

THE WORKING JOURNALISTS  
(CONDITIONS OF SERVICE) AND  
MISCELLANEOUS PROVISIONS  
BILL, 1955—continued.

श्री कन्हैयालाल इाँ० बँद्य (मध्य भारत) : सभापति महोदय, मैंने जो सुभाव कल दिए थे उनमें दो बातें मुख्य थीं। एक तो यह कि प्रेस कमीशन की रिपोर्ट को उसी प्रकार में लागू किया जाय और मिनिमम वेज के पॉइंट पर जो सुभाव राज्याध्यक्ष कमेटी ने दिए हैं उनको मान लिया जाय, और दूसरी बात जो मैंने कही थी वह यह थी कि इस कानून का रेट्रोस्पेक्टिव एफेक्ट होना चाहिए। कारण यह है कि हम यदि पत्रकारों के इतिहास को देखें तो मालूम होगा कि उन्होंने हिन्दुस्तान की स्वतंत्रता के इतिहास को एक प्रकार से अपना रक्तदान दे कर के लिखा है। सदन के लोग शायद नहीं जानते होंगे कि जब देश के अंदर स्वतंत्रता का आन्दोलन चलता था तो बहुत से लोग, जो उस आन्दोलन को चलाने वाले थे, उनको यदि कहीं रक्षण मिलता था तो इन्हीं पत्रकारों के घरों में या दुफ्तरों में मिलता था। स्वयं हमारे माननीय मंत्री, श्री कंसकर, जो कि उन दिनों अंडरग्राउंड थे, वे अच्छी तरह से जानते होंगे कि किस प्रकार से उनको भी इन पत्रकारों द्वारा सहयोगपूर्वक स्वागत करने के मौके मिले हैं और यह पत्रकार ही हैं जिसने अपने जीवन को होम कर के स्वाधीनता प्राप्ति के लिए चलने वाले आन्दोलन को सफल बनाया है। यह पत्रकार ही हैं जो कि जब किसी की मृत्यु का प्रोसेशन हो अथवा किसी शाह का स्वागत हो या और कोई बात हो, हर जगह वह मौजूद रहता है। वह गोलियों की बाँछारों भी खाता है। कल परसों की बात है, बम्बई के अंदर जब उपद्रव हो रहे थे तो “जन्मभूमि” अखबार के एक पत्रकार गोली लगने से मौत के घाट उतर गए। गाँआ मुक्ति के आन्दोलन में भी वे पत्रकार ही थे जो गोलियों के बीच से मृत भाइयों की लाशें उठा कर लाये। मैं श्री कंसकर को इस विषय में अधिक नहीं कहना चाहता, वे स्वयं इन बातों को जानते हैं। मैं तो उनसे इतना ही कहना चाहूंगा कि

पत्रकारों ने स्वतंत्रता आन्दोलन का इतिहास अपने खून का बलिदान करके लिखा है और यह आपका स्वर्ण संयोग रहा कि जो आपने उनके साथ अपना अंडरग्राउंड जीवन बिताया और इसलिए आपको उनकी मांगों को रेट्रोस्पेक्टिव एफेक्ट देना चाहिए बल्कि जो सिफारिशें उनके बारे में की गई हैं उनको लागू करके और उनके तमाम अधिकार उनको देकर उनकी बधाई लेनी चाहिए जिससे कम से कम वे यह अनुभव कर सकें कि देश की स्वतंत्रता के लिए यदि उन्होंने कुछ किया तो वास्तव में उनको इस सरकार के हाथों कुछ मिला।

इन शब्दों के साथ मैं अंतिम बात इतनी और कहना चाहूंगा कि जहां तक पत्रकारों के अधिकारों का सम्बन्ध है, तो उनमें जो छोटें पत्रकार हैं, जैसे कि मैंने कल कहा था, उनके हितों और उनके साथ काम करने वाले अन्य कर्मचारियों के हितों का विशेष ध्यान रखना चाहिए और साथ ही जो कौंरस्पॉण्डेंट हैं, यानी पत्रकारों को समाचार देने वाला व्यक्ति है, उसके हित का विशेष ध्यान रखा जाय क्योंकि उसके विषय में कानून में जो व्यवस्था है वह बहुत सी ऐसी खामियां से भरपूर है कि उनको यदि आपने नहीं सुधारा तो वास्तव में वह पत्रकार बहुत दुःखी रहेगा। वह पत्रकारिता का बैंकबोन है और इसलिए यदि उसके हितों को आपने रक्षण नहीं दिया तो वह अरक्षित रहेगा और वह अरक्षित जीवन पत्रकारिता के लिए एक अभिशाप बन कर रह जायगा।

इसलिए मेरा निवेदन है कि इन सुभावों पर ध्यान देते हुए इस कानून को जितनी जल्दी कार्यरूप दे सकें और जहां तक हो रेट्रोस्पेक्टिव एफेक्ट के साथ आप उसको लागू कर सकें तो बहुत अच्छा हो। मैं इसका स्वागत करता हूँ और मंत्री महोदय को इसके लिए बधाई देता हूँ।

SHRI S. N. DWIVEDY (Orissa): Sir, I very much appreciate the earnestness with which the hon. Minister is approaching this problem but as I

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indicated in my speech on the discussion of the Press Commission Report itself there are powerful forces working inside his own Department and this Bill shows that he has not been able to break that influence and come forward with a Bill which will satisfy all sections of the people. I don't consider this question from a partisan point of view or from the point of view of merely opposing but the approach to this question should be: how effectively the press in this country should function of which the working journalists constitute a great factor? In this connection I would only refer to the misleading impression that is being given to the public as a whole by stating in the Objects and Reasons that generally this Bill is following the recommendations of the Press Commission. I think the hon. Minister has forgotten or overlooked to see that in every respect i.e., in regard to minimum period of notice, gratuity, provident fund, settlement of industrial disputes, leave salaries of workers, minimum wages etc.—in every respect the Bill differs from what has been recommended by the Press Commission. He has stated that the hours of work they have fixed followed the model of the British legislation. But I would simply ask him what prevented him from taking the model of the British legislation which embodies that the notice period should be at least six months for journalists and one year for the editorial staff? Why does he not embody that also in this Bill? It shows that whatever suits him from this legislation or any other he embodies it in this Bill without going into the question from a basic approach. I would ask him what made him modify the Press Commission's recommendation? What is the basis? Who has advised the Ministry to alter the decisions of the Press Commission and on what grounds? No convincing reason was given by the Minister when he moved this motion. He has only stated that three years have passed, that the Press

Commission was appointed long long ago, that the recommendations were before us about a year back and there have been some changes. There is no doubt that things have changed because we have adopted a socialistic pattern of society and when the socialist pattern is adopted, we are not even prepared to concede this minimum wage. How much is that? It is Rs. 125 plus some emolument—the minimum being for a small town Rs. 150. Is it considered too much in the socialistic era, I would ask?

About other things, I would briefly mention one after the other. He has stated that if we fix a minimum wage now, then it would have repercussions in other industries but I would point out the terms of reference of this Commission itself. While appointing the Commission it was stated in the terms of reference that while fixing the emoluments and other things for the working journalists, the factors which influenced the establishment and maintenance of higher professional standards should be considered. So they cannot be taken along with other trade union labourers in this country. Therefore having made this specific provision rightly, they have asked the Press Commission to take this aspect of the question into consideration while fixing a minimum wage and accordingly the Press Commission has gone into the problem very thoroughly. If one goes into the Press Commission's recommendations, it is not a fact, that as the Minister has tried to create an impression, that the Press Commission has not gone into the matter thoroughly. They had a limited time before them—there is no doubt about that but they had the advantage of the Bank Commission's Award in which they had all those details and then there were enquiries made in Madhya Pradesh and other places in which also they have said while recommending this basic wage:

"We think that these recommendations are fairly in line with the recommendations of the Madhya

Pradesh and Uttar Pradesh Committees, particularly having regard to the rise in the cost of living which has taken place since these reports were made."

Therefore I don't think it is right at this moment to alter the decision and again I would most humbly put to him this question—which interest has come to him to plead that this minimum wage is not acceptable? In the Commission itself the small newspapers were represented. Mr. Bhatt and Mr. Mani were representing the smaller papers and the bigger newspapers have already claimed in their memoranda submitted to the Press Commission that they are giving more than what the Commission had recommended. I would therefore urge upon the Ministry to decide to accept here and now the national minimum wage for the working journalists and if at all it is necessary, in view of the conditions prevailing now or that will arise after this to appoint a Wage Board to review the entire matter, that can be done but to appoint a Wage Board just to fix a minimum wage again and to go into the entire question is not fair, to my mind. I would therefore say: let us decide here and let the Minister come forward with an amendment that will be acceptable to all of us. If we see the speeches so far made by all sections of the House, everybody here is one on this question of fixation of a minimum wage. So I think that it cuts across party lines and the Minister should take it as the representative view of the entire Parliament and come forward and say "We accept at least this minimum wage".

As regards gratuity, I say that what the Minister gives by the right hand, he takes away by the left hand. On this gratuity question the Press Commission has stated categorically, that these recommendations should be applied in all cases and there should not be any discrimination as regards the gratuity but in the present Bill we find that although there is provision in the first part for which there are amendments and which I think

the Minister would be agreeable to accept, it creates a very difficult position by the words 'Disciplinary action'. What does it mean? How disciplinary action is taken, we all know. Therefore the Press Commission itself recommended the words 'proved misconduct'. I would like the Minister to agree to that formula when the amendment comes but if you read sub-clause (2) of clause 5 you will find, that what it proposes to give is practically nullified by the second sub-clause because it is here stated that if any newspaper is employing 10 working journalists, then only he will be entitled to this or the other forms of benefits as stated in sub-clauses (a) (b) and (c). From Table I it is seen that there are very few papers in this country which employ more than ten journalists.

SHRI B. C. GHOSE (West Bengal): The hon. Minister has agreed to bring the number down to six.

SHRI S. N. DWIVEDY: If he has agreed to bring it down to six, then it is indeed a good thing, for from the Table given in the Commission's Report, it is found that except a few papers in Bengali, Tamil and Telugu, there are no language newspapers which appoint working journalists whose number is more than ten. Their number is much below ten.

In this connection, I would suggest to the hon. Minister that if he is going to make the number six, he should lay it down as six newspaper employees, instead of referring to them as working journalists. I think that would only be fair.

These lacunae in the Bill should be removed and only then will it be appreciated that the entire question is being approached from a broad point of view.

Next I would like to draw the attention of the House to the question of the Minimum Wage Board. The Bill says that an independent person will be appointed as the Chairman of

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the Board, by the Central Government. I do not know what sort of an independent person the hon. Minister or the Government has in mind. Would he assure us or would he agree that this independent person will be of the status of a retired high court judge or district judge or some other judicial authority? I would like some such judicial authority to be associated with this question; because it is just possible that persons may be appointed who have in some shape or the other an interest in the question and the entire matter would be vitiated.

DR. B. V. KESKAR: He will be such as will satisfy the hon. Member also.

SHRI S. N. DWIVEDY: I thank the hon. Minister for that. Then I will have nothing more to say on that point. He has seen the earnestness of the appeal and if he concedes this, he will be doing a good thing.

If these defects and lacunæ are removed, then this bill will be acceptable to all and it will be very much welcomed even by the working journalists themselves.

I might point out to the hon. Minister in this connection that there is possibly an apprehension among the smaller newspapers that if the basic minimum wage is fixed here and now, they would be in great difficulties. Therefore, the Press Commission approached this problem from an independent point of view and they have recommended certain other things which could at the same time benefit the smaller newspapers, as for instance, the price-page schedule. I would therefore, request the hon. Minister to see that necessary Bills are brought forward in this House and discussed and if possible, passed too, as soon as possible, so as to remove all these difficulties so that the newspaper industry as a whole, not a section of it only, is benefited. It should not be that only a section of it is benefited and the others are put

into difficulties. While pleading for the working journalists, we do not at all plead that the working journalists should get all the benefits and the newspaper industry in this country should suffer.

SHRI M. GOVINDA REDDY (Mysore): Mr. Chairman, I have very great pleasure in welcoming this Bill. Dr. Keskar is as good as his word, for the House will remember that when we were discussing the Press Commission's Report, he promised that he would at the very earliest possible moment, introduce a Bill to ameliorate the conditions of the working journalists, and here we find that he has done so.

Sir, on the whole I find the Bill very satisfactory and the intentions of the hon. Minister for resolving the difficulties and hardships of the working journalists cannot be doubted. The most important point in this Bill, as will be admitted by all, is the question of the appointment of the Minimum Wage Board. The hon. Minister has explained the position as regards the fixing of a minimum wage. I find, however, that it could have been possible for the Government to fix the minimum wage straightway. My reasons for saying this are these. Working journalists in this country are not many. From the figures available we can take it that there are about 2,500 working journalists who are employed in concerns which have some standing and reputation in the country. If we take the smaller papers also, the estimate of working journalists involved in them would be about 1,500. On the whole, their number, the number of working journalists who seek relief and benefit under this Bill cannot exceed 4,000. For a problem of this small magnitude, could the Government not have found a solution which is immediate and which is ready? That is the first point I would like to submit to the Government for its consideration. The Commission, no doubt, were not in possession of the full facts and they have said so. They have also said

that they had no time to go into the question and therefore could not suggest the right solution. But, the problem, if we analyse it, is a simple one and easily lends itself to a solution. First of all, the working journalists who need immediate relief and to whom relief could be afforded easily, are the working journalists who are engaged in the large papers, and these large newspaper concerns are known in the country. The Government know the number of large newspapers which are there in the country. These large papers are mostly English newspapers which have large circulations and which have large investments and which also are earning profits, known to the country, and their figures and statistics are easily available, and most of these newspapers are paying incometax. So the Government know their returns and the incomes earned. Government can get all facts relevant to the question of a minimum wage from these papers. The point that the wages will have to be fixed on the basis of the circumstances existing in different places, which the hon. Minister pleaded as a difficulty, is not, I submit, quite relevant in this case, because the conditions of living of the working journalists who are working in the English newspapers are the same, whether they be working in newspapers having headquarters at Bombay, Calcutta, Madras or Bangalore. The cost of living is almost the same in all these places, at the most they may differ by about 5 to 10 per cent. So it may be taken as being almost the same. Moreover, we are not fixing the minimum wage mainly on the basis of the cost of living. We are fixing a minimum wage for these people so that they may get circumstances under which they could safely eke out their livelihood. That is to say, the minimum wage should assure them a decent standard of living. If that is so, then the circumstances prevailing in particular places should not be a difficulty which the Government should plead. Most of these English newspapers can be categorised under one head.

And minimum wages can be fixed for all the working journalists of these newspapers. Then the second category of working journalists work in the smaller newspapers, the language papers. In the language newspapers, the papers which can afford to pay the minimum are few in the country and the Government knows which are those newspapers. So, there should not be any difficulty in assessing facts and figures about the income and return of these language papers. That being so, where is the difficulty in not fixing the minimum for these language papers also? On the other hand Government, by proposing the appointment of a board is incurring expenditure of nearly Rs. 56,000 in 1955-56, an expenditure of Rs. 14,000 per month being only on the salaries and allowances of non-official members of these boards. I would like to ask the hon. Minister as to whether this expenditure is in consonance with the nature and extent of the problem to be solved. Firstly, is it necessary at all, and secondly, is it in consonance with the problem? We could have completely avoided the appointment of these boards and could have fixed the minimum wages ourselves.

The other point which I would like to refer to is the question of gratuities and compensation for loss of service mentioned in clause 4. Clause 4 covers cases of retrenchment which have happened as a measure of victimisation. It may be remembered that the big Press barons were very unwilling to give evidence before the Press Commission and that they have, on the whole, not cooperated with the enquiry of the Press Commission. This is a fact which speaks against the Press barons in the matter of affording relief for the working journalists victimised by them for doing so. In clause 4, where compensation is provided for, the question arises as to whether compensation provided for is adequate or not. It must be remembered in this connection that those who want to get the benefit under clause 4 are debarred from having any

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benefit under the Industrial Disputes Act when once he claims compensation and gets it under this clause. Supposing he deems the compensation received under this clause to be insufficient, he cannot claim any more benefit under the Industrial Disputes Act. So, whatever the loss of service may be, he cannot go and make an appeal claiming for higher compensation, he will have to be satisfied with the relief he gets under this clause. I personally feel that the relief provided for in clause 4 is insufficient. We have to consider this fact that a working journalist is a person who does not get any other job anywhere very easily. If he is dispensed with in one establishment, he is not easily absorbed in any other establishment. On the other hand, the fact of his quitting one establishment either of his own will or by virtue of a disciplinary action or by the arbitrary action of the management will act as a disqualification for him in his being absorbed in any other newspaper concern. Therefore, retrenchment, for whatever reason, will be a very serious handicap as far as the working journalist is concerned. While providing for compensation in this clause, we will have to keep this fact in mind that the employee is losing everything once and for all, he may have a few chances of being employed elsewhere but for the most part, he goes out. That means that the relief provided for in this clause must be enhanced and he must be allowed to seek the benefits under the Industrial Disputes Act.

Clause 5 provides for gratuity. The quantum as well as the means are quite satisfactory but I wish to bring to the notice of the Minister only one factor and that is this. Gratuity is made payable both for previous service, service before the commencement of the Act and also where service continues after the commencement of the Act. Whether a working journalist dies or resigns voluntarily, the gratuity that he has earned is to be paid to him. I wish to congratulate

the hon Minister in that he has made a provision which is not to be found anywhere else. A person voluntarily resigning is not entitled to get any gratuity anywhere else. It is very good of the Government to have provided for gratuity to be paid in case of resignations also. In this connection, I would like to ask the hon Minister to consider only one fact and that is, this clause is made applicable to smaller newspapers also. The smaller newspapers, as everybody knows, cannot make their living, they are not at all working economically. These papers after all might be employing one or two or three people and whether these papers can be made to pay gratuity is a question which the hon Minister has to consider. I agree that gratuity should be paid but if we should impose hardships on these smaller papers, the necessary corollary follows that the whole field of journalism will pass into the hands of the big barons and it will be working as a monopoly and not in the interests of smaller papers. I feel it would be necessary to make their work easy.

MR CHAIRMAN We took an hour yesterday. The time allotted is five hours. We may have lunch between 1 and 2 P.M. Dr Keskar will reply at 2-45 P.M. That will mean three hours for the first reading and two hours for the rest. If more time is needed, the House may sit beyond 5 P.M. for a short time.

SHRI H N KUNZRU (Uttar Pradesh) Mr Chairman, we had somewhat of a general discussion on the question of the protection to be given to the working journalists when the Report of the Press Commission was considered in this House some time ago.

[MR DEPUTY CHAIRMAN in the Chair ]

This Bill informs us of the manner in which Government wants to give protection to the working journalists. I welcome this Bill and many of its provisions but I think that some of its provisions are of a controversial nature.

I shall first refer to the definition of a working journalist on page 2 of the Bill. It is not clear from this definition as to whether the persons who are to be regarded as working journalists are those employed only in connection with one newspaper establishment or whether they can be persons connected with more than one newspaper. Take, Sir, the case of a correspondent who is not the correspondent whole time of a particular newspaper but works for three or four newspapers. Is he to be regarded as a working journalist by every newspaper with which he is connected? If that is the result of the definition of a working journalist given in the Bill, I think it is not fair and it is not a reasonable definition and it ought to be so altered as to make it clear that only persons working in connection with any newspaper wholetime would be regarded as working journalists.

The second question to which I wish to refer relates to Chapter II which deals with the working journalists. Now, Sir, clause 3 of the Bill lays down that the Industrial Disputes Act shall, subject to the modification contained in sub-clause (2), be applicable to working journalists. Clause 14 of the Bill lays down that the Employees' Provident Funds Act, 1952, shall apply to every newspaper establishment in which twenty or more persons are employed on any day. You see therefore, Sir, that working journalists will, under clause 3 and clause 14, enjoy two advantages. They will have a provident fund and they will be entitled to compensation in accordance with the provisions of the Industrial Disputes Act if their services are terminated. Now this Bill goes beyond that in laying down that even those who are members of a contributory provident fund scheme and who are entitled to receive compensation for the termination of their services should receive a gratuity also which is to be equal to the retrenchment compensation to be paid to them.

Clause 5 runs as follows:

"Where—

(a) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment, and—

(i) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, or

(ii) he voluntarily resigns from service from that newspaper establishment, or

(b) any working journalist dies while he is in service in any newspaper establishment,"

the working journalist or his heirs shall be entitled to be paid by the employer fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

Now two things are clear from this clause. Firstly people who are apparently entitled to compensation under the Industrial Disputes Act will be entitled also to gratuity at the rate at which they will be entitled to compensation under the Industrial Disputes Act. I take it, Sir, that the clause relating to compensation for retrenchment applies to working journalists. If I am wrong, I hope Dr. Keskar will correct me at once. As he is not correcting me, I take it that my statement is correct. Now is there any reason, Sir, why a person who enjoys a provident fund and who is given compensation for the termination of his services should also receive a gratuity for the termination of his services? Then, Sir, as you will see, a working journalist will be entitled to a gratuity even if he voluntarily resigns.

Now under the Industrial Disputes Act a man who voluntarily resigns is not entitled to any compensation, but this Bill lays down that a person who voluntarily leaves one newspaper and

[Shri H N Kunzru.]

joins another newspaper perhaps on better terms is still to receive a gratuity. Now my hon. friend, Dr. Keskar, who spoke for about 25 minutes on the Bill yesterday did not tell us clearly what the reason for the payment of a gratuity in the circumstances that I have referred to was. Again, Sir, if a journalist dies, he will be entitled to a gratuity I can understand this, Sir. If a working journalist dies, his heirs cannot claim compensation under the Industrial Disputes Act. His salary may have been small and his provident fund may not amount to much and if therefore on his death some gratuity is paid, I think we should regard it as a reasonable provision. But it is laid down here that the gratuity shall be equal to fifteen days' pay for every year of completed service, etc. Now is this a fair gratuity? We know, Sir, what the financial condition of the newspapers is. The Press Commission made it clear that on a capital of Rs seven crores invested in the newspaper industry, there was a return of only about Rs 7 lakhs. This shows that while some papers were in a flourishing condition a good many were losing concerns. Now does my hon. friend, the Minister for Information and Broadcasting, want all the weaker newspapers to go down? Is it his view that any newspaper which cannot give its employees the benefits provided for in this Bill and in the Industrial Disputes Act should stop publication, or does he want that it should continue to exist but should provide such benefits as its financial condition allows? I am sure that this will be better for the men who are employed in the weaker newspaper establishments. It is no use throwing on them burdens which manifestly they cannot bear. I am aware of the recommendations of the Press Commission. The Commission said that a provident fund-cum-gratuity scheme would be a reasonable scheme. Now I have no objection to that, but there is no reason why, when a man has received compensation for the termination of his services, he should receive also a

gratuity for it. It is not clear to me from the recommendations of the Commission whether it wanted a provident fund and the payment of a gratuity for a working journalist in addition to the application of the Industrial Disputes Act to him. I have read the report carefully, but in that part in which it says that the definition of an employee in the Labour Bill that the Government intended to get passed through this legislature should be wide enough to cover working journalists its recommendation does not show that it intended the Industrial Disputes Act to apply. In so far as I have read it, the recommendations in this regard, I would repeat, are not very clear. But, so far as I can see, the Commission did not envisage that the clause relating to compensation for termination of services in the Industrial Disputes Act would apply to working journalists. Just one minute more before I sit down. I intended to refer to one or two other matters but I shall refer only to one and that is with regard to the question dealt with in clause 16.

