that we have taken; it will take a long time but we shall endeavour to get his support because he is a right-minded man and even in this matter if he has gone wrong, we should try to win him over to our side, to the side of the working journalists because this is a case which we are most interested in. Now, Sir, this measure is being passed and we have to support it. We do not think that the Ordinance was wrong on this particular occasion because we felt that the Government had to act quickly in view of the developments that had taken place.

And I do not see as to why the decisions of the Wage Board should not be taken as the starting point. It seems Dr. Kunzru has serious objection to these decisions being taken as the starting point in view of the Supreme Court judgment. Well, as far as I am concerned I have a starting point, that is the demands of the working journalists themselves. I think they are a large body of much more honourable and dependable men, numerically great, from the point of view of other considerations also very dependable, whose demands could be taken as the starting point. But that had not been done. It had been gone into by a Wage Board which consisted of an equal number of representatives of both sides and on many matters unanimous agreements had been arrived at. Now if this is not a starting point what should be the starting point? I have not had any suggestion as to what should be the starting point. I can understand those who are saying *do novo* enquiry nothing to start with; well, I can understand their position. But if we were to have at all any starting point, I should think the work that had been done by the Wage Board consisting of divergent interests offered that starting point; it is just there before us. The Committee can consider it and the representations—consider everything—that will be made; everything is going to be again thrashed out. Left to

ourselves we would not like that procedure, because it delays things. The cost of living is there; we know how much they get; we know how much they earn; the general rule we can lay down. Individual cases, it may be necessary to go into; but the onus of proving incapacity will be there, on the other side. It is not that I have to go and prove in every case their capacity to pay. Capacity to pay is a notorious fact and there is the expression in law 'notorious fact.' We proceed on this thing. On top of it we have got certain concrete decisions. They should be taken as the starting point. The Supreme Court judgment is still being referred to. Well, the Supreme Court was involved in procedure, as we know, and then we are now rectifying this procedure. Let us not quarrel over it any more; that phase is over. Now we can go into the other thing. Now I would not go into what the Supreme Court has said about guesswork and all that. Was it all guesswork when the case had been made simultaneously, contemporaneously by both sides? On many matters the employers and the employees, except in respect of some six items, have both agreed to make the case. I think that we, who are detached people, independent people, can even take that case as also the starting point. After all they are more knowledgeable people. Therefore even on that score it is desirable and necessary that we have some starting point, and this decision offered that starting point.

Now, Sir, 'independent'. I have my doubts about an official Committee; I need not go into this thing, but the hon. Minister has thought it fit to appoint a Committee of this nature; let us try. If the Committee goes wrong we shall seek an amendment. I know, if they go wrong, only then the amendment will be accepted; otherwise not. But then let us start. Left to myself I would like to have a Committee composed of really independent people, not so-called independent, because in the world of to-day that kind of indepen-

dence—I do not know—may exist in a certain metaphysical sense, but in objective social laws and life such independence does not exist. I would not, therefore, like to have such people on the Committee who may have any kind of undue consideration for the employing persons. I do not like because here I am legislating for doing justice to a section of the community which has been denied justice, and I want to do it as quickly as possible, as courageously as possible, and I want to do it as vigorously as possible. Therefore we have to choose men like that. Therefore, Sir, this kind of idea of getting somebody independent and all that, I do not know how it will work but still, if the hon. Kunzru says that better persons should be there, I can discuss with him about the individuals, their qualifications and all that, but the very suggestion that somebody will be independent does not satisfy me that way. Good officers need have no fear; they will have the protection of Parliament; they can act independently in this matter exercise their individual judgment but then with this objective social sense. If they go wrong we shall pull them up. If they do good things we shall acknowledge their services that they are behaving worthily in such matters. Now, Sir, therefore that argument also does not hold much water.

Now we have almost passed this Bill; we are passing it. I have in mind three sections of the community, the newspaper-owners, the working journalists and the readers; all are involved in it, Sir, and I would make three sets of observations here. With regard to the owners I should like to appeal to them at this stage. I have been a very great critic of them. Although that portion of my speech has been very successfully blacked out in some of the papers every word uttered against the working journalists has been printed in most of the papers. But whatever criticism we had offered with regard to the employers, much of it had not been printed. That only shows which