Now, clause 16 lays down that if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is due to a working journalist, it shall issue a certificate for that amount to the collector and the collector shall proceed to recover that amount in the same manner as an arrear of land revenue. I do not know what justification there is for this provision. I do not remember whether the Press Commission made such a recommendation but in any case it seems to me most unfair and contrary to the usual judicial procedure that a man simply because he is called a working journalist should be given the privilege of getting his dues recovered from an employer by the collector of his district as if they represented an arrear of land revenue. I hope my hon. friend Dr. Keskar will be able to tell us the justification for such a provision. I am all for giving adequate protection to the

working journalist but it seems to me that Dr. Keskar in his laudable desire to give protection to a class of men who have been very badly treated for a number of years has gone beyond the proper limits and has laid on the newspaper industry, that is, on the weaker newspapers a burden that they are not likely to be able to bear.

THE MINISTER FOR LABOUR (SHRI KHANDUBHAI DESAI): Sir, I would not have liked to intervene in this debate but for the points made out by some of the hon. Members who said that they would be satisfied if I replied to some of the points raised by them with regard to two particular questions.

One was with regard to the question of standing orders which Mr. Mazumdar raised. When the Commission recommended that the Industrial Disputes Act should be applied to the working journalist it was understood that whatever was applied to the workmen would be applied to the working journalist. The Employment (Standing Orders) Act lays down some procedure for Standing Orders which are found to be defective. If once the Standing Orders are made, there is no provision for revision on the request of the employees. That lacuna is now being remedied under an amendment of the Industrial Disputes Act for which I have already given notice in the other House and when that will be passed, as I hope it will be passed very soon, this lacuna will be removed. Under the present law the Standing Orders will be framed as envisaged, but immediately those Orders are framed they will come up before a certifying authority who will look into the question and if there is any injustice done or appeal to be preferred, they will go to the labour court under the new law. To that extent it will be all right. Now, when the working journalists ask to be included as workmen they must realise that they will get all the advantages and, according to them, some little disadvantages which might accrue; one does not know. We cannot have different laws

for different categories of workmen in the country. There will be only one law.

Then a question was raised with regard to the provision relating to fixing minimum wages. There has been much consternation on this issue both in this House and outside but let us consider this question from all points of view. Our esteemed friend Dr. Kunzru has said that in his enthusiasm for improving the condition of the working journalists for whom everybody has sympathy, Dr. Keskar has gone out of his way to do something which would affect very adversely the small newspapers who have got small assets. On the other hand we have heard complaints that he is too conservative and that he has put aside so many good recommendations of the Press Commission particularly with regard to fixing minimum wages which the Commission has recommended. Now, the justification for not accepting those scales of wages and allowances which the Press Commission has recommended is that the Press Commission itself was not on sure grounds. They have said that, among the many other things, they have also been asked to look into working conditions and working conditions include wages. They say, 'we are not a wage commission; nor are we a Wage Board and we have not got complete data before us to come to any definite conclusions.' However, in view of the insistent request and demand by the working journalists they gave a sort of indication of what they think *prima facie* to be a just basis for wages for the working journalists in different cities of the country with a quantum of dearness allowance according to the cost of living. We thought that it would not be either proper or fair to the Commission, to the working journalist or to the industry to put those very figures in the statute. Moreover, minimum wage is a wage which is not something very static. It has got to be revised from time to time and a Wage Board, in my view, is the only

[Shri Khandubhai Desai.]  
body which can look into it from time to time.

SHRI S MAHANTY (Orissa): Can I take it . .

SHRI KHANDUBHAI DESAI. I am not giving in

SHRI S. MAHANTY: I want to ask you only a simple question for clarification. Is it your contention that this minimum wage which will be determined by the Board will also be revised from time to time when the circumstances change?

SHRI KHANDUBHAI DESAI: Certainly that is exactly what I am saying. Now, as we know, in this country we have not statutorily provided any minimum wage. The Minimum Wages Act lays down for two types of scheduled industries, one is a sweated industry and the other is the agricultural labour. Industry-wise Minimum Wage Boards are constituted which recommend the minimum wage and Government after looking into it notifies them. Now, with regard to the working journalists we have put in the Minimum Wage Board. Looking into all the circumstances of the industry, the cost of living, the scale of wages available to the same type of workers in other industries, as well as the whole question of the national income, the Wage Board has been asked to give us in concrete terms the salaries or wages that are to be paid to the working journalists. And here the Government has not kept to itself the discretion to vary it. The statute as it is before the House provides that it will be notified and it will be applicable.

There is one other point. What I feel is that the Government would like to be assured, before it offers a particular scale of wages for the working journalists, to be thoroughly armed with a proper investigation and proper enquiry into the wages, because the Press Commission itself was very doubtful on this. They said, we are not a wage commission, we are not a pay commission, we have not gone into this question. The composition of

the Board is such that it will have an equal number of persons representing the employers and the working journalists and there will be an independent Chairman who will look into the question. I may suggest to my colleague that if he so desires and if he will accept let the word "minimum" be dropped and let it be a proper wage board which will look into this question in all its aspects. Now, if that is done, I believe, from my own experience of the industrial disputes with regard to wages, in a way it will solve the question of wages to the working journalists for all time to come. Because under those circumstances any wage dispute in a particular newspaper company or anywhere else will go to this Wage Board on which there will be the representatives of the workers as well as the representatives of the industry and an independent Chairman. Whenever a dispute arises, *prima facie*, it will first decide what it thinks to be a proper scale of wages. Then, in future, if there is any dispute in an industry with regard to wages and it is referred to a Board, it will be a good precedent and then the question of referring the question of wages to a Tribunal or any other arbitration machinery will not arise. I think it will be in the interest of the journalist as well as in the interest of the industry itself—as also in the overall interest of the development of journalism. The clause which has been put there with a slight amendment of dropping the word "minimum" will, in my opinion, serve the purpose of all concerned. That is all I have got to say on this. I would not like to go into the details about other aspects of this Bill, to which my colleague, Dr. Keskar, will reply.

SHRI B C GHOSE: Sir, as this is the most important issue in this Bill, may I ask a question to the hon. Labour Minister so that he may clarify? He has not given us any reason really, apart from what Dr. Keskar had already stated in his opening speech, for not accepting the recommendation of the Press Com-

mission. The point at issue is this, to which I should like to have an answer. We say let Government accept this minimum wage, which I feel is a very small remuneration or a very low wage.....

MR. DEPUTY CHAIRMAN: Please put your question.

SHRI B. C. GHOSE: Now Sir, let me explain this. If this is settled, there will not be much discussion. It is a main issue and we want an answer from the Labour Minister. Let the minimum be accepted. There may then be a Wage Board which from time to time should decide as to whether that minimum is fair or not. The second point is that although it appears to me that this is a very small remuneration that has been offered—it appears strange that the working journalists are all anxious that this should be accepted—although I feel personally that probably they will get more from a Wage Board—there must be some reason for the fear that even this minimum may not be given to them under a Wages Board. If the parties affected are willing to accept it—on the one side there are the working journalists and on the other side, I do not know if the newspapers have objected to accept this minimum wage—what stands in the way of the Government accepting this very reasonable scale of salary that has been proposed? We want an answer.

DR. B. V. KESKAR: As I have explained very fully already,—and I repeat it—the most important difficulty in the way of the Government is that the Government have to think of any statutory minimum wage in the composite picture of minimum wage for all industries and I said that it is bound to have an effect on any minimum wage legislation that we will have for other industries, and we cannot escape it. It is all right for those who are looking to the objective of getting better wages for journalists to look at it that way. But the Government has to look at its labour policy as a whole; and more

especially as my colleague is thinking of a national Minimum Wage Act to come into force, he has to see that whatever is done is done by a regular procedure. I agree with the hon. Member that it is possible that the minimum suggested is probably very much less than what they should get, but we feel that giving now a minimum wage like that will create complications to Government with regard to the minimum wage legislation that is bound to come.

But I might inform the hon. Member here that I stated the reasons yesterday, after that this morning I had the benefit of a long discussion with the representatives of the Working Journalists Federation and we have come to a happy agreement. They themselves feel that instead of having a Minimum Wages Board, they would prefer to have a Wages Board which will look into the whole question and fix a wage scale, as in the long term it will give them greater benefits. And they have agreed to this suggestion.....

SHRIMATI PARVATHI KRISHNAN (Madras): Has any time limit been fixed?

DR. B. V. KESKAR: The time limit will be fixed also in agreement with them. We propose to put in an amendment—that will be coming forward—that Government may, if it finds it necessary, fix rates of wages for the interim period. This is only to obviate any delay, so that there shall be no delay by any such Wages Board. I do not mean to say that Government will not expedite. Government will see that it is expedited, but they felt that in order to keep a check and see that they are not cheated of a wage scale for a long time to come, this kind of power should be taken, and we have agreed to that.....

SHRIMATI PARVATHI KRISHNAN: It will be accepted with the same speed as the recommendations of the Press Commission.

DR B V KESKAR The speed with which the hon lady Member goes and we go might be different, but I will try to expedite it. And I sincerely feel that we have been trying to expedite it.

SHRI B C GHOSE We accept what he has said. One difficulty is this. Even this Board would have fixed a national minimum. The difficulties to which the hon Minister referred would be felt in other industries even if this Board fixed a minimum wage.

DR B V KESKAR. This will fix wage scales, it will not fix a minimum. The difficulty has been with regard to the statutory minimum. Of course, supposing there is a wage scale, the bottom payment is the minimum, but hon Members will realise the difference between the bottom wage of a particular wage scale and a statutory national minimum. There are legal implications which may bring complications for every industry. As far as the wage scale of a particular industry is concerned, such difficulty will not arise. I must feel also that such a procedure will be to a more lasting benefit of the journalists and as my hon colleague referred, in other ways also such a wage board will be of greater benefit to them.

MR DEPUTY CHAIRMAN (To *Shrimati Parvati Krishnan*) Have you any remarks to make now?

SHRIMATI PARVATHI KRISHNAN Mr Deputy Chairman, I rise to welcome this Bill, though the Government has been so dilatory in giving some sort of redress to the grievances of the working journalists. Time and again it has been pointed out on the floor of this House that the Report of the Press Commission had been before the Government for a considerable length of time and yet, the Government was making no move to consider the recommendations made by the Commission. Of course, we are discussing this Bill in the light of the debates that have taken place in both the Houses on the Report of the Press

Commission itself. But what surprises me and what causes apprehension in my mind is the fact that although the debates in both the Houses showed that the majority gave their general approval to the recommendations of the Press Commission and although the Minister time and again on the floor of this House assured us that the Cabinet was awaiting the learned opinions of the Members of the House, we find that in this Bill, as it is before us, many of the recommendations are not carried out in full. The question of minimum wage was referred to by the Members of both the Houses during the discussion on the Press Commission's Report and they pressed that the Government should accept the recommendations. Of course, that point has now been clarified to a certain extent by the hon Minister, Shri Khandubhai Desai (Minister for Labour).

At the same time, though this assurance is given that a wage board is going to be set up and it will consider this proposal in all its aspects, still this apprehension remains as to how long this condition of not having some sort of a wage scale for the working journalists will continue. The hon Minister has given an assurance that there will be a Government notification. He also assured us on the question of the speed with which the notification might be issued. But we have to see all this in the light of the elephantine speed with which we have reached the discussion of the Bill itself. I hope now that as a result of the discussion in this House and as a result of the assurance that he has given us, the tears that have been shed by him on behalf of the working journalists will not be crocodile tears, but real tears and I will look into this.

DR B V KESKAR I do not shed tears and especially crocodile tears.

SHRIMATI PARVATHI KRISHNAN: Crocodile tears have already been shed with regard to the Bill itself. There are certain provisions in the

Bill that, according to me, need radical changes, if the Bill is to be an effective one

Firstly, there is the case of redress that must be given to those journalists who came forward and gave evidence before the Press Commission with courage and who had been victimised by the various press barons. Certain names were read out on the floor of the House and if redress is to be given to those journalists, then Clause 4 will have to be amended, because when the Commission was appointed, an assurance was given to those people to come forward and give evidence with absolutely no fear of victimisation. And yet, after they had given such evidence and enabled the Press Commission to get a true picture of the conditions within the press industry, action was taken against them and they have suffered because they endeavoured to serve the cause that is really an important one. They have suffered because they endeavoured to serve the cause of raising the level of the standard of journalism by raising the conditions of the press industry as a whole in this country. That is why we put forward this amendment to Clause 4 and I hope that the hon Minister will consider the matter in all seriousness and give redress to those journalists for whom, he has claimed, he has so much sympathy at his heart.

Secondly, there is the Clause on gratuity. So-called small newspapers, that is, newspapers which are periodicals and employ less than a certain number, are to be exempted to a certain extent, in this regard. This is also, in my opinion, not correct because there are a large number of people involved. There are one or two weeklies in the Tamil language—and there are weeklies in the English Language also—who may not have a very large number of persons on their staff. But at the same time, they have a very large circulation and a very good income. The Press Commission recommended that there should be a uniform standard.

I am not convinced by any remarks so far made as to why this uniform standard should not apply because where there are small language newspapers to which the hon Mr Kunzru referred, you will find that the employees have service of only three or four years, not for a long period of time. On the other hand, there are other weeklies which are in existence for quite a long time, having a very large circulation and having employees who have been serving there for a considerable length of time. Therefore, I see no reason why these papers should be exempted from the payment of gratuity on a par with the bigger newspapers. This is a very important point.

SHRI H N KUNZRU Both the gratuity and compensation?

SHRIMATI PARVATHI KRISHNAN—This is an important thing. That is why we brought forward an amendment so that those papers also will be brought under the purview of the gratuity clause.

These are the two points that I would like to emphasise and in conclusion, I would like to know why is it that the hon Minister, taking into consideration said in a statement that was laid on the Table of the House that

“The provisions regarding notice period, bonus, minimum wages, leave, provident fund and gratuity should be embodied in the legislation which the Commission have proposed for the regulation of the newspaper industry.”

That was the recommendation of the Commission and he had given an assurance that the recommendations in respect of service conditions were under active consideration. While most of the provisions have been included very carefully, I do not know for what reason the recommendation with regard to bonus is completely missing from this Bill. Sir, when the Press Commission has recommended that Bonus should be included and when

[Shrimati Parvathi Krishnan]  
they have given very adequate and very sound reasons for its inclusion in this Bill, why is it that it has not been included in this Bill? Because many of these newspapers do have large profits, it is only right that those who work on their staff and who really are the backbone of the press industry in this country should be given the benefits of bonus. I do not see the reason why they should be penalised and why the bonus should not be included in this Bill in accordance with the recommendations of the Press Commission.

MR DEPUTY CHAIRMAN The House stands adjourned till 2 P M

The House then adjourned for lunch at one past one of the clock till two of the clock

The House reassembled after lunch at two of the clock, MR DEPUTY CHAIRMAN in the Chair

SHRI H P SAKSENA (Uttar Pradesh) Sir, all honour and all glory to Dr Keskar for trying to build a monument on the ashes of hundreds of very patriotic, courageous and valiant journalists who after having led a piteous and miserable life left this world in a state of frustration, frustration received at the hands of the authorities of the time as well as at the hands of their employers.

I am happy and glad that a revolutionary change is going to take place in the conditions of service of the working journalists. A new deal is going to be administered to them, and their security and stability of tenure is being guaranteed through the instrumentality of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Bill. Let us not talk now of the delay that this measure took in being discussed on the floors of Parliament. 'Better late than never' is a very popular proverb, and it aptly fits in in the case of this measure.

The hon Dr Keskar said that this Bill was a remarkable Bill in many respects. Indeed it is. There is no doubt about that. And the only thing that it zealously and anxiously awaits is its implementation in all its forms and details as early as practicable. For instance, I am not satisfied with the expression used in the Financial Memorandum, which runs as follows.

"This Board is to communicate its decision, fixing minimum wages, to the Central Government as soon as practicable."

Now the phrase 'as soon as practicable', as we all know from experience, is a very dangerous phrase. It may take another two years to materialise. So I agreed with my friend, Shri Chaturvedi, when he said yesterday that on the question of minimum wages there is to be no compromise. The words are still ringing in my ears, and I ask and urge my journalist friends to adhere to them most tenaciously, most valiantly and most courageously. There should be no compromise on the question of minimum wages. Otherwise, things will again become awkward, and a thousand devices will be employed to deprive the working journalists of their due minimum wages.

It is a pleasure to see my friend, Mr Mazumdar, talking of the pressure of press barons exercised on the Government. I wish some Ayurvedic, Allopathic or Homoeopathic doctor were to prescribe to me a prescription, by the use of which my friends on my right are cured of that obsession of pressure being used on Government by press barons. Press barons there are in our country as there have been in other countries like the U K etc. But I know, and I am satisfied that they are so weak, that they are so insignificant, that they are so powerless, at the hands of the ever-agile and ever-alert Government that they cannot play any mischief or any havoc with the conditions of the working journalists. This is all a matter of conviction, Sir. I have a conviction that our forces are stronger than the

forces of the press barons, and if my friends on the right do not agree with me, let us agree to differ in that case

SHRI S N MAZUMDAR Your forces are quite strong, provided the Government is prepared to utilise those forces

SHRI H P SAKSENA The Government, even if it is prepared to employ those forces, is employing them in favour of the working journalists and against the press barons not detrimental to the interests of the journalists. Anyway Sir, that is neither here nor there

Now, Sir, what I am anxious about is the chains and groups of newspapers which are still exercising a very great influence on the newspaper industry as such, and I want these chains and groups to be broken and the Indian press to be released from the shackles by which at present it is tied. Let us have a free press in a free India, free from all these clutches of mill magnates, capitalists and all people who have fabulous wealth in their hands

SHRI S N DWIVEDY Government control also

SHRI H P SAKSENA I agree with my friend, Mr Dwivedy, that even the Government control over the press should be as little and as insignificant as possible, with this exception that the freedom of the press should, under no circumstances whatsoever, be converted into a licence. I do not want jingo and yellow journalism to grow in my free country. The freedom of press is as dear to me as the freedom of my country (*Interruption*). I am not going to enter into any debate and discussion with my friend, Mr Dwivedy, and I would request him to keep his breath for a time

Sir, there was a time when newspapers, magazines and periodicals were, in a sense, all jumbled into one. But if I invite your attention to clause two of the Bill on page 1, you will find that 'newspaper establishment'

has been defined as any establishment for the production or publication of a newspaper, and includes any news agency or syndicate supplying material for publication in any newspaper. To this I have tabled a small amendment that the words 'magazine or periodical' should also be added to the word 'newspaper' in line 20. Otherwise, any proprietor of a periodical or a magazine may try to escape from the responsibilities that attach to the proprietors of newspapers by saying that his publication was not a newspaper nor was it a news agency. I would like these two words 'magazine or periodical' to be added there

MR DEPUTY CHAIRMAN It is time, Mr Saksena

SHRI H P SAKSENA Time! This was only a preliminary

MR DEPUTY CHAIRMAN You can have just one minute more

SHRI H P SAKSENA The time allotted henceforth is one minute. In one minute I can only say that the Bill gives an appearance of an all round progress and improvement. It will go to ameliorate the present conditions of the working journalists, and if the working journalists, to whom I advise and counsel patience, will wait a little bit more without going into sleep, their conditions are going to be improved very much

SHRI RAJENDRA PRATAP SINHA (Bihar) Mr Deputy Chairman,

MR DEPUTY CHAIRMAN You have got just nine minutes

SHRI RAJENDRA PRATAP SINHA. Yes, Sir

Mr Deputy Chairman, while I greatly appreciate the anxiety shown by hon Dr Kesar to give effect to the recommendations of the Press Commission, and while I appreciate the way in which he has tried to tackle the question—even at the

[Shri Rajendra Pratap Sinha ]  
last moment he has agreed to introduce many welcome amendments—I cannot congratulate him for the measure that he has brought before this House

Sir, the Press Commission has examined this question with regard to the standards of the working journalists in all aspects and after due deliberation and taking all factors into consideration, has made certain very good recommendations. I was expecting that the Government in all fairness would accept the recommendations *in toto* of the Press Commission. The most important question at issue has been the implementation of the minimum wage recommended by the Commission. The hon. Minister and the Labour Minister have advanced various grounds for not accepting and implementing this recommendation. The working journalists are a class by themselves and they cannot be compared ordinarily with the workmen in other industries, and to postpone the implementation of this recommendation merely on the ground that it would affect other industries is to beg the question. This matter has been long under examination and discussion, and I hope the hon. Minister will appreciate that the working journalists have practically broken down and have lost all patience, and any postponement of this, while being technically valid, will have very adverse psychological effects upon the working journalists. I am glad that the hon. Minister, instead of having a Minimum Wage Board, is going to have a Wage Board which will go into the question of scales of pay, increments and all other connected questions. This is very welcome. I am also happy that he is taking powers under this Bill to issue by notification a wage structure for working journalists. I could only wish that without waiting for the final recommendations coming from the Wage Board, Government would issue notifications under the powers that they may take under this Bill to fix a minimum wage or a proper wage structure for the work-

ing journalists. Government, if it so desires, can ask the Board to give their interim recommendations about the wage structure to be fixed for the interim period.

DIWAN CHAMAN LALL (Punjab):  
It is already there in the Press Commission's report.

SHRI RAJENDRA PRATAP SINHA:  
Yes, but the Government, if they are not prepared to implement those recommendations, can ask the Board to give their interim recommendations and they can also fix a time limit for such recommendations to be forthcoming. All that I would like to impress upon the hon. Minister in this matter is that it should not be delayed, and that a minimum wage structure should be brought into force at the earliest possible moment.