way the wind is blowing and how it is behaving. Still I would appeal to them and say that this matter has been given considerable thought by Parliament, by members of both sides of the House and it is being passed almost unanimously in this House, where party differences do not exist. They should gracefully accept the verdict of the will of Parliament in this matter. I would appeal to them, if they consider themselves to be the inheritors of the great journalists of the old days, not to be defiant, not to defy the will of Parliament, the verdict and decision of Parliament, whatever stems out of it, not in the old way that they have been defying. This is one side. Now it is their turn to prove that they do not have bad faith and malice. The journalists have proved it and this Bill itself bears testimony to this thing, and also the speech of the hon. Minister. It is for them. Sir, I would also ask them not to take this measure grudgingly. They have got enough money; they can easily meet the financial demands that follow from this thing. Now they have the capacity to pay; it is all agreed by many people. Therefore, Sir, they should not take it grudgingly and they should meet them, because that will improve industrial relations. It is for them now to take the initiative.

Then, Sir, I would also like to say something about the working journalists—I did not say much. Sir, we have been supporting their cause because we think that they are aggrieved, that social justice has not been done to them, that their case is sound, but then we would also expect of the working journalists to reciprocate the gesture on the part of the democratic movements of the country, which have taken up their cause, no matter which party one belongs to, in a proper way. Why I say so? Because we need to improve the standard of our journalism. By 'standard' I mean truthful and democratic standard. Robust democratic journalism we want to develop and in that our journalists have a great role to play.

[Shri Bhupesh Gupta.]

Sir, I do not very much refer to editors of these many papers and it is no use comparing them with Mahatma Gandhi, Bal Gangadhar Tilak or Surendranath Banerjee. We know that some of the editors cannot be bracketed with those names. I think they themselves would feel very embarrassed if you compare them with such great personalities. This is not right; even Dr. Kunzru will not concede that the editor of 'The Hindu' is the same as Bal Gangadhar Tilak—that these names should be bracketed. I do not think that such an adventure anyone of us will make; that would be an utterly wrong thing but then, Sir, since it is mentioned, I would like them to be remembered, to remember the traditions they had established. But let us not bracket them together. After all some of them are not editors at all; in fact are only employers, and for them it is sheer business, money grabbing; this is all that they are doing. I know how Surendranath Banerjee lived; I know how Bal Gangadhar Tilak lived. He went to jail. He never lived a rich life. He never knew what a millionaire's life was. Now, some of these editors—proprietor-editors who never write—have become multi-millionaires. So no comparison should be made between the two and I would ask the hon. Minister not to bracket them together because to me it is desecration of the great names, defilement of the great names, if you compare these proprietor-editors with those figures of the old days.

Now, we talk about the standards. I am very much pained sometimes to read the things that are published in the newspapers. For instance, today the Indian Express carries a news item that Dr. Ahmad, a Member of this House, has submitted to some pressure of the U.P. group or party. Where is the pressure? It is a fully concocted story presented as front page news. I would call it vulgarisation of journalism. If anybody has done it, it is pure prostitution of talents. Nobody should do it. There is another report that Dr. Ahmad did something.

I do not know why they are after Dr. Ahmad. It is said that he defied the fast directive. Such stories should not be published. Truthfulness, objectivity, sympathy for the downtrodden are the acid tests of journalism and they should be adhered to and I think that if the employers bring undue pressure to bear upon them, our great working journalists, the body of men for whom we have fought here, for whom the entire trade union movement has fought, for whom the democratic movement has fought, will face that kind of thing and refuse to publish such nonsense against the people. This we expect of them. We serve them because we believe they will serve the community, they will serve progress, they will take our country forward. They are the torch-bearers in an important field of our national life. That is why I make this observation. I have the greatest respect for the journalists because I myself have been one. Personally I have been a journalist for about ten years now and I have acted in many capacities, as . . .

DR. R. B. GOUR: Not like Mr. Shiva Rao, I suppose.

SHRI BHUPESH GUPTA: . . . Reporter, as a Chief Editor, as a member of the Editorial Board. In many capacities I have worked and I have come into touch with journalists among Congressmen and among other parties. Generally, I find that they are a hard-working lot, patriotic people and I know there is a constant effort . . .

MR. DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: Sir, I hope they will yield to no corruption and they will uphold the great banner. The traditions of our old patriotic journalists like Bal Gangadhar Tilak and others—if one would like to mention names—today are in the keeping of these working journalists. Therefore, Sir, when we pass this measure, I hope they will stand by the nation, they will serve the nation better, serve the democratic forces



better, with truthfulness and objectivity resist all temptations and would be no party to biased and malicious things that are published in the millionaire Press.

**SHRI GULZARILAL NANDA:** Sir, I am greatly heartened and inspired by the words uttered by my hon. friend, the great stress that he has laid on objectivity and truthfulness, the great faith in these virtues and his preaching to the working journalists that they should adopt these high ideals. It is all very very good.

**MR. DEPUTY CHAIRMAN:** And respect for the decisions of Parliament.

**SHRI GULZARILAL NANDA:** Not to pervert the facts in the interests of any party—that is very good. I take it that what is being preached to others will be fully practised, in this sense that if some working journalist says something to their advantage which is not true, they will try to expose that also and they will always...

**SHRI BHUPESH GUPTA:** You criticise us objectively.

**SHRI GULZARILAL NANDA:** So it is all very good.

Now, Sir, it is a painful thing for me to have to disagree with the hon. Mr. Kunzru. I hold him in great esteem. I would recall the words which he said now with reference to an hon. Member who interrupted him that he will maintain his opinion in all circumstances. This is a failing which all of us share to some extent and it requires an effort to get out of a certain rut of opinion which we have formed in our mind. I acknowledge that for myself also. Therefore we have to make always an effort to see what is the real objective truth of things.

Now, I shall take up a few points which have been made but my difficulty is that I will only have to repeat what I said before but I have to do that to a small extent. The question

about the decision of the Wage Board having been made the basis is a very sore point with my hon. friend there. I do not agree with the hon. Mr. Bhupesh Gupta on many things but he furnished a point, an argument in this case which is very very legitimate and which is weighty. He said that for the purpose of starting point you could just give the demands of the workers themselves. That is what is being done usually. In all proceedings, arbitration proceedings and others, what do we do? They ask for something and that is offered to the other party to say as to whether they can accept it, or not accept it, change it, this or that. In this case what was done was not simply the demands of the working journalists but also I think a fairly prolonged process of putting the parties together, making them agree to some things and exchanging views so that the parties are familiar with each other's point of view. They could not be brought to an agreement; then the Chairman stepped in and he offered a kind of a compromise arrangement which was of course not acceptable to the other party. This was necessarily something less than what the working journalists had asked for. Now to put that at this stage as something for the parties to consider, I do not think there is anything frightfully wrong about it. Now going back to the Supreme Court judgment, it makes it very clear that what they expected of the Wage Board was that they should have notified the other party as to what they were thinking of doing. Of course, the representative of the other party was there but they wanted it to be made known to everybody. If they had done that, that would have been the starting point. Then the Wage Board should have according to the requirements of the Supreme Court applied its mind in terms of the capacity of the industry to pay. What are we doing? We are doing what would have been the right thing to do for the Wage Board at that stage and what could never have been questioned as improper. We are now doing exactly what they were asked to do. I feel

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what we are doing is the right thing not because I am convinced about it myself but because I believe, after having heard everything that has to be said against this and applying one's own mind afresh to the problem, what has been done is right; not simply because our Ministry holds that it is right but I feel on independent judgment from a commonsense point of view that this is the right thing to do. If we had not done this what would we have given as the starting point? Then there would have been no starting point at all. The Committee may have to go through for several months, then send out its proposals, call for representations and all that. That was against the whole approach that we had on this matter.

Then there was the question of independent persons on this Committee. Again and again this is being mixed up. The requirement of the Bill is that the Government has to make up its mind to come to a final decision about this. If some judicial persons were to be taken in that Committee, then it would really amount again to a question of judicial procedure which was not a proper thing in the circumstances, which was not necessary and which did not fit into the requirements of the situation. Several pages in the Supreme Court judgment you will find, have been devoted to simply this question of discovering whether it was judicial proceeding or whether it was legislative proceeding. They found out by a very close examination that there were certain words somewhere which made it a kind of judicial procedure, that the Industrial Disputes Act gave them the powers of a tribunal, that they had to do this or that, and so because it was a judicial procedure certain other things flowed from that.

DR. R. B. GOUR: In this case the Supreme Court has not gone into that. That is the unfortunate situation. What you are referring to is the old case where the Supreme Court went into

the question that the tribunal award should be subject to review. But in this case the Supreme Court did not answer this point whether it was a judicial job or whether it was a delegated legislation job.

SHRI GULZARILAL NANDA: But the trend of those observations was that they felt that what the Wage Board was doing was really a kind of judicial proceeding. That is the content of the judgment, as I know.

SHRI H. N. KUNZRU: All that the Supreme Court wanted to know was whether the proceeding was an equitable proceeding. I do not think that it enquired into the matter in any other spirit.

SHRI GULZARILAL NANDA: I can say definitely that that aspect was very closely examined by the Supreme Court. There were pages and pages given to that aspect.