Sir, it will be a pity if the other House does not find time to pass this legislation in this session, and I do hope that the hon. Minister will bring his influence to bear upon the Minister for Parliamentary Affairs and see that the other House also finds time to pass this legislation in this session.

DR. B. V. KESKAR: This is decided by the Business Advisory Committee and not by the Minister for Parliamentary Affairs.

SHRI RAJENDRA PRATAP SINHA:  
I am told that the Minister for Parliamentary Affairs plays an important part in the Business Advisory Committee. I would even go to the length of suggesting to the hon. Minister that in case it is not found possible to complete the legislative process and to get this Bill passed by the other House, it will be in the fitness of things to have an ordinance promulgated to give effect to a minimum wage structure that the hon. Minister considers necessary to bring into force for the working journalists. There are constitutional provisions for promulgating ordinances and we have made use of those provisions in other spheres and there is nothing which can stand in the way of making use

of those provisions in the interests of working journalists

Sir, in one respect I find that the provisions in this Bill have not given effect to a very important recommendation of the Press Commission and that is in respect of bonus. Bonus is regarded not as an *ex gratia* payment but as a scheme of profit sharing to give an incentive for greater efficiency and better productivity. Taking this view into consideration, the Press Commission has recommended that one-third of the clear profits obtainable after providing for taxation, depreciation and half per cent over the prevailing bank rate for declaring dividend, should go towards the payment of bonus. I do not find any provision in this Bill as to how this recommendation of the Commission is to be given effect to. I would like to have the views of the hon. Minister on this, what he thinks about it and how he proposes to give effect to this recommendation of the Press Commission.

Clause 5 surprised me most. I am sure it must have surprised you as well. Knowing as I do my esteemed friend, Dr Keskar, I know he is always anxious to do justice to all classes of working journalists, whether they are working in small or big establishments. So this clause surprised me most since he has discriminated here between working journalists serving in bigger establishments and working journalists working in smaller establishments. The Press Commission has also stated that there should be no discrimination with regard to the gratuity payment and retirement benefits in respect of all classes of papers in all regions. In view of the fact that such a discrimination is not proper, I would earnestly urge upon the hon. Minister to reconsider this question so that the gratuity payment given to all working journalists irrespective of the papers and regions concerned may be the same. Thank you.

श्री गोपीकृष्ण विजयवर्गीय (मध्य भारत) :  
उपाध्यक्ष महोदय, इस बिल में श्रमजीवी पत्रकार की जो परिभाषा दी गई है कि जो मालिक न हो या मैनेजमेंट न करता हो, वह श्रमजीवी पत्रकार है वह परिभाषा ठीक है और इस प्रकार के पत्रकारों के लिए जो कानून बनाया गया है वह बहुत ही मुनासिब है। प्रेस कमीशन की स्थापना करके गवर्नमेंट ने और मिनिस्टर साहब ने सब पत्रकारों की काफी कृतज्ञता प्राप्त की थी। कमीशन की रिपोर्ट खुद एक बहुत अच्छी चीज है। यह जरूर शिक्षायात की गई कि यह बिल जरा दूर से आ रहा है। लेकिन खैर, अब तो यह केवल कहने सुनने की बात है क्योंकि बिल हमारे सामने पेश है और इसकी धाराओं पर विचार किया जाना चाहिये।

इसके कहने की जरूरत नहीं है कि पत्रकारों का एक बहुत अच्छा और ऊँचा धन्धा है। पालिटीशियंस और पत्रकारों के बीच हमेशा गहरा सम्बन्ध रहा है। हम सब बहुतों लोग, जिन्होंने देश का काम किया है, पत्रकारों से गहरा सम्बन्ध रखते रहे हैं। जैसा कि बहुत से सदस्यों ने कहा, हम लोगों ने पत्रकारिता का जीवन व्यतीत किया है। पालिटीशियंस तो सत्ता या पावर को लेकर चलते हैं और शायद उनका धन्धा या उनकी जिन्दगी उतनी पवित्र न हो लेकिन ये पत्रकार जो हैं वे ज्ञान फैलाने का धन्धा करते हैं। इस लिए मेरा ख्याल से हमको उनके लिए ज्यादा सुविधाएँ पैदा करनी चाहिये और उनकी सब बातें माननी चाहिये।

बहुत समय पहले हमने बॉक्स कर्मचारियों की वेंजेज वर्गों के विषय में एक कानून पास किया था और उसमें उनके लिए एक खास स्कूल रखा था। मेरा ख्याल है कि इस बिल में क्लाजेज ८ और ९ मिनिमम वेंजेज के विषय में हैं। अगर इस सम्बन्ध में गवर्नमेंट को कोई असुली आपत्ति है और जैसा कि अभी मिनिस्टर साहब ने कहा कि कोई तसदीया या समझौता हो गया है और उराले अनुसार बिल में संशोधन कर दिये जायेंगे वह भी अच्छा है क्योंकि अभी हम लोग

[श्री गोपीकृष्ण विजयवर्गीय]  
को संशोधन मिले नहीं है कि क्या बात तय हो गई है।

डा० बी० बी० कंसकर : आ रहे हैं।

श्री गोपीकृष्ण विजयवर्गीय : तय हो जाय तो अच्छा है। अगर बार्ड बनता है तो ठीक है, वह बार्ड तय करेगा। लेकिन नॉटीफिकेशन के जरिए गवर्नमेंट जो तनखाहे मुकर्रर करे, वे रिपोर्ट में दी हुई मिनिमम वेजेज से कम नहीं होनी चाहिये।

बोनस का इस बिल में कोई जिक्र नहीं है। यदि बोनस का प्रश्न भी किसी तरह से इसमें आ सके तो अच्छी बात है।

क्लाज ४ रिट्रैक्टमेंट के सम्बन्ध में है। रिट्रैक्टमेंट के जो कंसेज हैं उनकी तारीख यदि २३ एप्रिल मान ली जाय तो अच्छा होगा।

क्लाज ५ गूचुइटी के विषय में है। इसके सब क्लोज २ में छोट अखबार वालों को एक्सक्लूड कर दिया गया है। यदि छोट अखबार वालों को भी इसमें शामिल कर लिया जाय और यदि सब पत्रकारों को गूचुइटी मिल सके, तो अच्छा रहेगा।

श्री ह० प्र० सबसेना : कहा से देंगे ?

श्री गोपीकृष्ण विजयवर्गीय : अगर उनको जीवित रखना है तो सुविधाएं देनी ही पड़ेगी। इसके अलावा प्राइस पंज शेंड्यूल आदि के जो सवाल पहले आये थे कि पत्रों की स्थिति सुधारने के लिए कुछ काम किया जाय, वे सवाल भी किस रूप में पेश होते हैं वह बात दूसरी है, लेकिन मेरे ख्याल से वे द सकेगें।

क्लाज ६ वीकिंग आवर्स के सम्बन्ध में है कि कितने घंटे पत्रकार काम करें। गवर्नमेंट ने १६० घंटे का प्रोजेक्शन रखा है और पत्रकारों की ओर से जो अमंडमेंट आये हैं उनमें १४४ घंटे की मांग की गई है और मेरे विचार से यह मांग मुनासिब भी है।

छुट्टियों के विषय में भी पत्रकारों की ओर से संशोधन आये हैं। इस विषय में भी यदि मिनिस्टर साहब कोई समझौता कर लें और कुछ बातें तय कर लें तो अच्छा होगा।

पत्रकार लोग दंड के लिए एक बहुत जरूरी काम करते हैं। वे डिमॉक्रेंसी के लिए एक ताकत और मजबूत पाया हैं जिस पर डिमॉक्रेंसी चल रही है। पत्रों के बगैर डिमॉक्रेंसी चल नहीं सकती। मेरे ख्याल से पत्रकारों को जितनी सुविधाएं दी जाय वे हमारे दंड के लिए हितकारी होंगी। अगर उनको खास तौर पर अलग भी ट्रीट किया जाय तो भी मैं समझता हू कि वे इसको डिजर्व करते हैं और वे इस योग्य हैं कि उनको विशेष रूप से कुछ सुविधाएं दी जाय। तो जो संशोधन चतुर्वेदी जी ने दिये हैं वे मुनासिब हैं। वैसे ही संशोधन श्री मजूमदार वर्गरेह के भी हैं।

अन्त में मैं इस बिल का स्वागत करता हूँ और चाहता हूँ कि जल्द से जल्द पास किया जाय।

SHRI H C MATHUR (Rajasthan):  
Mr Deputy Chairman, the hon. Minister while introducing this Bill, spoke with feeling and understanding, with sentiment and sympathy for the working journalists and he emphasised the human element I look at this matter not only from the view-point of social justice to this important profession—that of course is a very important aspect of the question before us and a direct question before us,—but I look at it from the point of view of our new democracy, a new democracy as it is developing in its formative stage As I have stated on the floor of this House before, I wish to repeat it with all the emphasis at my command, that if democracy has to develop on sound lines, we must have a sound press The press as it happens at present, is in a way and to an extent in the hands of certain vested interests There is a historical background—there are reasons for it and we cannot blame anybody for it and we cannot change the circumstances as they stand but if we are to have a healthy press in the present circumstances and conditions, it

becomes all the more necessary that we strengthen the journalist and enable him to play a really independent and honourable part in strengthening the democracy. That is the only thing which we can do and it assumes added importance because of the peculiar circumstances in which we find ourselves today. Now this Bill is intended to achieve that aim and object. I have gone through this Bill and studied all the clauses and to me it appears that all that we are doing is but giving the mere elementary rights which every person in the services should enjoy. There is nothing very extraordinary in this Bill. We are going to do nothing very extraordinary for the journalists. These are almost the elementary things, elementary conditions of service which should be secured to each and every one. These conditions are secured to everybody who is in Government service, the conditions are in a way much better. But I do appreciate that for the first time we are taking a step forward and a step in the right direction in applying these conditions to the professions in public life and for this it will always be to the credit of Dr. Keshkar to have come forward with a first measure of its kind but as I stated, these conditions are absolutely elementary which are given to almost every employee in a sound concern or to the people in the Government service. In this matter, while we were talking about clause 8 which was supposed to be the most controversial clause in this Bill, the Minister for Labour just spoke and gave his view-point. I regret that I have not been able to appreciate his view-point at all. It appeared to me that he was almost on technical grounds asking for a pound of flesh—absolutely on technical grounds. There are ways and means by which we can certainly have got over those technical difficulties but I am glad that the hon. Minister in charge of this Bill had sent for the journalists, had a discussion with them and has been able to find a *via media* and I hope, without any further loss of time, he will be able to constitute a Board—that is, not

a minimum wage board, but a wage board and he will be able to consult them and give some interim announcement. I do hope that he will be able to give us an assurance that this interim wage scale will in no way be less than what has been recommended by the Press Commission at least. The hon. Minister when he spoke, told us that he had a lot of information in his possession. He also hinted that if we went further into the matter, the greater possibility was that we might have to revise the pay scales so as to improve them rather than to change them to the disadvantage of the working journalists. We shall wait for a few days and we hope he will be able to make the announcement. In that announcement, I am sure, he will be able to assure the House here according to the material in his possession, that the pay is not likely to be in any case, less than the minimum pay that has been mentioned by the Press Commission in its Report.

Another point which I would like to stress in this connection is that such announcements or such gazette notifications as are issued, must be laid on the Table of the House, and it should certainly be open to the House to take such notifications for discussion, as we have been doing in the case of other matters, wherever we change or alter the service conditions. This is a most important recommendation and it is vital and concerns everybody. Particularly, we want that the notification should be laid on the Table of the House and it should be open to this House to discuss it.

Within the brief time before me, I would pass on to deal with the clause dealing with gratuity. I am simply surprised that my hon. friend Dr. Kunzru should have raised certain objections. I assure you, before I heard him, I was of a definite bent of mind, to speak very strongly on this clause, because the gratuity that is allowed in clause 5 is, to my mind, not at all fair or just. It is very inadequate. In Government service, you will find that it

[Shri H C Mathur]

is always one month's salary which is given as gratuity for one year's service. This is almost a universal scale which has been adopted in all the State Governments and in all services and there is no reason why these working journalists should be offered less amount as gratuity. As a matter of fact, their conditions of service are far more disadvantageous than those of government servants. Of course, we have got definitely to take into consideration whether the industry is in a position to make such payment or not. We do not want that the industry should collapse under the rules which we frame. But at least let our minds be clear as to what is just and fair. Whether we can achieve that target or not is a different matter. I am not asking here and now that we should straightway go and provide that even if there are materials and evidence to show that the industry will not be able to bear the burden, such and such amount should be paid. But let us be clear in our minds. A fair amount of gratuity would be one month's pay for a year's service. This is obtainable in almost all the services at the present moment. My own feeling is that it is possible for the industry, at least certain enterprises or some of the newspapers to bear that burden. Let us also take into consideration the cost involved in the production of the newspaper. As is well known, the cost of newsprint covers about 45 per cent of the total cost. Cost of establishment, staff, editorials etc comes to only about 7½ to 10 per cent. We also know that during the war period when newsprint went up three times in cost the newspapers could survive. I do not know whether the hon. Minister has got the correct figures in his possession. But how is it that even when newsprint went up in cost three times their usual cost, a large number of papers could survive.

(Time bell rings)

Sir, I will finish my speech in another two minutes.

The cost incurred on the working journalists, the cost of the establishment and the cost of the editorials, they all total to only about 7½ to 10 per cent and so even if they are increased by one per cent, the industry is not going to collapse.

I would further suggest that so far as the smaller papers are concerned, if you want to see that they are up to a certain standard and are able to give the working journalists what is due to them, you must make the newsprint available to them at a reasonable price.

I have only one more word to add. Dr. Kunzru made a point about compensation as well as gratuity being paid. This is most surprising. Gratuity and compensation are never to be mixed up. Compensation is an entirely different thing and it is given on entirely different considerations. Gratuity is something different. It is given when a man has rendered certain service and it must be paid in any case. Compensation is not paid all the time when gratuity is being paid. Compensation is paid only when a particular man is retrenched, when a particular journalist or anybody in your service has put in ten years service and he is being retrenched. Consideration of payment of gratuity should not come in the way. That is given under entirely different circumstances. You are retrenching the person and for that you are paying him compensation. There are rulings on this point from various courts. There is the Industrial Disputes Act which provides for it. I am afraid a very wrong impression has been created in this House that the payment of compensation as well as the payment of gratuity is something extraordinary. These are two different things.

MR. DEPUTY CHAIRMAN: Yes, Mr. Malviya. Please try to confine your remarks to five minutes.

श्री रतनलाल किशोरीलाल मालवीय (मध्य प्रदेश) : मैं इस बिल का मध्य से स्वागत करता हूँ।

हूँ। हमारा मिनिस्टर महोदय खुद पत्रकार रहे हैं और हमारा श्री चतुर्वेदी जी ने जो कि पत्रकारों के फंडेशन के प्रेसिडेंट हैं पत्रकारों की तकलीफें बताई हैं इनके बाद जब यह बिल आ रहा है तो हमें ऐसा दीखता है कि पत्रकारों को एक कोई बड़ी चीज प्राप्त होने जा रही है इसीलिये स्वाभावतः उसका हृदय से स्वागत करता हूँ।

इस बिल में जो मुझे सब से अच्छी चीज दीखती है वह यह है कि आज तक हमारे पत्रकार भाई एक तरह से कारखानों के कर्मचारियों से अलग माने जाते थे लेकिन अब वह दश के मजदूरों की जमात में शामिल हो रहे हैं। इससे हमारे दश के मजदूर आन्दोलन को बड़ा भारी बल मिलने वाला है। मजदूर हाथ पाव से काम करते हैं और अब हमारे पत्रकार भाई इस मजदूर आन्दोलन को दिमाग देंगे। इससे हिन्दुस्तान के मजदूरों की ताकत बहुत बढ़ेगी।

जहाँ तक इस बिल का ताल्लुक है मैं थोड़ी सी बातें बताना चाहूँगा। स्टैंडिंग आर्डर्स का जहाँ तक सवाल है ये स्टैंडिंग आर्डर्स बहुत वाइड होते हैं। मेरा ख्याल है कि स्टैंडिंग आर्डर एक ऐसी चीज है जो कि हर एक पेपर से ताल्लुक रखने वाले मजदूरों के लिये अलग अलग बनाए जाएंगे और यदि हमारे पत्रकार भाइयों ने ठीक तरह से कार्य किया और एक अच्छा स्टैंडिंग आर्डर बना लिया तो उनकी बुनियाद बहुत मजबूत हो जाने वाली है। इस बिल के बारे में हमारे मित्रों ने जितने शर्कों को यहाँ जाहिर किया है वे सब जरूर रफा हो जायेंगे इसका मुझे पूरा भरोसा है। इस बिल में सर्विस के लिये नौकरा काम के घट और छुट्टी वगैरह की सब बातें शामिल कर दी गई हैं। दरअसल स्टैंडिंग आर्डर्स में ये सब बातें और साफ हो जायेंगी और मुझे आशा है कि स्टैंडिंग आर्डर्स के तैयार करने के समय पर उनकी शिकायतों का ध्यान करने और उनके हककों की रक्षा पर पूरा ध्यान रखा जायेगा।

जहाँ तक प्रोविडेंट फंड का ताल्लुक है उसके लिए जो व्यवस्था की गई है उसकी मैं तारीफ करता हूँ लेकिन मैं यह चाहता हूँ उसके नियम पत्रकारिता व्यवसाय की लाइन के मुआफिक हों उसमें कोई कमी न रहने पाए।

#### (समय की घंटी)

अब मैं सिर्फ मिनिमम वेंजेंज बोर्ड के बारे में कहूँगा। जहाँ तक उसका ताल्लुक है मेरी यह आशा है कि पत्रकार लोग उस बोर्ड के लिए अच्छे से अच्छा आदमी चुनेंगे और हमारे मिनिस्टर साहब भी फंडेशन से जिन मेंबरों के बारे में सिफारिश हो उन्हीं मेंबरों को बोर्ड में रखेंगे।

MR DEPUTY CHAIRMAN Yes, that will do

श्री रतनलाल किशोरीलाल मालवीय . दूसरी चीज यह है कि जो मिनिमम वेंजेंज मुकदरों हो उसको रिट्रोस्पेक्टिव एफेक्ट देने की गवर्नमेंट कोशिश करे और उस तारीख से जब कि यह बिल पास हो या रिफरंस की तारीख से पहले का जितना देना बाकी हो उसे दिया जाना चाहिए यह मैं अर्ज करना चाहता हूँ।

Sir, I welcome this Bill as it will improve the lot of the journalists who are playing a very important role in our democratic country. This Bill will not only relieve the journalists of the feeling of uncertainty and suspense which has been their lot in the past but would also guarantee to them better conditions of service, minimum wages and provident fund benefits thus instilling in them a feeling of independence. I specially want to invite attention to the retrospective nature of the proposed Bill. I feel that justice should be done to all journalists who have been victimised during these recent years on account of the machinations of the employers who, for one excuse or the other, have curtailed the period of service of these people and have terminated it.

[Shri Ratan Lal Kishori Lal Malviya.]

Clause 2 defines the working journalists and clause 3 provides that the provision of the Industrial Disputes Act will apply to the working journalists as defined in this Bill. After the passing of that Act, it was held by certain courts that all working journalists did not come within the purview of the Industrial Disputes Act and held that they are not 'workmen' as defined in that Act. In my own State of Uttar Pradesh, I know of many cases where services of working journalists of very long standing were terminated and when their cases were taken to the Government for being referred to Industrial Tribunals for adjudication, the Government said that editors, sub-editors, etc., were a category of persons who did not come within the purview of that Act. As a result of this their cases were not referred to the Industrial Tribunal for adjudication. This Bill has now defined the word 'working journalists'. My opinion is that no new right has been conferred on the 'working journalists' and that only the interpretation of that word has been given. The cases of all those persons which could not be referred to the Industrial Tribunal because of the uncertainty and ambiguity of the interpretation of the words "working journalist", should, now, that the proper interpretation has been given, be referred to the Industrial Tribunal. Justice in those cases should be done. They have been working journalists with 30 or 35 years' service and their cases were not referred to the Industrial Tribunal because of this ambiguity. Now that it has been cleared, justice should be done to them. Clause 3 of the Bill should clearly say that "this Act shall be deemed to have always been applicable to the working journalists as defined in this Act"

श्रीमती सावित्री दंबी निगम (उत्तर प्रदेश) :

श्रीमन्, इस विधेयक का हार्दिक स्वागत करते हुए मैं माननीय डा० कंसकर साहब को उनके इस प्रयत्न के लिए बधाइयाँ देना चाहती हूँ।

श्रीमन्, प्रेस कमीशन रिपोर्ट के बाद ही सार पत्रकार और लीडर वर्ग ने बड़ी बड़ी आशाएँ लगाई थीं कि प्रेस कमीशन की सिफारिशों को माना जायगा और बेचारे सरस्वती के बदकिस्मत पुत्रों को कुछ ऐसी सुविधाएँ दी जायंगी जिससे शोषण से उनकी रक्षा हो सके। लेकिन, श्रीमन्, इस बिल को देख कर बड़ी निराशा हुई। ऐसा लगा, खाँदा गया पहाड़ और निकला केवल चूहा। सरकार की कठिनाइयों को देखते हुए भी यदि माननीय मंत्री महोदय थोड़ा सा साहस दिखाते तो सचमुच वे इस बिल को इतना प्रभावशाली बना सकते थे कि उससे पत्रकार वर्ग को पूरा पूरा लाभ हो सकता। श्रीमन्, क्लॉज २ के दूसरे पार्ट को ही देखिए। उसमें दिया हुआ है कि ऑफिशल गजेट में जब कहीं यह पीब्लिश होगा और उस का नोटिफिकेशन निकलेगा तब कहीं इस बिल का पूरा फायदा उठाया जा सकेगा। लेकिन मेरा अनुरोध है इसको डिलीट कर के तुरन्त ही, इन्क्वेंटमेंट के बाद ही, इस बिल को लागू किया जावे।

डा० बी० बी० कंसकर : लागू करने का तरीका यही है कि गजेट में निकाल दिया जाय।

श्रीमती सावित्री दंबी निगम : पर ऐसा न हो कि नोटिफिकेशन में या इसमें देर लग जाय। पत्रकार समुदाय इतना दुखी हो चुका है कि कोई भी विलम्ब बढ़ाहित करने की उसमें ताकत नहीं रह गई है।

इसी तरह, श्रीमन्, क्लॉज २ के पार्ट "बी" में न्यूजपेपर की जो डेफिनिशन दी गई है उसका यदि क्लियर न किया गया तो बहुत सी पत्रिकाएँ ऐसी हैं जो प्रेस रीजिस्ट्रेशन बुक्स एक्ट के अंतर्गत आती ही नहीं हैं और इससे बहुत से पत्रकारों का बड़ा शोषण होगा। ऐसी पत्रिकाएँ जैसे माया, रजनी और सजनी हैं, जो कि बड़ भारी प्रॉफिट पर चल रही हैं वे सब उस लाभ से छूट जायंगी।

इसी प्रकार क्लॉज २ के "बी" सेक्शन में भी यदि न्यूजपेपर इस्टीमेशनमेंट को क्लियर न किया

गया तो बड़ी घबरेलाजी हो जाने की पूरी सम्भावना है, जैसा कि कई सदस्यों ने भी पॉइंट आऊट किया है। श्रीमन्, नोटिस देने का जो समय रखा गया है ३ महीने का, वह बिल्कुल मजाक किया गया है। आप ही बताएं, जिस व्यक्ति की १० साल की सर्विस हो गई हो वह ३ महीने के अंदर कैसे एक नए अखबार में नौकरी पा लेगा। किसी भी और देश में ३ महीने का नोटिस देने का नियम नहीं है। इसलिए मेरा अनुरोध है कि माननीय मिनिस्टर साहब इसको बढ़ाकर कम से कम ५ महीने का या साल भर का कर दें। यह मांग बड़ी ज़ेनूइन है।

क्लाज़ ४ के द्वारा काफी कंपेंसेशन दिया गया है, ऐसा आपने स्वीकार किया। वास्तव में जर्नलीस्ट्स को, प्रेस कमिशन रिपोर्ट के लिए गवाहियां देने के समय, काफी विक्टिमाइज किया गया है। उनको प्रोटेक्शन मिलना ही चाहिए। जब आप कंपेंसेशन देते हैं तो फिर गूचुइटी देने में क्या अंतर पड़ जाता है। इसलिए अब भी समय है और आप उसे स्वीकार कर लें।

श्रीमन्, इसके अतिरिक्त मैं क्लॉज़ ५ के पहले हिस्से का पूरा समर्थन करती हूँ, लेकिन दूसरे हिस्से का मैं बिल्कुल विरोध करती हूँ। अगर दूसरा हिस्सा न निकाला गया तो आप समझिए कि एक हाथ से आप उनको थोड़ी सी सुविधा देंगे और दूसरे हाथ से उनकी सारी सुविधाएं ले लेंगे। बहुत से सदस्यों ने कहा कि छोटें पत्रों के लिए कोई प्रोटेक्शन नहीं रखा गया। मैं कहती हूँ कि छोटें पत्र कभी १० साल तक एक जर्नलीस्ट को नहीं रख सकते। जब शर्त लग गई है कि १० साल के बाद गूचुइटी मिलेगी तो फिर उनको कोई चिन्ता नहीं हानी चाहिए। इसलिए दूसरे पार्ट को हटाकर सभी जर्नलीस्ट्स को बराबर बराबर प्रोटेक्शन देना चाहिए।

मुझे एक बात यह भी कहनी है मिस्कांडक्ट की जो बात रखी गई है वह तो ठीक है, लेकिन डिप्लोमैटरी एक्शन के द्वारा निकालने की जो

बात कही गई है अगर यह नहीं हटाई गई तो हर इम्प्लॉयर जब किसी जर्नलीस्ट को निकालना चाहेगा तो उसके खिलाफ तुरन्त डिप्लोमैटरी एक्शन ले लेगा और इस प्रकार गूचुइटी देने से बच जायगा। इसलिए मेरा अनुरोध है कि इसमें सिर्फ मिस्कांडक्ट की बात रखी जाय, और डिप्लोमैटरी एक्शन की बात निकाल दी जाय।

इसके बाद क्लॉज़ ६ को ले लीजिए। प्रेस कमिशन की सिफारिश है कि दिन में साढ़े पांच घंटे से लेकर साढ़े आठ घंटे से अधिक काम न लिया जाय। आप जानते हैं कि पत्रकारिता एक ऐसा व्यवसाय है, ऐसा प्रोफेशन है जिसमें बड़ी तैयारी करनी पड़ती है, बड़ा पढ़ना पड़ता है और तैयार हो कर जाना पड़ता है। जो आदमी ६ घंटे काम करेगा वह सारा दिन घूमता रहेगा, तो फिर किस तरह वह सब तैयारी कर सकेगा। इसलिए यह जो साढ़े पांच घंटे की बात कही गई वह ज़ेनूइन है और इसे मान लिया जाना चाहिए। (समय की घंटी बजती है) मैं आपसे कहना चाहती हूँ कि बावजूद इतने कष्टों और कठिनाइयों के हमारे जर्नलीस्टों ने इतनी त्याग और तपस्या दिखाई है, यदि आप उनको कुछ थोड़ी सी सुविधाएं और दंगे तो केवल यूरोपीय देशों में ही नहीं बल्कि दुनिया के तमाम मुल्कों में हमारे यहां के जर्नलिज्म का स्तर बहुत ऊंचा हो जायगा। अभी मुझे थोड़े दिन हुए, यूरोपीय और अमरीकी पत्रों को पढ़ने का सौभाग्य मिला, लेकिन मैं आपको बताना चाहती हूँ कि मेरा मस्तक अपने देश की पत्रकारिता और पत्रों को देखकर नत हो गया है।

श्री उपसभापति जी : आपने बहुत कह दिया है, अब बस कीजिए।

श्रीमती साबत्री दंबी निगम : एक बात कह कर मैं खत्म करना चाहती हूँ। जो प्राविडेंट फंड के बारे में आपने लिमिटेशन रखा है वह बहुत ही अनजस्ट है। २० आदमियों की बात आपको अवश्य निकाल देनी चाहिए।

DR B V KESKAR Sir, after having listened to the debate, just by the way I would like to note that there is a measure of agreement between practically all the Members of the House that all possible facilities and rights should be given to the working journalists so that the noble profession of journalism can work under better conditions, can give better production and can have better standards

When dealing with the general question of working conditions for journalists, a number of Members more especially from the Opposition, have taken the opportunity of again hitting the Government for, what they call, dilatory tactics, for not trying to implement the recommendations of the Press Commission as quickly as they wanted it to be. I had said once here and I repeat it again that if hon. Members study the history of commissions, which have been appointed before and see how they have been dealt with and implemented—and here I am not referring to the States Reorganisation Commission, which stands in a special category—they will find that no commission's report has been given such expeditious implementation as the Press Commission's. Taking into consideration the very important and at times fundamentally radical recommendations made, taking into consideration also the very wide field which the Commission has covered, there were, as I had said in the discussion of the Press Commission's Report, four or five matters which required legislation to be brought forward by Government, and as far as all these matters are concerned, excepting that for the Press Council which will soon come before Parliament—I have to have it introduced during this session—all the other matters have already been decided upon. In this connection for example, take the case of the Press Council in Great Britain where the recommendation to set up a Press Council was made, but for years together it remained just where it was. It was only in the last one or

two years that the Press Council was appointed and after that also the Press Council there has not been able to function properly or has not been giving very successful results. My point is that we have been trying more seriously than anybody else to try to implement the recommendations of the Press Commission. But, Sir, it is one thing to say that we implement the recommendations, it is another to put them into proper form, because when they are recommendations which require practical application, you have to study all aspects of the question and see how it can be given the best practical shape and therefore I submit that we have to go carefully rather than go hastily and then withdraw. I would rather take a major step which is more secure and more stable than take a quick step and afterwards find that things are not working well and then change again and take one step back. I therefore submit that the course that we have been following has been the most expeditious possible. As I said, all the principal recommendations have been accepted including the one to set up a Press Council. The Bill that is now before the House is from the human point of view the most important. Now some Members have referred also to the fact that Parliament has accepted the Press Commission's Report and therefore Government is bound to implement all the recommendations contained therein. If hon. Members will refer to the resolution passed by both the Houses, they will find that Parliament has generally accepted the Press Commission's recommendations and, as I said quite candidly, it is not possible for Government to accept the Press Commission's or any Commission's Report as an Award and implement it *in toto* without taking into consideration whether it is practically possible to put them into proper shape, and that applies to the Press Commission also, but as regards those decisions which Government had to deal with, Government had tried to put them into practical shape as quickly as possible

The recommendations regarding service conditions, which are before the House and about which hon. Members have given their comments, have been enumerated by me before. I do not want to enumerate them all again because while dealing with the clauses we will take them up one by one, but one or two matters I would like to refer to here.

The first thing is: There has been a lot of comment regarding gratuity. Now I would like Members to understand the implications of the proposal here thoroughly. First of all it should be understood clearly that the result of the recommendations that we are making here in the clauses is that, in the future, that is, from the date this Act comes into force, every employee will get gratuity whether he works in one-man establishment or ten-man establishment.

**SHRI H. N. KUNZRU:** Whether he works continuously or not?

**DR. B. V. KESKAR:** Where he works he is entitled to. If Pandit Kunzru had carefully read the clause he would have found that he is entitled to gratuity only after putting in continuous service for not less than three years, not before. What I mean to say is that this applies to all establishments from the date of the implementation of the Act. The difference lies only with regard to the conditions prevailing in certain newspaper offices before the implementation of this Act and there we had to make a distinction regarding the quantum of gratuity payable because there are a very large number of newspapers in this country which have been built up; some are probably in prosperous conditions but a still larger number are in a precarious conditions carrying on somehow, papers which though they might be economically precarious are first class papers, honest and sincere journals which are respected by everybody and for whom we feel that it is unfair to burden them suddenly

with certain commitments which they could not envisage before. Therefore we have made a distinction for the past that only those establishments which employ a minimum number and more shall pay full gratuity while those which employ below the minimum will pay reduced gratuity. Even they will pay gratuity, but it will be in a reduced form. No doubt it may appear, from the point of view of abstract justice, to be very unjust, but there is a practical aspect to this question of justice, and it is that they should get it. Supposing we pass a theoretical thing that they should get it and owing to commitments that are put on certain papers, the papers close down, however good they might be, and create a lot of unemployment, it will not be to the benefit of the journalists, and I do not think that papers, a large number amongst them who have been working well, though they might not be financially very big papers, should be suddenly told that "you" will have so much of financial commitment immediately to answer, and it is for this reason and taking everything into consideration that we have made the suggestion that only establishments which employ a minimum number or more shall pay full gratuity for the past, not only from the date this Act comes into force but for the past also, and for this we have put ten persons as the minimum. But in view of the trend of the discussion we have put in an amendment reducing it to six. This is our amendment because from the discussions and also from the speeches delivered here, I gathered the impression that we have in our permanent legislation not tried to make all establishments pay gratuity. It is not so. All establishments will have to pay gratuity hereafter. The other thing is regarding compensation and gratuity. Pandit Kunzru felt that it was unjust that they should be asked to pay gratuity and compensation at the same time.....

**SHRI H. N. KUNZRU:** For the same thing, that is, termination of services.

**DR. B. V. KESKAR:** Gratuity is something different from compensation. Gratuity is for good services rendered over a certain period. Compensation is paid when you terminate the services of a person for whatever security of service he might have had for the future. It is for that you give him compensation.

**SHRI V. K. DHAGE (Hyderabad):** It is return for the loss suffered.

**SHRI H. N. KUNZRU:** He may have worked badly. Who is going to judge whether he has worked well or not?

**DR. B. V. KESKAR:** Except in the case of disciplinary dismissal we take it that he worked well. So I do not think that they should be put together, as they are payments for different things. They are not payments which are to be put together. Then a number of friends have asked as to why that has not been made available with retrospective effect. We had at the very beginning, immediately after the publication of the Report, told the Press that we would not like any action to be taken by the proprietors which would be in the nature of forestalling or sidetracking the Press Commission's decisions in some way or the other as far as service conditions are concerned and if any such thing is done then we will have to see that the workers are treated in a just manner or compensated for whatever action has been taken in order to circumvent the Press Commission's decisions. And it is in view of that, that we have put in clause 4 that anybody whose services have been terminated or who has been discharged after the publication of the Report shall receive due compensation and the compensation mentioned there should not be confounded with what will be paid under the Industrial Disputes Act after this Act comes into being. They are quite separate. This is a kind of interim measure meant to give relief to those whose services might have been terminated—and there are a number of those whose

services have been terminated—in order to avoid paying all these things which they may have had to pay after the passing of this measure.

Then, I have talked about the important question of minimum wage. The Labour Minister also spoke here regarding the general principles and mentioned why he felt that it was not possible to accept a block minimum wage at this stage and its implications that as it is envisaged it would land us into complications and would create precedents which would be embarrassing in the case of demands of other industries. Therefore the Government wants to follow a standard procedure as far as minimum wage is concerned. I would also like to remind hon. Members regarding this matter that if they read carefully the Press Commission's Report they will find that side by side with suggesting a minimum wage the Press Commission has said that this minimum wage should be payable only to those who fulfil certain minimum qualifications which they feel are the qualifications which deserve this scale of pay. People who have not got these qualifications should not be given that pay. In the alternative they have also suggested a condition of more than five years' service. That also is another complication and that also should be considered side by side with any suggestion regarding minimum wage. But with regard to this question, as I informed the House earlier, we have had the benefit of discussing this with representatives of the working journalists and we have come to a satisfactory agreement and I have therefore tabled amendments relating to this matter which envisage a Wage Board, instead of having a Minimum Wage Board, which will take up the question of the rates of wages for the journalists.

There is also another additional clause which I have suggested and which I will read out. Hon. Members

will be getting it now. It is as follows:

"(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rate of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rate of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (2) of section 10."

This is of course only an interim clause.

Another danger to which I would like to refer in this connection is that the minimum wage to what I call a liberal and an intellectual industry like journalism—like the minimum wage in a sweated industry—is something which might tend to be the maximum wage also. That is, the wage scale instead of beginning from the minimum wage will tend to hover round the minimum wage and to that extent it will be a disadvantage to the journalists. I am therefore extremely happy that we have been able to come to a solution of this problem which I sincerely feel in the long run would be of greater advantage and would ensure better wages and better conditions of service for the working journalists.

Sir, we have been discussing the other conditions of service also but I would not like to discuss every one of them in detail now but I shall deal with them at the clause by clause consideration stage.

I would like to say one thing more. Reference is being made always regarding improvement of conditions and better standards. Eulogistic references have been made to journalists and they deserve them. But the journalists have been equated—and Mr. Mazumdar waxed eloquent on their being equated with other workers.....

SHRI S. N. MAZUMDAR (West Bengal): I mentioned about their joining the workers in the trade union movement.

DR. B. V. KESKAR: I agree. If you study the trade union movement you will find that in bettering the conditions of workers—I am referring to the details of such things—legislation alone can never fulfil all the lacunæ and all the small details. It is negotiation, collective bargaining and such things which will make up for the filling of all such details. The general principles can be laid down here but over and above, there will always have to be the strength of collective bargaining and collective leadership which are always necessary not only for the working journalists but for all others also. And I would also say.....

SHRI S. N. MAZUMDAR. But the State has a responsibility to see that a proper atmosphere and proper conditions for collective bargaining are created.

DR. B. V. KESKAR: The State is fulfilling its obligation here but the State cannot fulfil its obligation by thinking of every possible eventuality and every possible emergency that may arise. They will have to be settled by negotiations afterwards. Here we can only lay down the broad principles.

Sir, I would not like to say anything more at this stage. I will take up the other details when the clauses are taken up for discussion.

SHRI H. N. KUNZRU: Will the hon. Minister kindly make one point clear?

Does the definition of 'working journalist' apply only to people who are wholtime workers in one establishment or also to people who are part-time workers in a number of establishments, for instance, Press correspondents?

DR B V KESKAR As far as press correspondents are concerned, it will apply to correspondents who are working for a number of papers. I am talking of mofussil correspondents. And how it will apply is not something which I can answer at this moment, but if his principal avocation is that of a journalist, it is bound to apply to him and he is under an obligation to all the several papers concerned. How he will be able to get his dues from the various papers is something that will have to be worked out.

MR DEPUTY CHAIRMAN The question is

"That the Bill to regulate certain conditions of service of working journalists and other persons employed in newspaper establishment be taken into consideration"

The motion was adopted

MR DEPUTY CHAIRMAN We shall now take up clause by clause consideration. Clause 2, there are fifteen amendments

#### Clause 2—Definitions

SHRI S N MAZUMDAR Sir, I move

5 "That at page 1, at the end of line 15, after the figure 1867, the words 'and for the purposes of this Act shall include any periodical employing for hire or reward a working journalist' be inserted"

(The amendment also stood in the name of Shrimati Parvathi Krishnan)

6 "That at page 1, line 17 after

the word 'employed', the words wholly or partly' be inserted"

10 "That at page 2, for lines 3 to 15, the following be substituted namely —

'(f) "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photographer and proof-reader'"

DIWAN CHAMAN LALL Sir, I move

7 "That at page 1, at the end of line 18 after the word 'establishment', the words 'whether whole time or part time' be inserted"

9 "That at page 1, after line 22, the following be inserted, namely —

'Explanation—For the purposes of this Act, any branch, agency or section for the production or publication of newspaper or in relation to a newspaper whether within India or outside India, shall be deemed to be part of the same establishment'"

11 "That at page 2, for lines 3 to 15, the following be substituted, namely —

'(f) "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, assistant editor, a leader-writer, news editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photographer and proof-reader'"

DR B V KESKAR Sir, I move:

87 "That at page 1, line 12, the word 'Minimum' be deleted"

88. "That at page 1, for lines 14 and 15, the following be substituted, namely:—

'(b) "newspaper" means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government in the Official Gazette'."

89. "That at page 1, for lines 19 to 22, the following be substituted, namely:—

'(d) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate'."

SHRI S. N. DWIVEDY: Sir, I move:

65. "That at page 1, at the end of line 15, after the figure '1867', the words 'and includes any periodical employing for hire or reward a working journalist' be inserted.'

66. "That at page 1, line 17, after the word 'employed', the words 'wholly or partly' be inserted."

68. "That at page 2, for lines 3 to 15, the following be substituted, namely:—

(f) "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photographer and proof-reader'."

69. "That at page 2, line 5, after the word 'establishment', the words 'for hire or reward' be inserted."

SHRI H. P. SAKSENA: Sir, I move:

67. "That at page 1, line 20, after the word 'newspaper', the words 'magazine or periodical' be inserted."

SHRI RATANLAL KISHORILAL MALVIYA: Sir, I move:

90. "That at page 2, for lines 12 to 15, the following be substituted, namely:—

"(ii) who being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him functions mainly of a managerial nature'."

SHRI NAWAB SINGH CHAUHAN: Sir, I move:

12. "That at page 2, line 5, after the word 'establishment', the words 'for hire or reward' be inserted."

(Amendments Nos. 3, 4 and 8 were not moved)

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

DR. B. V. KESKAR: Sir, may I say a few words before the other Members speak, because it will clear up the atmosphere. A number of amendments are covered by my amendment. Leaving aside my first amendment which omits the word "Minimum", what I have proposed here is that the following be substituted, that is, the definition of a newspaper:

"(b) 'newspaper' means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government in the Official Gazette."

This is meant to cover publications of a commercial nature about which attention was drawn that they are periodicals meant for profit. This is a

[Dr. B. V. Keskar.]

class of periodicals to which reference was made by the Press Commission as literary or scientific type or trusts or otherwise and meant only for profit making and such class of papers can be notified by the Government to be included in the term "newspaper". It is not possible here to notify individual papers and we will have to think out a way as to how they could be put in a special category.

The second amendment is for clause 2(d) the following be substituted:—

"newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate."

This covers one of the objections which has been raised that chain newspapers or branches of newspapers will put themselves as separate establishments and, therefore, the benefits of provident fund and many other things will not be available to them. And for that purpose we have put in this definition.....

SHRI H. P. SAKSENA: Does it include magazines and periodicals, as I have said?

DR. B. V. KESKAR: 'Periodicals' always include magazines. Those which are of a commercial type will be notified by Government.

SHRI S. N. MAZUMDAR: Mr. Deputy Chairman, I understand the spirit of the amendments moved by Dr. Keskar. Now, I want to seek some clarification from him. The main purpose for which I have moved my amendments is firstly to see that periodicals which are run on a commercial basis do not get exemption from the operations of this Act under the plea that they are not newspapers. Dr. Keskar's amendment, as he has explained, seeks to fill up that lacuna. But his amendment has come only just now before us and it seeks to

give a definition of 'newspaper' and I have not been able to examine all the implications of this definition. So, I shall express the doubts which are arising in my mind. Firstly, so far as this amendment which seeks to define a newspaper is concerned, it may be good, but whether by this definition even trade union bulletins will be included in the category of newspaper and will be subject to other press laws, that is my question.....

DR. B. V. KESKAR: They will not be included. On the contrary, your amendment will cover them.

SHRI S. N. MAZUMDAR: There was another amendment of mine which seeks to define a 'working journalist', so that working journalists working in different branches of establishment are covered. That is certainly covered by amendment No. 89 moved by Dr. Keskar. But then, there is another side to the amendment which I have moved as regards the definition of 'working journalist', that is, those who are employed either "wholly or partly". That is not covered by this.

DR. B. V. KESKAR: That is not covered.

SHRI S. N. MAZUMDAR: So, I think that amendment of mine (No. 6) should be accepted, because journalists who are working either wholly or partly should come under the benefits of this Bill and by excluding journalists who are working 'partly' we should not throw them upon the mercies of the newspaper owners.

SHRI S. N. DWIVEDY: Sir, I have nothing more to add in regard to my amendments.

MR. DEPUTY CHAIRMAN: Then, please resume your seat.

DIWAN CHAMAN LALL: The points that the hon. Minister has raised in his amendments are covered, in some manner, by the two amendments that I have tabled. One of the amendments is.....

MR. DEPUTY CHAIRMAN: Please be brief. We are very much short of time.

DIWAN CHAMAN LALL: Unless I try to explain as to exactly what my amendments are and where the amendment given by my hon. friend is defective, how do you expect me to put my point? We have got nearly two hours now and there are four important points and with your indulgence I shall deal with them. You will notice that I did not rise to speak in the general debate for this very reason, because the main work in regard to this measure comes in the amendments and, therefore, I thought it an unnecessary waste of time to take the time of the House discussing general matters. Here is a particular matter which the hon. Minister has raised and that particular matter is in reference to what a 'newspaper' is. That is number one. And, secondly, in reference to a 'newspaper establishment', I fail to understand what in the ordinary language, that is the common speech of the average man, a printed periodical work means. I can understand a 'printed periodical'. But what is a 'printed periodical work'?

AN HON. MEMBER: Printing press?

DIWAN CHAMAN LALL: Even printing press is not covered. I suggest that in the amendment, my hon. friend may accept the change. Cut out the word 'work'. The words 'printed periodicals' are sufficient.