SHRI P. N. SAPRU: But the fact that the decision will now be given by Government does not affect the jurisdiction of the Supreme Court under article 32 of the Constitution, because under that article orders and directions can be issued not only to tribunals or quasi-tribunals but to any other authority including Government.

MR. DEPUTY CHAIRMAN: Has the Supreme Court held that this Wage Board was a judicial tribunal anywhere in any judgment?

SHRI P. N. SAPRU: No. What I say is that the fact that the decision will be given by Government will not bar the jurisdiction of the Supreme Court under article 32.

MR. DEPUTY CHAIRMAN: That is a different matter.

SHRI GULZARILAL NANDA: Government should not expose itself at too many points to that kind of treatment. Here is a question of Government satisfying that part of the Supreme Court's judgment that the

capacity of the industry to pay should have been gone into properly. This the Government is going to do in the way which has been set out here, satisfying itself that this Committee has the competence to advise it properly on this question. Later on the Government itself, of course, has to apply its own mind to this also, and for that purpose the question of independent persons comes in. The question of independent persons is not simply in terms of the definition contained in the Industrial Disputes Act. They are independent persons. They are independent in the spirit and language of the Industrial Disputes Act, and also in the spirit of what should be regarded as an independent approach. It has been explained what we mean by independent. They should have no bias one way or the other. There cannot be any bias in the case of these people who have been asked to perform this function. Of course it is not to be judged as to whether the appropriate judicial tribunal has been set up and whether it is of that calibre and that character and that quality. It is not a judicial proceeding at all. It is a proceeding in order to go into the question of the capacity of the industry to pay, and the responsibility is that of Government as to whether it has done its part adequately or not.

On the question of proof-readers, we are being faced with that assurance—and certainly an assurance given by a colleague and a Member of the Government at any time, certainly I have to abide by that as if it were my assurance. But the question is not the words of an assurance only at one stage but why that assurance was given. Because it was brought to the notice of the hon. Minister that the inclusion of proof-readers was going to be some kind of a departure from certain standards, and therefore they really might not in all cases appropriately fit into the definition of working journalists. Now after that, this question has been examined more thoroughly—that is,

not only in the judgments of the Madras Tribunal—on the ground that because the Act says so, include these, therefore they are also there. It is not in that sense only. I read this morning the judgment of the Tribunal in Delhi. They ask in point of fact what are the functions that they are performing. It is not simply because they conform to a certain letter in the interpretation of a certain clause or a certain section of the Act that they are entitled to be categorised as working journalists, but because of the kind of things that they are doing. Whatever those special requirements are which are to be satisfied by a person—he is not doing simply some mechanical job but something much more—it is that test which has been applied. What the Supreme Court said about proof-readers subsequent to the passing of that Act, I have said about it.

Sir, an hon. friend was telling here that one should not take a stand that in all circumstances we will not modify a certain attitude. If the facts call for that and if it is found that it is not because somebody said one thing or another but because on merits it is necessary, the thing is that we should adopt a certain line on merits. The Supreme Court went into the merits of the question. As I said, this decision of the Wage Board, according to its report, is an agreed decision about the proof-readers. It is an agreed decision. There also it may be said that they could not help it. But I may inform the hon. Members that in those negotiations to which I have referred—and I have been asked the question why I had not given some other information—this question was at any rate satisfactorily settled. To the questions why I have given only those two or three letters, why not anything more, what were the proposals and what were the counter proposals, why is it that things could not be settled, I had given an answer to them. I had explained my reasons for not giving the specific terms in which those proposals were made. I am not saying that because it will go against one interest or

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another; I am saying that it is not proper to do that. I have given whatever written material I had—letters which came. At one stage a party is prepared to make a concession. We have that. Or at another stage he accepts a suggestion. If those who were dealing with this matter, if those who were mediating made a suggestion which might involve some sacrifice on the part of one party in order to see that the thing came to an end, that some settlement came about, that some peace was brought about, if the party was going to accept it knowing that it was not really very fair but that it did not matter as for a settlement you had to concede certain things, if people who are talking see the prospect of a settlement before them by making certain concessions—if this has to be brought up and argued as if this is the ground on which they have yielded, then nobody would be prepared to enter into these negotiations. This is wrong from the point of view of an effective procedure, from the point of view of conciliation and mediation in the future. But I gave some information. All that was really relevant and necessary for that purpose.

SHRI H. N. KUNZRU: What is the value of this one-sided information to me who wants to know all the facts? How can I make up my mind merely on the basis of these three letters that you have supplied?