In regard to his amendment No. 89 where he talks about 'newspaper establishment', I have said 'whether whole time or part time'. That would be made after the word 'establishment'. That will cover the entire point. There should be no difficulty in accepting it. It is not widening the definition in any way. It is making the definition precise.

Drop the word 'work'. It is not significant at all; 'printed periodical' will be sufficient.

It is a very good thing that he has taken the power in his hands to issue a notification and make it possible to bring certain other 'works'—if you like to use that word—which.....

MR. DEPUTY CHAIRMAN: I read to you from the Press and Registration of Books Act, 1887. Newspaper has been defined thus: Newspaper means any printed periodical work containing public news or comments on public news'.

DIWAN CHAMAN LALL: You have noted the date?

MR. DEPUTY CHAIRMAN: It is still in force and it is being worked.

DIWAN CHAMAN LALL: I can show half a dozen measures of this nature where one finds similar antiquated language that has been used. My hon. friend's amendment means periodical, that is to say, any material of this nature which is issued periodically, whether daily, weekly, monthly, quarterly or six-monthly. I have myself been the editor of a quarterly. I welcome this particular change because, if we left this definition as it was, it would have referred only to the daily newspapers and not to the periodical papers like monthlies, etc.

In this other amendment, if he widens the significance of 'establishment' in his own amendment No. 89, it should cover what I have said in the amendment that is, any branch, agency or section of that establishment. Then there can be no difficulty in accepting the amendment that he has moved. I suggest that he ought to accept this improvement because, then, there will be no dispute. Whether there are six people or three working in a press or in any branch or agency of that establishment, these things will be covered by this definition. These are the two points which I wanted to raise.

SHRI M. GOVINDA REDDY (Mysore): 'Newspaper' is defined in the Press and Registration of Books Act as well as here in the new amend-

[Shri M. Govinda Reddy.]  
ment introduced by the hon. Minister. But papers or periodicals which are not commercial in nature are exempted. I would like to know if it is the object of the Government to accept such papers and periodicals also although they may have big establishments. Maybe they are not running for commercial purposes. It would be proper to give those people working there also the benefits and relief under this Act. A working journalist as defined in item (i) of sub-clause (f) of Clause 2 cannot be deemed to be as such if he is employed in a managerial or administrative capacity. I would like to know whether a sub-editor who is working in a newspaper and who will be appointed as a manager under the provisions of this sub-clause is not qualified to it as a working journalist. Would it be proper to disqualify a working journalist simply because he is appointed in the managerial or the administrative capacity? This thing I would like the hon. Minister to clarify.

DR. B. V. KESKAR: I had better clarify one by one; otherwise, clarification of all the points at the same time would be rather difficult for me.

Firstly, as you have very rightly pointed out, the legal language 'work' has been taken from the Books and Registration Act and I think, if I understand a little English language, work is a produce whole, whether it is a book or a pamphlet or a journal that is called a generic time work. It may be now out of date and it is there legally understood quite well. It may better be not raised.

In order to make quite clear the definition of 'newspaper establishment', we have consulted the best legal opinion. It includes all branches. Here we have put in this 'one more newspaper'. Those newspapers who have got simultaneous publications have claimed that they are the branches of one paper. That is why we have taken care to mention here

'one more newspaper'. But as far as the agencies of any paper are concerned, they are included legally within the term of one extra. About that we have made it very clear and that is why the amendment suggested by my friend appears to be unnecessary.

The other point raised by Mr. Mazumdar was regarding part-time journalists. That is contradictory to the definition of journalists that we have been enunciating here and that was enunciated also in the Industrial Disputes Act. The principal avocation is that of the journalist; part-time avocation will lead to a number of other avocations.

SHRI S. N. MAZUMDAR: Principal avocation may not be all-time avocation.

DR. B. V. KESKAR: Whole-time means the majority of time. If it is not the majority of time, he cannot be covered. It is very clear. This definition has been adopted so long and I do not think that it would be right to call somebody a journalist who incidentally does some journalistic work. Professional journalist can be one whose principal avocation is that of a whole-time journalist.

MR. DEPUTY CHAIRMAN: (to Shri H. P. Saksena) I think your amendment will be superfluous in view of the.....

SHRI H. P. SAKSENA: My friend, Diwan Chaman Lall informed us that he had been the editor of a quarterly for some time. I speak on the strength of my being not only the editor but the managing editor of a daily for a number of years, and therefore, I have got a better claim. I speak on the word 'newspaper'. My amendment simply suggests that after the word 'newspaper', the words 'magazine or periodical' be inserted. I submit with all the emphasis at my command that a periodical or a magazine is entirely different from a newspaper whether it is a weekly or a daily. Therefore, I still feel that the word.....

MR. DEPUTY CHAIRMAN: It may be different, but the definition 'news-paper' includes those two.

DR. B. V. KESKAR: I do not think he will agree with me after disagreeing with me.

SHRI H. P. SAKSENA: It is not my way. If conviction is brought to me, I will agree.

DR. B. V. KESKAR: The difficulty at present is that, if we generally say 'of a commercial nature', it will lead to a lot of dispute regarding every single magazine and periodical, whether of a commercial nature or not. And we will have difficulty as to how to define those periodicals which are of a commercial nature and put them by a notification, if we put it in a general way.

DR. B. V. KESKAR: May I say a word on 'working journalist'? If we include such persons employed in a supervisory or managerial capacity, this will go against the very principle of trade unionism and the Industrial Disputes Act as applicable to working journalists. This cannot be done if persons who are doing active managerial work are also a part of the working journalists. They are on the one side and on the other, it may not be possible for them to function as a trade union. Therefore, the definition has been taken from the Industrial Dispute Act itself.

SHRI RATANLAL KISHORILAL MALVIYA: There is my amendment No. 90.

MR. DEPUTY CHAIRMAN: I will put it to vote.

SHRI RATANLAL KISHORILAL MALVIYA: I want to speak on it. There is no doubt that the hon. Minister has taken the definition from the Industrial Disputes Act. But in the Industrial Disputes Act as has now been introduced in the amended form in the Lok Sabha, a different defini-

tion is given and in my amendment, I have taken that definition of supervisory capacity from it.

MR. DEPUTY CHAIRMAN: The amending Bill is coming. It will become an Act.

SHRI RATANLAL KISHORILAL MALVIYA: No, Sir. There has been great confusion in the Tribunal. The whole difficulty is that the Proof Reader has been defined as a working journalist but the Supervisor, supervising the work of other Proof Readers, will be excluded. Therefore, he will be deprived of the benefits of this Bill.

DIWAN CHAMAN LALL: There is another amendment....

MR. DEPUTY CHAIRMAN: Your amendment is self-explanatory; it needs no explanation. I will put it to vote. No further speeches, please.

DIWAN CHAMAN LALL: Dr. Keskar has already replied but he has thrown out some good with the bad.

MR. DEPUTY CHAIRMAN: He has already moved an amendment.

DIWAN CHAMAN LALL: Assistant Editor has been left out. Editor includes Assistant Editor. I hope my hon. friend will have no objection to include 'Assistant Editor'.

DR. B. V. KESKAR: If a distinguished lawyer and a first class draftsman like my friend, Diwan Chaman Lall reads the definition, he will find that this is not exclusive; this is inclusive. It says that from the Editor to the Proof Reader all working journalists are included. It does not mean others are excluded. It includes Assistant Editor, Sub-Assistant Editor. Everybody is included. There might be categories. There is no word "Deputy Editor" here, but if some newspaper has Deputy Editor it may include "Deputy Editor" too.

DIWAN CHAMAN LALL: I suggest that this category shou'd include Assistant Editor. And if these specific categories are not included, as a lawyer, I say that your information is **wrong** and there would be a case for excluding them under the law. If you had said "Editorial staff" I could understand it. Then everybody on the editorial staff would be included. But when you categorise "an editor" and "a proof reader" and leave out "an Assistant Editor", obviously he is excluded.

DR. B. V. KESKAR: If any such thing comes up later on I will be immediately prepared to amend the definition.

MR. DEPUTY CHAIRMAN: You are not accepting any other amendment?

DR. B. V. KESKAR: No, Sir.

SHRIMATI SAVITRY DEVI NIGAM: On a point of order, Sir.....

MR. DEPUTY CHAIRMAN: No, no. Please take your seat. Do you press your amendment, Mr. Mazumdar?

SHRI S. N. MAZUMDAR: Yes, Sir.

MR. DEPUTY CHAIRMAN: The question is:

5. "That at page 1, at the end of line 15, after the figure '1867', the words 'and for the purposes of this Act shall include any periodical employing for hire or reward a working journalist' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

6 and 66. "That at page 1, line 17, after the word 'employed', the words 'wholly or partly' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Amendments Nos. 8, 9 and 11.

SHRI B. V. KESKAR: I do not press it (No. 8). I think it is covered.

DIWAN CHAMAN LALL: In view of the hon. Minister's assurance, I don't press my amendments.

\*Amendments Nos. 9 and 11 were, by leave, withdrawn.

SHRI S. N. MAZUMDAR: I press my amendment.

MR. DEPUTY CHAIRMAN: The question is:

10. "That at page 2, for lines 3 to 15, the following be substituted, namely:—

'(f) "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photo-grapher and proof-reader'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

12. "That at page 2, line 5, after the word 'establishment', the words 'for hire or reward' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

65. "That at page 1 at the end of line 15, after the figure '1867', the words 'and includes any periodical employing for hire or reward a working journalist' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Since amendment No. 6 is negatived, amendment No. 66 is barred.

†Amendment No. 67 was, by leave, withdrawn.

\*For text of amendments, vide col. 1162 *supra*.

†For text of amendment, vide col. 1163 *supra*.

MR. DEPUTY CHAIRMAN: Since amendments Nos. 10 and 12 are negatived, amendments Nos. 68 and 69 respectively are barred.

MR. DEPUTY CHAIRMAN: The question is:

87. "That at page 1, line 12, the word 'Minimum' be deleted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

88. "That at page 1, for lines 14 and 15, the following be substituted, namely:—

'(b) "newspaper" means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government in the Official Gazette'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

89. "That at page 1, for lines 19 to 22, the following be substituted, namely:—

'(d) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate'."

The motion was adopted.

†Amendment No. 90, was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

†For text of amendment, vide col. 1164 *supra*.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3—Act XIV of 1947 to apply to working journalists

DR. B. V. KESKAR: Sir, I move:

13. "That at page 2,—

(i) for lines 32 to 34, the following be substituted, namely:

'(a) six months, in the case of an editor, and'; and

(ii) in line 35, for the words 'one month', the words 'three months' be substituted.

SHRI S. N. MAZUMDAR: Sir, I move:

14. "That at page 2, for lines 32 to 35, the following be substituted, namely:—

'(a) six months, in the case of an editor; and

(b) four months, in the case of any other working journalist'."

(The amendment also stood in the name of Diwan Chaman Lall, and also in the name of Shri S. N. Dwivedy as No. 70.)

SHRI S. N. MAZUMDAR: Mr. Deputy Chairman, Dr. Keskar has moved an amendment which is, as he has described, "very near to the demands of the working journalists" Sir, it is not a question of only period. The whole question of notice period has arisen as a measure of providing some security to the journalists so that in case they are to be discharged and if they are given a proper notice then they would be able to secure similar employment in some other establishment. Now, with regard to this question the working journalists submitted their suggestions to the Press Commission but the Commission did not accept them. They provided for a shorter notice period but this Bill provides for still shorter

[Shri S. N. Mazumdar.]  
period. Now that Dr. Keskar has come forward with an amendment to bridge the gap, I would like him to move a pace further forward to bridge this gap and make the period of three months as four months.

SHRIMATI SAVITRY DEVI NIGAM:  
I would say only a few lines.

MR. DEPUTY CHAIRMAN: No, please.

DR. B. V. KESKAR: Sir, though I sympathise with the views expressed by Mr. Mazumdar, I am unable to accept. The amendment that I have proposed is in line with the recommendations of the Press Commission excepting that the Press Commission has mentioned certain minimum number of years, say, ten years of service and we have said that it should be slightly more. After a great discussion we have decided of a particular category as better than having different categories of notice. We feel that this amply serves the purpose.

MR. DEPUTY CHAIRMAN: I will take up amendment No. 14 first. The question is:

14. "That at page 2, for lines 32 to 35, the following be substituted, namely:—

'(a) six months, in the case of an editor, and

(b) four months, in the case of any other working journalist'."

(After taking a count) Ayes 13; Noes 13.

So I have to exercise my vote. I vote against it. So the amendment is lost.

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

13. "That at page 2,—

(i) for lines 32 to 34, the following be substituted, namely:—

'(a) six months, in the case of an editor', and

(ii) in line 35, for the words 'one month', the words 'three months' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 3, as amended, stand part of the Bill."

Clause 3, as amended, was added to the Bill.

Clause 4—Special provisions in respect of certain cases of retrenchment.

DIWAN CHAMAN LALL: Sir, I am not moving my amendment No. 15.

SHRI S. N. MAZUMDAR: Sir, I move:

16. "That at page 2,—

(i) in line 36, for the words and figures '14th day of July, 1954' the words and figures '23rd day of September, 1952' be substituted; and

(ii) in line 37, for the words and figures '12th day of March, 1955' the words 'the date on which this Act comes into force' be substituted."

SHRI NAWAB SINGH CHAUHAN:  
I am not moving amendment No. 17.

SHRI S. N. MAZUMDAR: Sir, I move:

18. "That at pages 2-3, for lines 39 and 40 and 1 and 2, respectively, the following be substituted, namely:—

'(a) wages for the period mentioned in sub-section (2) of section 3 at the rate to which he was entitled immediately before retrenchment deducting from the period above mentioned the period of notice given to him; and'."

(The amendment also stood in the name of Shrimati Parvathi Krishnan)

DIWAN CHAMAN LALL: Sir, I move

19. "That at pages 2-3, for lines 39 and 40 and 1 and 2, respectively, the following be substituted, namely:—

'(a) wages for the period specified in sub-section (2) of section 3 at the rate to which he was entitled immediately before his retrenchment, excluding the period of notice, if any, given in writing before such retrenchment; and'."

SHRI S. N. DWIVEDY: Sir, I am not moving my Amendments Nos. 71 and 72.

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

SHRI S. N. MAZUMDAR: Mr. Deputy Chairman, my amendment seeks to make the provisions of clause 4 applicable to those journalists who are victimised after the appointment of the Press Commission itself. The provision of the Bill as it stands is applicable to the journalists who have been victimised after the signing of the Report of the Press Commission. This is not only a matter of one year's difference. But it is a very important question. And I hope that Dr. Keskar, who has accepted some improvement in this Bill even after its having been moved, will show the same spirit in connection with this amendment. Sir, Mr. Saksena referred to the ashes of many journalists who have died. But we have our duty towards those journalists who have not yet been turned to ashes, but who are living in flesh and blood in conditions of misery and penury. We all know it fully well that after the Press Commission was appointed, journalists were given an assurance that if they were victimised after they had tendered their evidence before the Press Commission, suit-

ab's steps would be taken to redress their grievances. In view of that assurance, many journalists came forward and gave their evidence. And the result was that many of them were victimised. We know, Sir, how the press barons have treated the journalists.

I shall, Sir, make a passing reference to that doyen of Bengali journalists, Satyen Mazumdar, who was discharged by a chit of the Manager of the Bennett Coleman & Co., and the language used in that chit was like the one which is used to discharge an office boy. He is now dead, but his co-fighters in that profession are still living. I shall refer to the case of Digin Bandopadhyaya who was employed by M/s. Anand Bazar Patrika Ltd. He had been in the bad books of the proprietors of that firm since 1948 because he had organised the union of the employees and later on he was discharged highhandedly. Why? Because a drama by him was published in the Puja Annual of a paper, and in that drama he exposed the contradictions of the capitalist press. He did not castigate the press barons, which it would have been quite justified to do. He did not name any papers, and still he was discharged. Now, at that time the Press Commission was going to Calcutta. When the working journalists took up his case, the proprietors of M/s. Anand Bazar Patrika Ltd. gave him an assurance that his case would be considered, and so that case was not placed before the Press Commission. But the day the Press Commission left Calcutta, he was given a notice of discharge. And he is now under very difficult circumstances. Here, Sir, I have a long list with me. I shall not read the whole list, but certain hard cases I shall try to mention.

In U.P. 17 journalists belonging to the *Amrit Bazar Patrika*, Allahabad, *Leader*, Allahabad and *Vishwamitra*, Kanpur, have been dismissed since July 1954. Messrs. Shastri and Narain, Sub-Editors of *Prajatantra*, Cuttack, who served the paper for the last

[Shri S. N. Mazumdar.]

10 and 7 years respectively were dismissed for having disobeyed the Management's order preventing them from joining Utkal Journalists' Association. Then, Sir, there is another case of Mr. Saksena who was also dismissed because he joined the Allahabad Journalists' Association and for having demanded confirmation after the probation period was over. There are, Sir, many such examples, but I have given only these typical examples. When all the good features of this measure have received our unanimous support, it is high time that the Government should not lag behind in this matter also, and the Government should take courage in both hands and apply the provisions of clause 4 to those journalists who have been retrenched or victimised or discharged after the appointment of the Press Commission.

DIWAN CHAMAN LALL: Sir, I have got only one word to say. The two dates that are mentioned in clause 4, 14th July 1954 and 12th March 1955, are obviously the dates of the signing of the Report and the introduction of the Industrial Disputes Act of 1955. In between those two dates, anyone who has been retrenched is to be paid wages for one month at a particular rate, and compensation which is equivalent to fifteen days' average pay. What he is not being paid is the gratuity.

What will be paid under clause 5 he is not going to be paid. I fail to understand why this extra amount should not be paid to the journalists. I do not want to give any details of the people who have been retrenched. Suffice it for this particular purpose to say that there is a case for dealing generously with those who, because they came forward fearlessly and gave evidence before the Press Commission, have been dealt with in an adverse manner. Now, there is no justification for not extending the benefits that they would receive if they had been retrenched after the

coming into force of this Act. Why should not the provisions regarding gratuity apply to them as well? If there are any legal niceties and purities to be considered in regard to this matter, viz., that gratuity cannot be paid retrospectively, my answer is that in fact gratuity is retrospective in any case. What is gratuity? For past services you are paying a certain individual a certain sum. It is all retrospective.

SHRI H. N. KUNZRU: It is not provident fund.

DIWAN CHAMAN LALL: My hon. and learned friend, Dr. Kunzru, says that it is not provident fund, but he ought to know that gratuity is some portion of the money that is payable to a worker, which is paid to him on a certain contingency. If a man has to be paid Rs. 110, he is really paid Rs. 100—i.e. a lower wage—on the understanding that this will be paid to him later on as gratuity. Therefore he has really earned it. Having earned it, I don't see why this benefit should not be extended to him. I suggest that these provisions should be extended to such persons.

श्री नवाब सिंह चौहान (उत्तर प्रदेश): श्रीमान, जो क्लॉज ४ है इसमें १४ जुलाई, १९५४, की तारीख दी गई है। इस तारीख के बाद के जो ऐसे केंसेज होंगे उनके ऊपर यह क्लॉज लागू होगा। यह बात कुछ ठीक नहीं जंचती है। जब कि प्रेस कमिशन की रिपोर्ट पर बहस हुई थी तब सदस्यों ने बतलाया था कि जिन पत्रकारों ने निर्भीकता के साथ कमिशन को सूचनाएँ दीं और बहुत सी गवाहियाँ दीं ऐसे कुछ लोगों को प्रेस के मालिकों ने किसी न किसी प्रकार से निकाल दिया ताँ उस वक्त माननीय मंत्री जी ने यह आश्वासन दिया था, कि ऐसे लोगों की सहायता की जायेगी। यदि यही १४ जुलाई, १९५४, की तारीख इस क्लॉज में रख दी जाती है तो यह समझ लिया जाना चाहिये कि जिन लोगों को इस से पहले नुकसान पहुँच चुका है, जो कि—दूसरे शब्दों में कहना चाहिये—शहीद

हो चुके हैं उनको किसी तरह से फायदा नहीं होगा। इसीलिये यदि माननीय मंत्री जी अपने आशवासन को कायम रखना चाहते हैं और उनको सहायता पहुँचाना चाहते हैं तो यह उनके ही हित में है कि वह इस तारीख को बदल कर के.....

श्री उपसभापति : फर्स्ट जनवरी कर दें।

श्री नवाब सिंह चौहान : नहीं, २३ सितम्बर, १९५२ कर दें। प्रेस कमिशन की नियुक्ति २२ सितम्बर को हुई लेकिन यह चीज २३ सितम्बर को अखबारों में शाया हुई इसीलिये इस तारीख को बदल कर के २३ सितम्बर, १९५२ कर दिया जाय। मुझे आशा है कि हमारे माननीय मंत्री जी इस चीज को स्वीकार करेंगे।

SHRI B. C. GHOSE: I want to ask just one question on this point. Now, what is the object of this clause? It is certainly to give relief to people who might have been victimised. If that is so, then here it is being contended that there are other people who have been victimised because they gave evidence before the Press Commission. Is it the hon. Minister's contention that there is no victimisation between the date the Commission was appointed and the date of the submission of its report? If that is his contention, I am prepared to accept his viewpoint, but if he agrees that there has been victimisation even between those dates and if his object is to give relief in cases of victimisation, then I don't see any justification, for not accepting the earlier date

DR. B. V. KESKAR: Firstly, I would like to make it clear that this clause is meant for a specific purpose. It is meant to protect those who, after the publication of the report, might have been discharged by the employers who wanted to avoid certain economic commitments which the Commission had recommended, e.g., gratuity, provident fund and so many other things which would become payable, and so discharged the old people and employed new ones,

so that all these things will not become payable to them. And now, after the publication of the report, Government gave a warning on the floor of the House that they hoped that the employers would not try to forestall the recommendations of the Commission and circumvent its recommendations and that otherwise, they would have to find out some way of protecting the journalists. This is really in response to what we had promised. The cases quoted by Mr. Mazumdar are completely in a different category. He has quoted some cases of victimisation. I do not know all the cases but I have had a few brought to my notice. He has not quoted the cases of only those who gave evidence before the Press Commission. There have been a number of them who he says were victimised on account of trade union activities. They are not cases of victimisation of one category, and they cannot be covered by this clause.

SHRI S. N. MAZUMDAR: If these dates are accepted, even those people will be covered and we can extend certain benefits like gratuity and compensation to them.

DR. B. V. KESKAR: My hon. friend is wrong in saying that, when the Press Commission was formed, Government gave a promise that they would give protection to those who gave evidence before the Commission. The Commission themselves said that they would do their best in cases where there was any victimisation. In fact, the Commission wrote to various proprietors of newspapers, when cases were brought to their notice. Government has every sympathy with such cases, but it is not possible to include them in a provision which is made for a specific purpose. I am prepared to consider separately those cases and see what we can do about them, but I cannot include them here. It is not right. This is meant for a particular purpose, and to include other cases *ad hoc* like this here would not be right. I am prepared to sit with the hon. Member about the cases he has

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mentioned and see what we can do about them, but it is not right to say that the Government ever gave an assurance that we would protect them.

श्री नवाब सिंह चौहान : यदि आप सहायता करना चाहते हैं तो वह कैसे करेंगे ?

डा० बी० बी० केंसकर : लेकिन यहां नहीं कर सकते हैं ।

MR. DEPUTY CHAIRMAN: None of the amendments is acceptable to you?

DR. B. V. KESKAR: I am sorry I cannot accept any of them.

MR. DEPUTY CHAIRMAN: The question is:

16. "That at page 2,—

(i) in line 36, for the words and figures "14th day of July, 1954" the words and figures "23rd day of September, 1952" be substituted; and

(ii) in line 37, for the words and figures "12th day of March, 1955" the words "the date on which this Act comes into force" be substituted."

(After a count) Ayes 16, Noes 25.

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

18. "That at pages 2-3, for lines 39 and 40 and 1 and 2, respectively, the following be substituted, namely:—

'(i) wages for the period mentioned in sub-section (2) of section 3 at the rate to which he was entitled immediately before retrenchment deducting from the period above mentioned the period of notice given to him; and'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: No. 19 is covered. The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—Payment of Gratuity.

DIWAN CHAMAN LALL: Sir, I move:

20. "That at page 3, lines 13-14, the words 'otherwise than as a punishment inflicted by way of disciplinary action' be deleted."

SHRI S. N. MAZUMDAR: Sir, I move:

21. "That at page 3, lines 13-14, for the words 'otherwise than as a punishment inflicted by way of disciplinary action', the words 'otherwise than for proved misconduct' be substituted."

DR. B. V. KESKAR: Sir, I move:

22. "That at page 3, after line 14, the following be inserted, namely:—

'(ia) he retires from service on reaching the age of superannuation; or'."

24. "That at page 3, lines 19-20, for the words 'shall be paid, on such termination, resignation', the words 'shall, without prejudice to any benefits accruing under the Industrial Disputes Act, 1947, be paid, on such termination, retirement, resignation' be substituted."

25. "That at page 3, line 26, for the word 'ten', the word 'six' be substituted."

SHRI NAWAB SINGH CHAUHAN: Sir, I move:

23. "That at page 3, after line 16, the following be inserted, namely:—

'(iii) he retires from service, or'."

DIWAN CHAMAN LALL: Sir, I move:

26. "That at pages 3-4, lines 24 to 38 and 1 to 3, respectively, be deleted."

(This amendment also stood in the name of Shri S. N. Mazumdar.)

SHRI S. N. DWIVEDY: Sir, I move:

73. "That at page 3, lines 13-14, for the words 'otherwise than as a punishment inflicted by way of disciplinary action', the words 'otherwise than for proved misconduct' be substituted."

74. "That at page 3, after line 16, the following be inserted, namely:—

'(iii) he retires from service, or'."

4 P.M.

DIWAN CHAMAN LALL: Sir, I move:

75. "That at page 3, after line 23, the following proviso be inserted, namely:—

'Provided that nothing contained in sub-clause (i) of clause (a) of this Section shall affect the right of a working journalist to proceed under the Industrial Disputes Act, 1947, for reinstatement'."

SHRI S. N. DWIVEDY: Sir, I move:

76. "That at pages 3-4, lines 24 to 38 and 1 to 3, respectively, be deleted."

SHRI P. T. LEUVA (Bombay) Sir, I move:

"That in amendment No. 24 in the List of Amendments dated the 29th November, 1955, (List No. 1) after the word 'benefits' the words 'or rights' be inserted."

MR. DEPUTY CHAIRMAN: The clause and the amendments are open for discussion. I have to warn that we will have to sit through and finish this Bill.

DR. B. V. KESKAR: May I explain my amendment so that the hon. Mem-

bers may appreciate the point? I have suggested "that for the words 'shall be paid, on such termination, resignation' the words 'shall, without prejudice to any benefits accruing under the Industrial Disputes Act, 1947, be paid, on such termination, retirement, resignation' be substituted" so that in addition to whatever benefits he might be getting, he will get this also. That is one thing. The other is for the word 'ten', we have substituted 'six' and thirdly we have also suggested that the words 'he retires from service on reaching the age of superannuation; or' be also included here.

SHRI S. N. DWIVEDY: There is another aspect to which I would like to draw his attention about these words 'disciplinary action'. He has gone beyond the Press Commission's recommendations and I think on this matter he cannot say that the Press Commission did not go into the matter. They have stated:

"Gratuity shall be payable in all cases except where the termination of service is due to misconduct. We think that there should be uniformity in these matters of retirement benefits in all regions and in respect of all cases of papers."

Now, by keeping this word 'disciplinary action' you create a situation in which for any action a person concerned can be dismissed but 'misconduct' has a definite meaning. So I suggest that he should accept the amendment concerning 'misconduct'. I say that it is now a simplified affair as he has accepted that it will be confined to six working journalists. I have no objection to that. But I would request him to accept this also and further simplify matters.

DR. B. V. KESKAR: May I say for clarification that the Press Commission has not given the legal word. It has said 'proved misconduct'. The wording that we have taken has been taken from the Industrial Disputes Act. As all the benefits have been

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taken from that Act, this phraseology also has been taken from it. I think the idea behind this is that gratuity is paid generally to those who have given some faithful and long service. That is why gratuity is given after three years. It begins after three years and every year a certain amount of gratuity accumulates. Even in Government you see that if a person is dismissed for misconduct, he is not liable to get pension. In the same way in the Industrial Disputes Act also if a person is dismissed for misconduct, he will not get the benefits. The same thing has been done here. We have not tried to bring in something new and I don't think it will be proper to bring in something new. Of course, if he is wrongly dismissed, it is always open to him to go to the Tribunal and get all the benefits which he is entitled to. You can see that he has been wrongfully dismissed and he can get his rights. Therefore it cannot be said that he has not got any protection.

SHRI S. N. DWIVEDY: Then why don't you accept Diwan Chaman Lall's amendment No. 20? If that is accepted, all these difficulties are removed.

DIWAN CHAMAN LALL: It says: "Otherwise than as a punishment inflicted by way of disciplinary action". The point is a very important one. It may be true that you have taken the word from the Industrial Disputes Act but 'misconduct' means something entirely different from 'disciplinary action'. The employer can say 'I order you to stay up the whole night'. He does not stay up the whole night. Then disciplinary action is taken and he is dismissed. 'Misconduct' has a legal significance. If we substitute the word 'misconduct' for 'disciplinary action', I am quite willing that my amendment should be then converted into the amendment moved by my hon. friend himself and I suggest that the wording of the Press Commission itself is quite clear on that point and we might not widen out the scope which will lead to disputation between the

employers and employees if we leave it like this.

SHRI H. N. KUNZRU: My hon. friend Diwan Chaman Lall, in speaking on Clause 4 said that it was perfectly just that gratuity should be paid even in cases where working journalists had been dismissed on disciplinary grounds because it was well known, according to him, that people were paid lower wages than their qualifications required because the employers knew that they would have to pay gratuity. If this is the case, then our efforts should be directed towards raising the wages of the workmen and not.....

SHRI S. N. MAZUMDAR: So long as that is not done?

SHRI H. N. KUNZRU: We ought to concentrate on that. We cannot acquiesce in the present state of things and say 'If you don't give higher wages, give gratuity'. My second point is that there is no reference, so far as I remember, to gratuity in the Industrial Disputes Act. There, only compensation is paid for termination of service. But here gratuity is going to be paid to one special class of workmen.

Reference has been made to the Press Commission's recommendations but as I pointed out earlier, it seems to me that the Commission did not envisage and probably did not recommend the extension of the Industrial Disputes Act to newspaper establishments. It asked for two things—provident fund and gratuity. Now this Bill provides for three things—provident fund, gratuity and compensation for termination of services. Again this language is not very clear but it seems to me, on reading the Commission's report that as it did not definitely recommend that the provision relating to compensation for retrenchment should be applied to journalists, it recommended that they should be given gratuity. My hon. friend Dr. Keskar has brought all the three together and I

don't see that there is any justification for it in this case or in any other case for having all these three things at the same time. You take the ordinary Government servants—say the members of the Central Services. They certainly don't belong to any industrial establishment but if the principle underlying clause 5 is correct, it ought to be applied to all workers, whether they belong to industrial establishments or to any other establishment. Now does the Government pay a gratuity where it has provided a provident fund and advantage is taken of it by the employees? So far as I know provident fund and gratuity do not go together.

SHRI H. P. SAKSENA: They go in the Railway establishments.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI H. P. SAKSENA: It is very difficult not to open one's mouth even when things go wrong. (*Interruptions.*)

SHRI H. N. KUNZRU: I did not refer to Railways. In the Central Services there is payment of pension. They have only made a rule that a portion of the pension i.e., about 25 per cent. of it may be paid in a lump sum and the annuity might be reduced accordingly but so far as I know, in the Central Services, that is not done. In the case of the Railway Services, there is no pension. There is provident fund and gratuity is not paid so far as I know, in every case. I have not looked up the cases of the Railway Services but I have looked up the case of the Central Services. So far as I know, even in the Railway Services, the gratuity and provident fund do not, as a rule, go together. In some particular cases, a gratuity may be paid. It is a discretionary thing but here it is a compulsory thing. I have no doubt that my hon. friend Dr. Keskar has made up his mind to have all the three things to which I have referred; but

let me say once more that it seems to me highly unfair that all the three benefits should be conferred at the same time. I wish the working journalists well, just as I wish other working men well, but I think that one class of working men should not be treated in a preferential way simply because of a particular designation.

DIWAN CHAMAN LALL: May I with your permission, deal with the.....

MR. DEPUTY CHAIRMAN: But you have already spoken.

DIWAN CHAMAN LALL: Only on one amendment, not on the main amendment.

MR. DEPUTY CHAIRMAN: But all the amendments are before the House. We cannot go on like this.

DIWAN CHAMAN LALL: It is not a question of going on like this, Sir. I have only spoken with reference to one amendment. That was the amendment referred to by my hon. friend. He did not refer to the other. So I waited for him to finish and.....

MR. DEPUTY CHAIRMAN: There is no time now and if hon. Members go on like this, I do not know when we will finish.

SHRIMATI PARVATHI KRISHNAN: There are important amendments.

DIWAN CHAMAN LALL: Might I suggest that since one of the most important amendments is the one to which I have not yet.....

MR. DEPUTY CHAIRMAN: But I am telling you you have already spoken once.

DIWAN CHAMAN LALL: Then the best thing for me to do is not to take part in the debate. It is absurd.

SHRI B. C. GHOSE: If it is necessary, we shall sit beyond 5 o'clock.

MR. DEPUTY CHAIRMAN: Even as it is, we have to sit beyond 5 o'clock, because there are fifteen more clauses.

SHRI B. C. GHOSE: We can sit, if the House agrees and I feel strongly that we should sit.

MR. DEPUTY CHAIRMAN: I want Members to speak once and for all on all the amendments.

DIWAN CHAMAN LALL: But Mr. Deputy Chairman, you must have said so.

MR. DEPUTY CHAIRMAN: I have said so.

DIWAN CHAMAN LALL: I have misunderstood you, then.

MR. DEPUTY CHAIRMAN: I am sorry you said "absurd", a seasoned parliamentarian like you. I am very sorry that it should have come from you. The procedure in this House is that all the amendments are put before the House and the Members who speak, speak on all the amendments.

DIWAN CHAMAN LALL: I did not speak on all the amendments.

MR. DEPUTY CHAIRMAN: When a clause is taken up, after all the amendments to it have been moved, I say that the clause and all the amendments are now open for discussion. I am very sorry that such a remark should have come from you.

DIWAN CHAMAN LALL: All the amendments are open for discussion. That does not mean that once you have spoken on one amendment, you cannot speak on the others.

MR. DEPUTY CHAIRMAN: The amendments are before you and so all the amendments referred to are for discussion. The procedure in this House is that a Member is not allowed to speak more than once on the amendments.

SHRI B. C. GHOSE: Although that has been the practice, you would have noticed, Sir, that you yourself agreed

to Dr. Keskar speaking. When Dr. Keskar referred to certain amendments, he said he would take them up by and by. And you agreed to Dr. Keskar speaking, but you do not agree now to Diwan Chaman Lall speaking.

MR. DEPUTY CHAIRMAN: But the House wanted him to speak.

SHRI B. C. GHOSE: And now we want Diwan Chaman Lall to speak.

SHRI S. N. MAZUMDAR: The whole confusion arose because Dr. Keskar spoke.

MR. DEPUTY CHAIRMAN: There is no confusion.

SHRI B. C. GHOSE: There is confusion. This is an important piece of legislation. Of course, we have circumscribed ourselves to completing this discussion within a certain period of time. But if we ourselves want to sit longer, there should be no objection.

MR. DEPUTY CHAIRMAN: I am prepared to sit till 8 o'clock. I am prepared to do it, if the House wishes to sit so long.

SHRI S. N. MAZUMDAR: And we have not spoken on all the amendments, nor have we spoken at length. We have been concentrating only on the important ones.

MR. DEPUTY CHAIRMAN: Every clause has got some eleven to twelve amendments.

SHRI H. N. KUNZRU: With reference to what fell from Shri B. C. Ghose, you may, as a matter of fact, favour anybody speaking twice. But the rule to which you have referred is there and your interpretation of it seems to me to be perfectly correct.

SHRI B. C. GHOSE: I never objected to that. I do not know why Dr. Kunzru has made this observation. I myself have said that this is the practice. But you should have allowed more time, if the House had agreed to sit longer. You will notice, Sir, that in

the discussion on this Bill, no Member has taken up any time uselessly. We have been trying to confine our remarks to essentials.

MR. DEPUTY CHAIRMAN: I do expect every Member to speak relevantly. I never said that any Member was irrelevant. But I want the House to co-operate with me in completing our discussion on this Bill before we rise. That is what I want.

However, since there has been some mistake, I will allow Diwan Chaman Lall to make his observations, just for today. But I do expect every Member to speak on all the amendments to a clause. No Member will be allowed to speak on them more than once hereafter. But because there has been some mistake on his part, or it may be, on my part, I am going to allow him this time. But I am not going to allow it hereafter. Any Member speaking, speaks on all the amendments.

DR. B. V. KESKAR: Sir, I apologise if inadvertently I did not follow the procedure properly.

DIWAN CHAMAN LALL: Mr. Deputy Chairman, while I am grateful to you for giving me this opportunity, I do not intend to take undue advantage of your departure from the procedure, with regard to this matter.

MR. DEPUTY CHAIRMAN: But I want you to speak, and the House wants you to speak.

DIWAN CHAMAN LALL: And if I am to blame in the matter of not interpreting the rules properly, I should suffer for it.

MR. DEPUTY CHAIRMAN: Please Diwan Chaman Lall, do speak. Let us have your remarks. It does not matter if we sit some five minutes longer.

DIWAN CHAMAN LALL: Let me apologise for the word "absurd" which fell from me. It was not in

reference to what you have done, Sir, but with reference to the absurdity of the procedure in this House which does not permit us to discuss important measures of this nature with ample time at our disposal.

MR. DEPUTY CHAIRMAN: But with due respect to you, even that remark is not called for, because the Business Advisory Committee has fixed the time, and we are all bound by it. Just as you are bound by it, I am also bound by it.

DIWAN CHAMAN LALL: My remarks apply equally to the Business Advisory Committee and whatever the Business Advisory Committee.....

MR. DEPUTY CHAIRMAN: Speak on the amendment.

SHRI H. N. KUNZRU: Can my hon. friend make remarks against the Business Advisory Committee?

SHRI B. C. GHOSE: As regards the Business Advisory Committee, you, Sir, can always adjust the time. Though we have prescribed a certain time, if necessary, we can extend it.

DIWAN CHAMAN LALL: You will probably recall, Sir, that when the Public Safety Bill was before the old Legislative Assembly.....

MR. DEPUTY CHAIRMAN: May I request you to come to the amendment?

DIWAN CHAMAN LALL: Mr. Patel who was at that time in the Chair did not allow any discussion, because no proper discussion could take place. Here we are discussing this particular clause which is an important one, in my opinion and yet time is not available for a proper discussion.

Sir, the amendment that I have moved with regard to this particular clause refers to the question of gratuity which my hon. friend Dr. Kunzru put before you. Now the position is like this, with regard to clause 5. All working journalist who

[Diwan Chaman Lall.]

come under the purview of clause 5 will be entitled, if their services are terminated, to certain things, and among those things is gratuity. And this gratuity is to be reckoned at the rate of "fifteen days average pay for every completed year of service or any part thereof in excess of six months."

My hon. friend in his opening remarks, not when he was speaking on this amendment, but as I said, in his opening remarks said that he wanted to make a distinction, which distinction originally in the Bill is made in reference to the establishments which employ ten people, but which according to his amendment now will be six. Now it will read:

"not more than six working journalists were employed on any day of the twelve months immediately preceding the commencement of this Act."

In the case of these establishments, my hon. friend said we must take special measures and not permit the grant to them of the same privileges as are available to the ordinary journalists. Now, I fail to understand that point either logically or morally or from any other point of view. Mr. Deputy Chairman, does my hon. friend try to restrict this to those whose establishments have not more than six working journalists, because he thinks the smaller newspapers would suffer as they have not the wherewithal to provide for these working journalists on the same basis as the larger ones?

If you look at page 3 of this Bill sub-clause (a) of clause 2, you will find that the average that is payable by the smaller ones, ones that do not employ more than six people is three days' average pay for every completed year of service provided that such service does not exceed five years. The ordinary rule is fifteen days' salary for every completed year. According to this, he ought to be paid for 75 days', whereas you are giving

him only for 15 days'. The difference is sixty days. Am I to take it that a newspaper or journal which has been in existence for a period of five years is unable to pay an editor or a sub-editor or a journalist connected with it a miserable pittance of two months' wages which ordinarily would have been paid probably as bonus every year? I do submit that we are barking up the wrong tree in this matter.

SHRI LALCHAND HIRACHAND DOSHI (Bombay): On a point of information. Is the hon. Member aware of the fact that there are several journals that are unable to even pay the wages due to their employees?

DIWAN CHAMAN LALL: My hon. friend does not know of the other journals which employ not more than six people but which are known as the multi-millionaire journals. Is he aware of that fact? He is probably not aware of such things.

SHRI LALCHAND HIRACHAND DOSHI: But the hon. Member does not say whether they employ less than ten or less than six journalists. We are talking here about journals employing less than six journalists.

DIWAN CHAMAN LALL: Let me name a few for the benefit of my hon. friend. "Eastern Economist" is one. Let me quote a few for his benefit. I have been a journalist practically all my life and my hon. friend, the Minister, too has been one. That is why his heart is bleeding for the working journalists. He has been a working journalist himself like me. My hon. friend, sitting over there has only heard of the working journalists. Has my hon. friend heard of the journal, "Eastern Economist"? Has my hon. friend heard of the journal called "The Commerce". It is one of the richest weeklies of India today. There are dozens of other papers which I could name for the benefit of my hon. friend over there. This provision only applies to papers which have existed for the last five years and any paper that has lasted five

years is supposed to be financially sound. A paper which has lasted five years is supposed to be able to pay two months' wages for five years to the journalist who has built up that paper with the sweat of his brow. He has built that paper; he is not going to take away this built up reserve for his own children; that will go to the proprietor of that paper and the journalist will be retired on superannuation under these clauses. Therefore, I suggest to my hon. friend that he should look into this matter from this point of view and not make an unnecessary distinction on grounds which are really not valid or relevant to this issue.

**SHRIMATI PARVATHI KRISHNAN:** Mr. Deputy Chairman, I just want to add a few words to what Diwan Chaman Lall has said. He has already put the case so thoroughly but I just want to reiterate once again the point that I made in the general discussion that this sort of discrimination should not exist with regard to the gratuity. Sub-clause (2) should be deleted so that this discrimination does not exist. As has been pointed out already, there are large number of papers in the country which have a wide circulation, which have thousands of rupees behind them and which may have a very small staff. Such staff on such papers should not be penalised merely because the papers choose to have a fewer number of people in its employ.

**SHRI P. T. LEUVA:** My amendment is a very simple one, Sir. I want to add the words "or rights" after the word "benefits" in amendment No. 24. There was some difficulty in regard to these rights. It was felt that these rights may not be effectively covered by the word which has been used in the amendment moved by Dr. Keskar. I have moved this amendment in order only to clarify the position.

**DR. B. V. KESKAR:** This is not a discrimination. It is neither an idealistic proposition nor is it an altruistic proposition; it is simply a practical

proposition. Diwan Chaman Lall is right when he quoted certain papers even though they may not be employing a few journalists. I think he is not correct in saying that they employ a particular number of people. If he takes a larger view and if he takes a census of the papers in the country, he will find that for every paper that he has quoted as a very rich one, he will find twenty papers which are in a precarious condition; I am not here talking about rags but of papers which are honest and sincere, papers whose opinion we respect. When we want to impose any financial commitment in regard to the past, we should see that we do not suddenly impose such a burden on them that it will not be possible for them to bear. As I said at the very beginning, from the date of the commencement of this Act, every paper, even a paper employing one journalist, will have to pay the gratuity but for the past commitments, we thought that for practical reasons this distinction must be made in order to enable the papers to bear all these additional burdens. There may be papers which may employ less than six persons, as he said, and which may be very rich; I agree but then, for the sake of a few, we cannot punish the large number of papers which are in a very much unfavourable position. We have to take the view as a whole. I wish we could find a way to bring in those journalists so that they could get more; we can think of such a contingency but then we have to frame the rules which can be approximately correct. It is not possible to look into the case of every single case. That will be very difficult. I am perfectly satisfied, after having carefully looked into the subject, that the number of small papers is quite large and it is for that reason that we have made this provision as it is now. Probably, from the point of view of logic, as Diwan Chaman Lall said, this is not correct but I am looking at it from the purely practical point of view. For the future, as I said, all the papers are bound to pay gratuity.

[Dr. B. V. Keskar.]

He mentioned another point regarding punishment inflicted by way of disciplinary action. If he looks into the Industrial Disputes Act, he will find that it is the same language. Disciplinary action will have to be one which an authority considers to be one; it must be by a Tribunal and it is for proved misconduct.