SHRI GULZARILAL NANDA: So far as making up the mind on a particular legislation is concerned, I do not think that the hon. Member required that information. If he needs it, for his own purpose of making up his attitude towards what has happened in the past, I can certainly give him all the information myself. But I cannot disclose it here. I can give it to him. I also said something in the course of my observations about what had happened. I had said that the working journalists in the

initial stage of our talks had offered that they would be prepared to make adjustments in the light of a certain commitment which they made, that is, they would not allow any paper to close down. I think this was something very big and something for which we should thank them. But somehow, this proved abortive because the next morning,—that is the letter which the hon. Member has now got before him—for no fault of the working journalists, for nobody else's fault, they entered into certain talks. They found that they could not prevail upon some of their friends and together collectively they decided to withdraw from these negotiations. Later on, they made certain offers. They said, all that we want is, one, two, three, four—these points. If they were somehow conceded, then it would be possible to carry out the decisions of the Wage Board. As I just do not want to say as to what the working journalists were prepared to give up, similarly, I do not want to say what these people were prepared to give up or orally whatever was said. I do not want to say that. Then it might also commit all. It may be that it was also in a spirit of accommodation from both sides. But the latest position was when those talks proceeded among us,—the Cabinet Sub-Committee and the parties—those offers that we made to the parties and those suggestions which appeared to us to be reasonable, were accepted by the working journalists, but they were not accepted by the other parties and they left us in order to enquire from their colleagues as to whether they would also accept them. Well, we had a hope, considering how things were going on, that very probably, we had a settlement in sight. This is the information I gave and I have repeated it. This is the maximum that I can give and as for more, well, I can immediately meet the hon. Member outside and tell him what was offered and what was rejected.

Sir, these are all the points which were raised.

SHRI BHUPESH GUPTA: Sir, I want to make a correction of what I

said in the first speech. There I said that the editor of the *Samyuktha Karnataka* was the Chairman of the Saurashtra Trust. There was no connection between the two. The editor of the *Samyuktha Karnataka* who is a former Governor, has got nothing to do with this. Therefore, I am sorry for that.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

#### THE SUGAR EXPORT PROMOTION BILL, 1958

THE MINISTER OF FOOD AND AGRICULTURE (SHRI A. P. JAIN): Mr. Deputy Chairman, Sir, I move:

"That the Bill to provide for the export of sugar in the public interest and for the levy and collection in certain circumstances of an additional duty of excise on sugar produced in India, as passed by the Lok Sabha, be taken into consideration."

[THE VICE-CHAIRMAN (SHRI M. VALIULLA) in the Chair.]

Sir, in 1956, the Government of India decided to undertake a programme for the export of sugar and in 1957, we succeeded in exporting a little more than 1,50,000 tons of sugar. As the House would be aware, our needs of foreign exchange are very pressing and the export of 1,50,000 tons of sugar gave us about Rs. 12½ crores in terms of foreign exchange. But, Sir, the ex-factory price of Indian sugar is generally higher than the world market price. At that particular

time, we were in a rather advantageous position because the prices of sugar in the world market had gone up on account of the Suez trouble and the failure of beet-root crop in Europe. That state of affairs continued during the early part of 1957. But later on the world price of sugar began to come down and therefore, we could export sugar only at a considerable loss. In exporting Sugar we had employed the Indian Sugar Mills Association as the exporting agency. The Indian Sugar Mills Association was working on a 'no profit, no loss' basis. Whatever profits were made, were funded and later on, part of those profits were utilised to meet the losses on the export of sugar. Our requirements of foreign exchange continued to be more pressing than what they were before. We were, therefore, trying to evolve a scheme whereby the export of sugar might be put on a permanent basis. It took us considerable labour and efforts to evolve that scheme because the question was as to how the loss on the export of sugar should be made up. There were certain difficulties in Government's subsidising the export. Therefore we had to take the assistance of the trade. Ultimately, we evolved the formula and incorporated that into an Ordinance. The urgency of earning foreign exchange was so great that we had to issue the Ordinance when Parliament was not in session. That Ordinance contains the scheme of export.

Broadly speaking, the scheme is something like this. The Government of India is authorised to prescribe a quota for the export of sugar. This will be a certain percentage of the sugar produced in the country. The quota so determined will be distributed among the sugar mills in the same proportion as their production bears to the total production of the country. The exporting agency will have the right to acquire the quota assigned to a particular factory. It can either export the sugar so obtained abroad or can sell it inside the country. The reason why we have given the power