SHRI S. N. MAZUMDAR: After the employee is dismissed the complaint is referred to the Industrial Tribunal. It takes a long time for which period the employee is at the mercy of the employer.

DR. B. V. KESKAR: Even otherwise, he will be dismissed. The dismissal will be there in any case. Supposing it is proved misconduct. The employee will be dismissed. The result of dismissal will always be there. If Mr. Mazumdar looks into cases under the Industrial Disputes Act, he will find that most of the cases of disciplinary action have been proved misconduct. He is probably thinking of the Government servants' rules which is not the same as under the Industrial Disputes Act. In these cases, generally the dismissal is for misconduct. There is, therefore, no contradiction. This is the standard language that we have taken from that Act. The meaning is the same and, therefore, he should not consider that there has been a contradiction here.

As far as the other thing which was mentioned by him and Mr. Mazumdar is concerned, I would certainly like to include the rich papers which have been referred to but I feel that if he considers this question again, he will also agree that we will be dealing unfairly with a large number of papers which have never thought of these financial commitments before and we should see that we do not suddenly do something which may make them suffer. It is not a question of suffering that I am thinking about but it is a question of unemployment of the journalists. To me, it is a bigger and more important human problem and it is from that point of view that we

feel that we should not impose these conditions for the past commitments. Therefore, I regret I am unable to accept this amendment.

MR. DEPUTY CHAIRMAN: What about Mr. Leuva's amendment?

DR. B. V. KESKAR: I am prepared to accept it. That means that we want to make it clear that the "rights" will not be touched by this. They can enjoy those.

MR. DEPUTY CHAIRMAN: The question is:

20. "That at page 3, lines 13-14, the words 'otherwise than as a punishment inflicted by way of disciplinary action' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

21. "That at page 3, lines 13-14, for the words 'otherwise than as a punishment inflicted by way of disciplinary action', the words 'otherwise than for proved misconduct' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: Accordingly amendment No. 73 is barred.

The question is:

22. "That at page 3, after line 14, the following be inserted, namely:—

'(ia) he retires from service on reaching the age of superannuation; or'."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Amendment Nos. 23 and 74 are covered by the earlier amendment.

Next comes Mr. Leuva's amendment to amendment No. 24, that is, Dr. Keskar's amendment.

The question is:

"That in amendment No. 24, in the List of Amendments dated the 29th November, 1955, List No. 1, after the words 'benefits', the words 'or rights' be inserted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now comes Dr. Keskar's amendment No. 24 as amended by Mr. Leuva's amendment.

The question is:

24. "That at page 3, lines 19-20, for the words 'shall be paid, on such termination, resignation', the words 'shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, retirement, resignation' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

25. "That at page 3, line 26, for the word 'ten', the word 'six' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

26. "That at pages 3-4, lines 24 to 38 and 1 to 3, respectively, be deleted."

(After a count) Ayes 12; Noes 26.

The motion was negatived.

MR. DEPUTY CHAIRMAN: Accordingly amendment No. 76 is barred.

SHRI H. N. KUNZRU: The hon. Minister himself is not against it.

DR. B. V. KESKAR: I am not a Member of this House.

MR. DEPUTY CHAIRMAN: What about your amendment, No. 75, Diwan Chaman Lall?

DIWAN CHAMAN LALL: I do not press it as this is unnecessary after Mr. Leuva's amendment has been accepted.

†Amendment No. 75 was, by leave, withdrawn.

†For text of amendment, vide col. 1187 *supra*.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 5, as amended, do stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6—Hours of work

MR. DEPUTY CHAIRMAN: There are ten amendments.

DIWAN CHAMAN LALL: I move:

27. "That at page 4, line 6, for the words 'one hundred and sixty' the words 'one hundred and thirty-eight' be substituted."

SHRI NAWAB SINGH CHAUHAN: I move:

28. "That at page 4, line 6, for the words 'one hundred and sixty' the words 'one hundred and forty-four' be substituted."

29. "That at page 4, after line 8, the following be inserted, namely:—

'(IA) Where any working journalist has been required or allowed to work for a period more than that specified in sub-clause (1) such overtime shall be paid for at a rate not less than one and a half times the rate to which he is ordinarily entitled'."

30. "That at page 4, after line 8, the following proviso be inserted, namely:—

'Provided that when any working journalist shall be required to work on night shift, he shall get a reduction of half an hour for every day of such work on night shift'."

(Amendments Nos. 28, 29 and 30 also stood in the names of Shri Gopinath Singh, Shri B. D. Chaturvedi, Shri S. N. Mazumdar and Shri-mati Parvathi Krishnan.)

SHRI S N MAZUMDAR I move

31 "That at page 4, after line 12, the following proviso be inserted, namely:—

'Provided that no working journalist shall be allowed to do night work for more than six days in a period of fourteen days.'

32 "That at page 4, after line 14, the following, be inserted, namely:—

'Explanation II—For the purposes of this section, a person shall be deemed to be on night work if the person works for more than four hours after 5 P.M. on any calendar day'

(Amendments Nos 31 and 32 also stood in the names of Shri Gopinath Singh, Shri B D Chaturvedi, Shri Nawab Singh Chauhan and Shrimati Parvathi Krishnan)

SHRI S N DWIVEDY: I move

77 "That at page 4, line 6, for the words 'one hundred and sixty', the words 'one hundred and forty-four' be substituted"

78 "That at page 4, after line 8, the following proviso be inserted, namely:—

'Provided that when any working journalist shall be required to work on night shift, he shall get a reduction of half an hour for every day of such work on night shift'

79 "That at page 4, after line 8, the following be inserted, namely:—

'(1A) Where any working journalist has been required or allowed to work for a period more than that specified in subsection (1), such overtime shall be paid for at a rate not less than one and a half times the rate to which he is ordinarily entitled.'

80 "That at page 4, line 14, for the words 'seven days beginning at midnight on Saturday', the words 'six working days' be substituted"

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

DIWAN CHAMAN LALL In regard to my amendment, what I am suggesting is that the total number of hours of work should not be, in the period of four weeks, more than 138 hours instead of 160. The reason why I suggest this is this that in actual practice too it would be unnecessary to extend the working hours beyond the limit as set down by my amendment. Now on page 185 of the Report you will find a little note in reference to the working hours per day "On the whole 207 daily newspapers supplied particulars regarding hours of work of their journalists in day shift. Of these, 174 were in Indian languages, 32 in English and one in Chinese. About 43 per cent of the reporting newspapers stated that the journalists employed therein worked between 7 and 8 hours a day, 41 per cent stated that the journalists worked between 6 and 7 hours a day, 12 per cent reported the number of working hours to be between 5 and 6 hours a day and 4 per cent reported not more than 5 hours a day"

Now if we were to take the position of the working journalist, who is a much harassed man now-a-days, considering the amount of work that he has to do,—as a matter of fact, in addition to the amount of work, he has got to maintain a certain status and prestige and—it has been recommended in this Report, I think—he has to put on decent clothes because of the new responsibilities that fall upon him, I suggest that 138 hours' work over a period of four weeks is ample and we should not extend it to 160. Actually on the railways, for instance, we find that a 34 to 36 hour week is prevalent. The Commission has recommended that there should be 36 hours' work during

the day and 33 hours' work during the night. Now if you take 138 hours over a period of four weeks, then you will be more or less within the period assigned by the Report itself in regard to the working hours of the journalist. In many branches of activity it is the same. The working hour is becoming less and less, particularly among Government employees, like the railways that I mentioned, 34, 35, 36, sometimes even 32. So there is no reason why the working journalist should not get the benefit of the lower working hour. It has an advantage too in that a larger number of journalists will be employed. If the working hour is decreased, it will affect the state of unemployment in this particular industry and affect it favourably, and at the same time the position in regard to the lower working hour will mean that the journalist will get more leisure to become better acquainted with his own job. We know that in our country unfortunately, a large number of journalists do not get the opportunity because they do not have the leisure to equip their minds properly and this will certainly help them to do so. Therefore I suggest that my hon. friend might accept this particular amendment in the interests both of the industry and the efficiency of the journalist himself.

**SHRI H. P. SAKSENA:** Idleness makes the mind dull; it does not make it bright and smart.

**SHRI S. N. MAZUMDAR:** I wonder why Mr. Saksena who was speaking so long in a very encouraging manner suddenly has misunderstood the whole position regarding the hours of work.

**SHRI H. P. SAKSENA:** No.

**SHRI S. N. MAZUMDAR:** Sir, it is a part of the work of the journalists to get themselves equipped and that requires study. The work of the working journalist is not of such a kind as can be performed by machines or any mechanical device.

It is intellectual work, brain work and that must never be forgotten.

Now, Sir, after the able speech by Diwan Chaman Lall I have not much to say in connection with the necessity of reducing the hours of work for the journalist from that proposed in the Bill, but I shall make a few observations. In the Report of the Press Commission the hours of work were divided on a weekly basis. It is a six-day week and the hours of work for each day were mentioned. The Bill has taken the hours of work together for four weeks and then it has increased the hours of work to 160 hours. In my amendment I have suggested 144 hours but I think Diwan Chaman Lall's amendment which suggests 138 hours is far better. But then my amendment seeks to do something more. It seeks to clarify certain other matters. If any working journalist is required to work for a period more than the fixed hours of work, then he should have a right to overtime at a well-defined rate which I have suggested as one and a half times the rate to which he is ordinarily entitled. I have also suggested in another amendment that where a working journalist is required to work on night shift, he will have to get a reduction of half an hour for every day of such work on night shift. By another amendment I have suggested that no working journalist should be allowed to do night work for more than six days in a period of fourteen days. My amendment No. 32 lays down that for this purpose a person shall be deemed to be on night work if he works for more than four hours after 5 P.M. on any calendar day.

Sir, in the controversy over the question of minimum wage, these lacunae in the Bill were being so long overlooked but now that we have come to the clause by clause consideration stage, it is very necessary that not only we from this side but the hon. Dr. Keskar also should pay some attention to this matter. I do not think it is necessary to dilate upon this in order to impress upon

[Shri S N Mazumdar]

him the fact that the work of the working journalist is work of a special kind which requires leisure which requires some kind of a mental equipoise and which requires sufficient time for giving them opportunity to get themselves equipped That is why I want that my amendments should be accepted I would like to say that if he is agreeable to accept these amendments, then as regards the hours of work, I am in agreement with the amendment suggested by Diwan Chaman Lall

SHRI S N DWIVEDY I only want to say a word or two I certainly support Diwan Chaman Lall's amendment but what I want to know from the hon Minister is why they have changed the suggestion of the Press Commission The Commission has suggested that the hours of work should be calculated weekly That means that if any overtime work is done, that will be counted in the next week That was an advantage available to the working journalists but now by changing this to four consecutive weeks, this advantage is gone I would like to know why this change has been made

श्री नवाब सिंह चौहान . श्रीमान् मैं इस एमंडमेन्ट (नं० २८) का जो कि मेरं नाम से भी है, समर्थन करता हूँ। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि ये घंटें जो बढ़ाये गए हैं ये कम होने चाहिये और १४४ घंटों से अधिक नहीं होने चाहिये। इसका मतलब यह होगा कि ६ घंटों प्रति दिन। प्रेस कमिशन ने भी यही सिफारिश की है। यू० पी० न्यूजपेपर इंडस्ट्री इक्वायरी कमेटी जो सन् १९४७ में मुक़रर हुई थी और सन् १९५० में जिसने अपनी रिपोर्ट दी थी और जिसके प्रेसीडेंट माननीय क० डी० मालवीय थे और बाद में श्री चरन सिंह जी हुए, उसने भी ६ घंटों की सिफारिश की थी और कहा था कि इससे अधिक नहीं होना चाहिए।

दूसरं जो २६ वे हिस्से में ओवरटाइम देने के लिए कहा गया है तो यदि किसी से ओवरटाइम

किसी तरीके से काम लिया जाता है जैसा कि अभी कभी हो जाता है तो उसको उसकी उजरत मिलनी चाहिए और अगर किसी से रात में यह काम कराया जाय तो उसको ड्यूटी तन्स्वाह मिलनी चाहिए।

दूसरं जो एमंडमेन्ट्स हैं उनके बारे में दूसरं भाइयों ने भी कह दिया है इसलिए उनको दोहरा कर मैं हाउस का समय नष्ट नहीं करना चाहता।

DR B V KESKAR Sir, I have heard the arguments advanced by Mr Mazumdar and other friends as to the necessity of leisure for journalists I quite realise that, but there are many other professions for which leisure is necessary—probably for every profession The hours of work which have been given here were not particularly our invention We went through the agreements entered into by journalists in other countries with their proprietors, like the United Kingdom And this 160 hours is prevalent there and that is one reason why we have put it here

SHRI S N MAZUMDAR Is the hon Minister prepared to agree to the other terms in the agreement, for instance, regarding salaries and wages?

DR B V KESKAR Yes, they can be even more favourable but that agreement entered into is a collectively bargained agreement and not a statutory agreement That also has to be remembered It has always been—I am not talking of this particular thing only but in all cases—better by collective bargaining and I think it is always so (*Interruptions*) I would say that it is not possible to take everything from everywhere

DIWAN CHAMAN LALL May I interrupt my hon friend? Why should he go to England? Why not go to the Press Commission's Report?

DR B V KESKAR I am also going to the Press Commission's Report in the sense that the Press Commission has taken as model the

hours of work in Government service. I am not very sure whether the hours of work in Government service or the way it functions is the most efficient way for the Press. It is difficult for me to judge and we felt that it would be better to look at the journalistic industry and find out the position. It is not as if we wanted to rule out what the Press Commission has suggested. I may say here immediately that I am prepared to accept the amendment of Mr. N. S. Chauhan regarding the total hours of work, as they are the same as suggested by the Press Commission. We have not tried to do this in order to differ from the Press Commission. I regret I cannot accept the other points raised by Mr. Mazumdar for two reasons but it does not mean that I do not want anything to be done about night duty and other details. I think it is not the purpose of a statute to deal with all the eventualities and all the details.

SHRI S. N. MAZUMDAR: This is not a detail.

DR. B. V. KESKAR: This is a detail; you may disagree with me. That is quite different. How much of night duty a person can put in, how much a person should be given all these are details. If you fix the total hours of work, the rules can look after these details.

SHRI S. N. MAZUMDAR: The principle of overtime is certainly not a detail.

DR. B. V. KESKAR: If the hon. Member has read the Press Commission's Report, he will find that they are very much against overtime.

SHRI S. N. MAZUMDAR: Now, you are not accepting every recommendation of the Commission.

DR. B. V. KESKAR: He also wants not to accept the Press Commission's Report wherever it suits him. But I do not say that I am against overtime. That also can be looked into. So we had better accept the total hours of

work for four weeks and the other things can be put in rules after having discussion with the parties concerned because it is obvious that all sorts of details cannot be incorporated in the statute here.

MR. DEPUTY CHAIRMAN: The question is:

27. "That at page 4, line 6, for the words 'one hundred and sixty' the words 'one hundred and thirty eight' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

28. "That at page 4, line 6, for the words 'one hundred and sixty', the words 'one hundred and forty-four' be substituted."

The motion was adopted

MR. DEPUTY CHAIRMAN: The question is:

29. "That at page 4, after line 8, the following be inserted, namely:—

'(1A) Where any working journalist has been required or allowed to work for a period more than that specified in sub-clause (1) such overtime shall be paid for at a rate not less than one and a half times the rate to which he is ordinarily entitled'."

The motion was negatived.

DIWAN CHAMAN LALL: In regard to amendment No. 30 and the previous ones which have been defeated, do I take it that the hon. Minister is going to do something in the rules which are going to be framed?

DR. B. V. KESKAR: Yes; yes.

†Amendment No. 30 was, by leave, withdrawn.

†For text of amendment. *vide col. 1204 supra*.

MR. DEPUTY CHAIRMAN: The question is:

31. "That at page 4, after line 12, the following proviso be inserted, namely:—

'Provided that no working journalist shall be allowed to do night work for more than six days in a period of fourteen days'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

32. "That at page 4, after line 14, the following be inserted, namely:—

'Explanation II.—For the purposes of this section, a person shall be deemed to be on night work if the person works for more than four hours after 5 P.M. on any calendar day'."

The motion was negatived.

Amendments Nos. 77, 78 and 79 are barred.

MR. DEPUTY CHAIRMAN: The question is:

80. "That at page 4, line 14, for the words 'seven days beginning at midnight on Saturday', the words 'six working days' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7—Annual leave

MR. DEPUTY CHAIRMAN: There are six amendments.

DR. B. V. KESKAR: Sir, I move:

33. "That at page 4, for the existing clause 7, the following be substituted, namely:—

'7. Without prejudice to such holidays, casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to—

(a) earned leave on full wages for not less than one-eleventh of the period spent on duty;

(b) leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service'."

SHRIMATI PARVATHI KRISHNAN: Sir, I move:

34. "That at page 4, for the existing clause 7, the following be substituted, namely:—

'7. Without prejudice to such holidays, casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to—

(a) casual leave for fifteen days in a calendar year, subject to exigencies of service;

(b) earned leave for a period of one month for every eleven months of service in the establishment at the full wages drawn immediately prior to going on such leave; and

(c) leave on medical certificate for a period of ten days on full wages which can be converted into twenty days on half wages at the discretion of the working journalist'."

(The amendment also stood in the name of Shri S. N. Mazumdar)

37. "That at page 4, after line 22, the following be inserted, namely:—

'(2) Subject to any rules prescribed under the Act—

(a) earned and sick leave may be accumulated up to a

maximum period of three months, and

(b) earned leave to the credit of a working journalist at the time of his death, resignation or termination of service, shall be paid for in cash."

(The amendment also stood in the names of Shri S. N. Mazumdar, Shri Nawab Singh Chauhan, Shri Gopinath Singh and Shri Benarsi Das Chaturvedi)

SHRI NAWAB SINGH CHAUHAN  
Sir, I move

35 "That at page 4, for the existing clause 7, the following be substituted, namely:—

"7. Without prejudice to such holidays, casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to—

(a) casual leave for fifteen days in a calendar year, subject to exigencies of service;

(b) earned leave for a period of one month for every eleven months of service in the establishment at the full wages drawn immediately prior to going on such leave;

(c) leave on medical certificate for a period of twenty days on half wages with option to the working journalist to convert it into ten days on full wages"

(The amendment also stood in the names of Shri Gopinath Singh and Shri Benarsi Das Chaturvedi.)

DIWAN CHAMAN LALL. Sir, I move:

36 "That at page 4, for the existing clause 7, the following be substituted, namely:—

"7. Without prejudice to such holidays as may be prescribed, every working journalist shall be entitled to—

(a) fifteen days casual leave in a calendar year;

(b) for every completed year of service in any newspaper establishment, leave on medical certificate for a period of twenty days on half average pay or ten days on full average pay, at the choice of the working journalist, as the case may be;

(c) for every eleven months of completed service in any newspaper establishment, earned leave for a period of forty-five days on average pay."

SHRI S. N. DWIVEDY: Sir, I move:

81. "That at page 4, for the existing clause 7, the following be substituted, namely —

"7. (1) Without prejudice to such holidays, casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to—

(a) casual leave for fifteen days in a calendar year, subject to exigencies of service;

(b) earned leave for a period of one month for every eleven months of service in the establishment at the full wages drawn immediately prior to going on such leave;

(c) leave on medical certificate for a period of twenty days on half wages with option to the working journalist to convert it into ten days on full wages.

(2) Subject to any rules prescribed under the Act—

(a) earned and sick leave may be accumulated up to a maximum period of three months; and

(b) earned leave to the credit of a working journalist at the time of his death, resignation or termination of service, shall be paid for in cash."

MR. DEPUTY CHAIRMAN: Before we proceed, I want to know how long the House is prepared to sit. (Some hon. Members: Five o'clock.) We have to finish the Bill today...

SHRI H. P. SAKSENA: Have we any prospect of getting any overtime if we sit after five o'clock?

MR. DEPUTY CHAIRMAN: I am going to apply the guillotine, because the Business Advisory Committee has fixed the time. We shall sit till 5-30. Hon. Members will please ration the time. I do not want to impose any time limit, but at 5-30 all the clauses will be put together.....

SHRI B. C. GHOSE: Sir, it will not look nice to the House if we apply the guillotine.....

MR. DEPUTY CHAIRMAN: I do not understand it, if I am strict then you blame me.....

SHRI B. C. GHOSE: We have no objection, but do you think it will rebound to the credit of the House?

MR. DEPUTY CHAIRMAN: I have to abide by the decision of the Business Advisory Committee. And even as it is we have taken more time.

SHRI B. C. GHOSE: But you may use your discretion.

MR. DEPUTY CHAIRMAN: We will sit till 5-30. I would request hon. Members not to make long speeches but confine only to relevant remarks. In fact, the amendments are self-explanatory and speeches are not necessary.

DR. R. P. DUBE: Is the decision of the Business Advisory Committee mandatory? Cannot it be changed?

MR. DEPUTY CHAIRMAN: We have to stick to the time. I am extending the time by half-an-hour more, till 5-30 we shall sit. We have got other important work, as the House knows and every Bill is im-

portant. The House will please co-operate to finish the work by 5-30.

DR. B. V. KESKAR: I shall explain. There is a reference to casual leave and other kinds of leave and as hon. Members will see, I have suggested a substitute clause:—

"7. Without prejudice to such holidays, casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to—earned leave on full wages for not less than one-eleventh of the period spent on duty; and leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service."

This is the standard procedure. Secondly, if I may say so, casual leave, etc. is not provided for in a statute. It is generally given in the Rules, it is ordinarily arranged. That is the reason why Members should not press for casual leave in the statutory leave here. I do not think there should be any controversy over this matter.

MR. DEPUTY CHAIRMAN: Any speeches? (No Member rose to speak). I will put the amendments.

MR. DEPUTY CHAIRMAN: The question is:

33. "That at page 4, for the existing clause 7, the following be substituted, namely:—

"7. Without prejudice to such holidays, casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to—

(a) earned leave on full wages for not less than one-eleventh of the period spent on duty;

(b) leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service."

The motion was adopted.

Amendments Nos. 34, 35, 36, 37 and 81 barred.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

(Amendment No. 38—New Clause 7A was not moved)

Clause 8—Constitution of Minimum Wage Board

MR. DEPUTY CHAIRMAN: There are four amendments. Are you moving your amendment, Mr. Chaman Lal?

DIWAN CHAMAN LALL: No, Sir. I do not know exactly what the hon. Minister is going to do in regard to this matter. I take it that an arrangement has been arrived at.....

DR. B. V. KESKAR: I have read that out already.

DIWAN CHAMAN LALL: Therefore, this becomes redundant.

SHRI S. N. MAZUMDAR: In view of the agreement and in view of the assurance given by the hon. Minister, I am not moving this amendment. But I would like to say a few words on this clause.

(Amendments Nos. 39, 40 and 41 were not moved)

DR. B. V. KESKAR: Sir, I move:

91. "That at page 4,—

(i) in line 24, the word 'Minimum' be deleted; and

(ii) in lines 24-25, the word 'minimum' be deleted."

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

SHRI S. N. MAZUMDAR: Mr. Deputy Chairman, Sir, now that agreement has been arrived at with working journalists and the hon. Minister has also moved an amendment incorporating the agreement, I have not moved or pressed for our amendments. But it does not mean that we have been convinced by the arguments put forward by either Dr. Keskar or Mr. Khandubhai Desai. Particularly I would like to say that I am thoroughly dissatisfied and disappointed by the manner in which Mr. Khandubhai Desai, who is the Labour Minister and a trade unionist, tried hair splitting tactics by saying that the Press Commission was not a wage commission, it had no time for elaborate enquiry, it said such and such a thing. I did not expect such things from the Labour Minister.

Secondly, the Labour Minister said that to fix a statutory minimum wage would give rise to all sorts of complications. But I think those complications should not deter us or the Government from a principle if it is sound. In these days, when we are talking of a fair wage and living wage, if we can statutorily fix a minimum wage, in respect of defined industries—after the results of investigation by authoritative bodies,—then a good beginning could have been made here.

5 P.M.

Mr. Desai also said that to fix a statutory minimum here would be unfair not only to the industry but to the journalists also. I was amazed at that because fixing of a statutory minimum here did not and does not mean that there will be no revision in the future or there cannot be any higher wages in the future.

Lastly, I must say that I disagree with his concept of minimum wages thoroughly. He said that minimum wages would apply only to the sweated industries. That is the case as far as the law of the Minimum Wages stands at present. But the trade unions were demanding that a

[Shri S N Mazumdar]  
national minimum for all should be fixed. The minimum will be defined for different industries and different categories of employees. But the idea of a national minimum has gained strength and now to come forward at this stage and say that the concept of minimum wage should be limited only to the sweated industries is astounding. Therefore, I thoroughly disagree with him and also with the remark that if a statutory minimum is fixed now, there will be disputes and a whole series of litigation. It is like putting one's faults on others' shoulders. It is true that the industrial conciliation machinery is now working in such a manner as involves a long process of litigation. But steps should be taken to avoid that and one should not use that fact against the fixation of a minimum wage in the Press industry when it has been recommended by the Commission.

DR B V KESKAR I would like to say a word regarding the point raised by Shri Mazumdar. We never said that statutory minimum should not be fixed. We have accepted the principle. The controversy was to accept the minimum suggested by the Press Commission. It was not about setting a minimum wage. We have already put forward a proposal. But in the light of the discussions, we feel—and the representatives of the industry also feel—that this will give them a greater benefit and that is why it has been arrived at. I think it is true that it will give them greater benefit than a simple minimum wage I have mentioned before about certain advantages. I personally feel that this is not a profession in which a minimum will serve the purpose, a wage scale will serve a better purpose. If I may say with all respect to Shri Mazumdar who is a labour expert, labourers are paid a subsistence allowance and the word 'minimum wages' has been applied to sweated labour. Here we have a profession which should be paid a high scale. These people are with sufficiently high qualifications and to have

a wage scale would be far better than the minimum wage. That does not mean that we were not prepared to have a minimum wage. The controversy is regarding the procedure for minimum wage. He will not put it in the wrong perspective whatever may be the disagreement that he will have with us. I am glad that this kind of procedure which we have arrived at will give benefit to journalists and for the moment set at rest the controversy.

MR DEPUTY CHAIRMAN The question is

91 'That at page 4,—

(i) in line 24, the word 'Minimum' be deleted, and

(ii) in lines 24-25, the word 'mininum' be deleted."

The motion was adopted.

MR DEPUTY CHAIRMAN The question is

"That clause 8 as amended stand part of the Bill."

The motion was adopted.

Clause 8 as amended was added to the Bill.

*Clause 9—Fixation of minimum wages*

DR B V KESKAR Sir, I move

92 "That at page 4, line 32, for the word 'mininum', the words 'rates of' be substituted."

93 "That at page 4, line 38, for the word 'mininum', the words 'rates of' be substituted."

94 "That at page 5, line 1, for the word 'mininum', the words 'rates of' be substituted."

MR DEPUTY CHAIRMAN The question is

92 "That at page 4, line 32, for the word 'mininum', the words 'rates of' be substituted."

The motion was adopted.

MR DEPUTY CHAIRMAN. The question is.

93. "That at page 4, line 38, for the word 'minimum', the words 'rates of' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

94. "That at page 5, line 1, for the word 'minimum', the words 'rates of' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 9 as amended stand part of the Bill."

The motion was adopted.

Clause 9 as amended was added to the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

*Clause 11—Powers and procedure of the Board*

DR. B. V. KESKAR: Sir, I move:

95. "That at page 5, line 11, the word 'minimum' be deleted."

MR. DEPUTY CHAIRMAN: The question is:

95. "That at page 5, line 11, the word 'minimum' be deleted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 11 as amended stand part of the Bill."

The motion was adopted.

Clause 11 as amended was added to the Bill.

*Clause 12—Decision of the Board to be binding on all employers*

DR. B. V. KESKAR: Sir, I move:

96. "That at page 5 line 19, the word 'minimum' be deleted."

MR. DEPUTY CHAIRMAN: The question is:

96. "That at page 5, line 19, the word 'minimum' be deleted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 12 as amended stand part of the Bill."

The motion was adopted.

Clause 12 as amended was added to the Bill.

*New Clause 12A*

SHRI S. N. MAZUMDAR: Sir, I move:

84. "That at page 5, after line 20, the following new clause be inserted, namely:—

'12A. (1) Subject to any rules made under this Act, one-third of the clear profit of any newspaper establishment in any year shall be kept apart for distribution to the employees working in, or in relation to, that establishment, as bonus.

(2) The distribution shall be made proportionate to the average wages of the employee in the year to which the profit is attributable:

Provided that where the share of the profit is not sufficient for distribution, it shall be carried over to the next year for distribution to the employees.

*Explanation.*—'Clear profit' shall be the amount obtained after deducting from the gross profit provision for payment of taxes, depreciation at the rate allowed under the Indian Income-Tax Act, 1922, and a return of four per cent. on the invested share capital."

(The amendment also stood in the name of Shrimati Parvathi Krishnan)

DR. B. V. KESKAR: Sir, I move:

97. "That at page 5, after line 20, the following new clause be inserted, namely:—

'12A. Power of Government to fix interim rates of wages.—(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rate of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rate of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (2) of section 10'."

SHRI S. N. MAZUMDAR: Sir, this amendment is an important one because it seeks to provide for the payment of bonus to the journalists. While the hon. Minister, Dr. Keskar was speaking on the Bill yesterday, he said that the Bill was very comprehensive and he did not go into the details. I did not like to interrupt him at that time. But I move this amendment and would like to point out to him that he cannot claim that the Bill is comprehensive. Bonus is an important item of the Bill.

MR. DEPUTY CHAIRMAN: You have spoken on this in the general debate.

SHRI S. N. MAZUMDAR: I have not spoken on the subject of bonus. I shall not take much time.

MR. DEPUTY CHAIRMAN: All right.

SHRI S. N. MAZUMDAR: Bonus is a very important matter and about this there is a clear recommendation in the Press Commission's Report and I do not know how this matter was over-looked by Dr. Keskar. Mr. Khandubhai Desai came yesterday to lend him his weighty support. To-day also in the debate he made a claim that the Bill was comprehensive, but forgot all about bonus which is very essential. It is an accepted principle and it is accepted by the highest industrial tribunals in this country. The Press Commission's recommendation is there and my amendment is also very clear and self-explanatory. I trust the hon. Dr. Keskar will not find any hesitation in accepting this.

DR. B. V. KESKAR: Though I have every sympathy with Mr. Mazumdar, I cannot accept his amendment for the very clear reason that bonus is not given by statutory ruling. Generally, there are two ways. Firstly, bonus in industry is given every year according to competition and the bonus paid is not made according to any law. Secondly, the recommendation that has been made by the Press Commission is an integrated scheme and we cannot implement it until we take powers to regulate the press industry as a whole and this will have to be done in the scheme of industrial reorganisation which is in a much larger context. It cannot be done by passing a statutory clause here. Until you have the power you will not even be able to enforce it. That was the reason why it was not taken. Not that we are neglecting it. First of all, we have to take the power to regulate the press industry. It might have to be taken when the question of price-page schedule comes for legislation, not before. It is not possible at present to take it.

SHRI S. N. MAZUMDAR: Is this the piece-meal approach to the problem?

MR. DEPUTY CHAIRMAN: Do you press it, Mr. Mazumdar?

SHRI S. N. MAZUMDAR: Yes, Sir.

MR. DEPUTY CHAIRMAN: The question is:

84. "That at page 5, after line 20, the following new clause be inserted, namely:—

'12A. (1) Subject to any rules made under this Act, one-third of the clear profit of any newspaper establishment in any year shall be kept apart for distribution to the employees working in, or in relation to, that establishment, as bonus.

(2) The distribution shall be made proportionate to the average wages of the employee in the year to which the profit is attributable:

Provided that where the share of the profit is not sufficient for distribution, it shall be carried over to the next year for distribution to the employees.

*Explanation.*—'Clear profit' shall be the amount obtained after deducting from the gross profit provision for payment of taxes, depreciation at the rate allowed under the Indian Income-Tax Act, 1922, and a return of four per cent. on the invested share capital'."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

97. "That at page 5, after line 20, the following new clause be inserted, namely:—

'12A. *Power of Government to fix interim rates of wages.*—(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the

Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rate of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rate of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (2) of section 10'."

The motion was adopted.

The New Clause 12A was added to the Bill.

*Clause 13—Act XX of 1946 to apply to newspaper establishments*

SHRI S. N. MAZUMDAR: Sir, I move:

52. "That at page 5, lines 25 to 27, the words 'wherein twenty or more newspaper employees are employed or were employed on any day of the preceding twelve months' be deleted."

(The amendment also stood in the names of Shrimati Parvathi Krishnan, Shri Nawab Singh Chauhan, Shri Gopinath Singh and Shri B. D. Chaturvedi.)

Sir, my amendment seeks to apply the Industrial Employment Standing Orders Act to all newspapers, because here the Bill restricts the application of these Orders to newspapers which employ 20 or more employees. I am not going into the controversy about big or small newspapers. That is the same ground. But in this connection I would like to point out one thing. The Standing Orders Act, as it stands at present, has many lacunae. When pointed out by me the other day, the hon. Labour Minister remarked that

[Shri S. N. Mazumdar.]

when the Industrial Disputes' Act is being made applicable to the journalists they should have both its advantages as well as disadvantages. That is most unjustified. Sir, if it is accepted that there are certain disadvantages in the Industrial Disputes' Act, it is the duty of the Government to take steps to remove them. He gave us an assurance that a Bill has been introduced in the other House which seeks to amend the present Standing Orders' Act. I do not know when that Bill is coming. Moreover, I should like to point out to him—though he is not here—that that Bill contains not only some good features, but also some retrograde measures, namely, the amendment of Section 33. It is very strange that the Government will come forward with some amending legislation which is necessary but which balances good measures with some measure which is retrograde. I shall request Dr. Keskar to convey the view to Mr. Khandubhai Desai that a short Bill to amend the Standing Orders Act should be immediately introduced and passed.

DR. B. V. KESKAR: Sir, Mr. Mazumdar wants the limit to be deleted altogether. As you know, in the Standing Orders Act the limit is of 100 employees, but here we have reduced this limit to 20 employees and their employees are not working journalists. There has to be certain limit. It is not possible to make it applicable to any establishment having even a couple of employees. I think this is reasonable. But if at a later stage we find that it is not workable we will adjust and modify it in the light of any legislation that is passed in future.

MR. DEPUTY CHAIRMAN: The question is:

52. "That at page 5, lines 25 to 27, the words 'wherein twenty or more newspaper employees are employed or were employed on any day of the preceding twelve months' be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 13 do stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14—Act XIX of 1952 to apply to newspaper establishments

SHRIMATI PARVATHI KRISHNAN: Sir, I move:

53. "That at page 5, lines 33-34, the words 'in which twenty or more persons are employed on any day', be deleted."

(The amendment also stood in the names of Shri S. N. Mazumdar, Shri Nawab Singh Chauhan, Shri Gopinath Singh and Shri B. D. Chaturvedi.)

Sir, I would not make any speech but would just ask why should the employees of the small establishments be denied advantages of the Employees' Provident Funds Act?

DR. B. V. KESKAR: Sir, with regard to provident fund, there is a generally accepted principle that since provident fund is something which requires a complicated structure in regard to accumulated savings, it is not applicable to very small establishments. That is the reason for our putting "twenty". It applies not only to working journalists but all employees. Sir, I do not think it would be reasonable to impose this restriction on smaller establishments. I do not accept it.

MR. DEPUTY CHAIRMAN: Mrs. Parvathi Krishnan, do you press it?

SHRIMATI PARVATHI KRISHNAN: Yes, Sir.

MR. DEPUTY CHAIRMAN: The question is:

53. "That at page 5, lines 33-34 the words 'in which twenty or

more persons are employed on any day', be deleted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

*Clause 15—Effect of laws and agreements inconsistent with this Act*

SHRI S. N. MAZUMDAR: Sir, I move:

54. "That at page 6, line 5, after the word 'agreement', the words 'custom, usage, practice' be inserted."

SHRI S. N. MAZUMDAR: Sir, I move:

55. "That at page 6, line 7, after the word 'agreement' the words 'custom, usage, practice' be inserted."

*(Amendments Nos. 54 and 55 also stood in the name of Shrimati Parvathi Krishnan.)*

DR. B. V. KESKAR: Sir, I move:

57. "That at page 6,—

(i) in lines 7-8, for the words 'or contract of service', the words 'contract of service or otherwise' be substituted; and

(ii) in lines 12-13, the words 'under that award, agreement or contract of service' be deleted."

SHRI S. N. MAZUMDAR: Sir, the only thing that I want to say is that line 7 should include "custom, usage, practice".

DR. B. V. KESKAR: It is already there in my amendment which is more comprehensive.

SHRI S. N. MAZUMDAR: All right, I am not speaking. I will look into Dr. Keskar's amendment in the mean-time

MR. DEPUTY CHAIRMAN: The question is:

57. "That at page 6,—

(i) in lines 7-8, for the words 'or contract of service', the words 'contract of service or otherwise' be substituted; and

(ii) in lines 12-13, the words 'under that award, agreement or contract of service' be deleted."

The motion was adopted.

SHRI S. N. MAZUMDAR: My amendments are not covered by Dr. Keskar's amendment. I press it.

MR. DEPUTY CHAIRMAN: The question is:

54. "That at page 6, line 5, after the word 'agreement', the words 'custom, usage, practice' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

55. "That at page 6, line 7, after the word 'agreement', the words 'custom, usage, practice' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

*New Clauses 15A and 15B*

MR. DEPUTY CHAIRMAN: Diwan Chaman Lall, are you moving your amendment No. 58?

DIWAN CHAMAN LALL: Sir, all that I have to say is that these two clauses refer to conditions of service remaining unchanged during the pendency of proceedings in respect of any industrial disputes.....

MR DEPUTY CHAIRMAN I want to know whether you are moving your amendment or not?

DIWAN CHAMAN LALL: First I want to know from my hon friend whether he agrees to what I say. After that I will see whether I should move or not.

DR B V KESKAR Sir if my hon friend looks at the Industrial Disputes Act, he will find that these are covered by section 33(a). Probably he did not know it, and, therefore, he put in this amendment.

DIWAN CHAMAN LALL: I am not moving.

*Clause 16—Recovery of money due from an employer*

MR DEPUTY CHAIRMAN. The question is.

"That clause 16 stand part of the Bill"

The motion was adopted.

Clause 16 was added to the Bill

*Clause 17—Penalty*

DR B V KESKAR Sir, I move

60 "That at page 6, line 30, for the word and figure 'section 5', the word and figure 'section 6' be substituted."

SHRIMATI PARVATHI KRISHNAN Sir, I move

61 "That at page 6, line 30, for the word and figure 'section 5', the words 'this Act' be substituted"

62 "That at page 6, at the end of line 32, after the word 'rupees', the words 'except where a higher punishment is provided under any other law for the time being in force' be inserted"

(The amendments also stood in the names of Shri S N Mazumdar, Shri Nawab Singh Chauhan, Shri Gopinath Singh and Shri Chaturvedi)

SHRI S N DWIVEDY Sir, I move:

85 "That at page 6, line 30, for the word and figure 'section 5', the words 'this Act' be substituted."

86 "That at page 6, at the end of line 32, after the word 'rupees', the words 'except where a higher punishment is provided under any other law for the time being in force' be inserted"

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

SHRI S N DWIVEDY. Sir, I am not satisfied with the amendment that has been moved by the hon Minister. I want that this provision should apply to the entire Act, not only to one particular provision. I think the hon Minister will have no objection and he will accept it.

DR B V KESKAR If the hon Member wants that contravention of the provisions of this Act should be made punishable, I think that that is not fair. He wants to make the contravention of the provisions of this entire measure punishable in a deterrent way. Recourse can be had to various Acts and other Tribunals etc. I do not think it would be fair or right to have all the infringements of the provisions contained in this Act punishable in the way that has been suggested. Therefore I cannot accept the amendments.

MR DEPUTY CHAIRMAN. The question is

60 "That at page 6, line 30, for the word and figure 'section 5', the word and figure 'section 6' be substituted"

The motion was adopted.

MR DEPUTY CHAIRMAN The question is

61 "That at page 6, line 30, for the word and figure 'section 5', the words 'this Act' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

62. "That at page 6, at the end of line 32, after the word 'rupees', the words 'except where a higher punishment is provided under any other law for the time being in force' be inserted."

The motion was negatived.

MR DEPUTY CHAIRMAN: Amendments Nos. 85 and 86 are barred.

The question is:

"That clause 17, as amended, stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 was added to the Bill.

Clause 19—*Power to make rules*

DR. B. V. KESKAR: Sir, I move:

98 "That at page 7, line 12, the word 'minimum' be deleted."

MR. DEPUTY CHAIRMAN: This is a very small amendment.

The question is:

98. "That at page 7, line 12, the word 'minimum' be deleted."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 20 was added to the Bill.

MR. DEPUTY CHAIRMAN: Then we take up the New Schedule. There is one amendment of Diwan Chaman Lall.

DIWAN CHAMAN LALL: Sir, I am not moving my amendment.

Clause 1—*Short title, extent and commencement*

SHRI S. N. DWIVEDY. Sir, I move:

64. "That at page 1, lines 9 and 10 be deleted."

SHRI NAWAB SINGH CHAUHAN: Sir, I move:

1. "That at page 1, for lines 9 and 10, the following be substituted, namely:—

'(3) It shall come into force immediately:

Provided that section 5 shall be deemed to have come into force on the 29th of September, 1955, and shall always be deemed to have been in force'."

(The amendment also stood in the names of Shri Gopinath Singh, Shri B. D. Chaturvedi, Shri S. N. Mazumdar and Shrimati Parvathi Krishnan.)

DIWAN CHAMAN LALL: Sir, I move:

2. "That at page 1, for lines 9 and 10, the following be substituted, namely:—

'(3) (a) Section 5 of the Act shall be deemed to have come into force on the 29th September, 1955, and shall always be deemed to have been in force since that date;

(b) the other sections of the Act shall come into force immediately'."

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

SHRI S. N. DWIVEDY: I have only to say this much, Sir. When we have reached an agreement over the most controversial clauses, I think the hon. Minister will not have any objection to accepting this amendment, so that the measure can come into force immediately.

श्री नवाब सिंह चौहान : श्रीमन्, मेरे एमैंडमेंट में जो माग की गई है वह वही है जो कि हमारे माननीय मंत्री महादय चाहते हैं। जब श्रीमती सावित्री बोल रही थीं तो उन्होंने कहा था कि यही एक तरीका है कि जब बिल पास हो जाता है तो उसके बाद गजट में निकाला जाता है।

[श्री नवाब सिंह चौहान]  
लौकन गजेट करने का ही सवाल नहीं है ।  
सरकार को दूसरी चीज और करना है :

"It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint."

यानी एक तारीख भी है, एक तिथि भी है, जिससे कि सरकार जब चाहे मुकर्रर करेगी ।

MR. DEPUTY CHAIRMAN: He has given the assurance that it will be brought into force as early as possible.

श्री नवाब सिंह चौहान : एम्प्लॉयर्स का सवाल नहीं है । जब इतना हो चुका है यानी प्रेस कमीशन बना, उसकी रिपोर्ट निकली और उसके बाद यहां पर इस हाउस में वह चीज आई, माननीय मिनिस्टर साहब ने फिर से उसको दिखवाया, एमंडमेंट्स दिए और फिर उस हाउस में जायगा और फिर प्रेसीडेंट के पास स्वीकृति के लिए भेजेंगे तो कॉनसी कमी रही जिस से सरकार कुछ समय चाहती है । सदैव ही यह कायदा होता है कि बहुत से बिल ऐसे होते हैं जिनके लिए समय नहीं चाहा जाता और उनको सरकार तुरन्त लागू करना चाहती है तो उनके लिए सरकार की तरफ से यह प्रस्तावित होता है कि ज्योंही प्रेसीडेंट की आज्ञा प्राप्त हो जायगी त्योंही उनको लागू कर दिया जायगा । सरकार सुविधानुसार मुकर्रर करती है ।

इसमें जो प्रतिबन्ध लगा है वह इस वजह से है कि जो पांचवां क्लाज है उससे जो फायदा लोगों को मिलेगा वह कुछ लोगों को न मिल सकेगा जब तक कि यह मान न लिया जायगा । हमारे एमंडमेंट की मंशा यह है कि इसको तब से लागू किया जाय जब से यह बिल यहां इंट्रोड्यूस किया गया, हम इसे यानी बहुत दूर पीछे तक से, (रिट्रोस्पेक्टिव एफेक्ट से), लागू करना नहीं चाहते बल्कि जब से यह बिल (कुछ के लिये समय चाहा जाता है जिसे कि यहां पेश किया गया है तब से । कारण यह है

कि जब से यह इंट्रोड्यूस हुआ है तब से बीच में बहुत से लोगों को नोटिस देकर व निकाल कर इन फायदों से वंचित किया जा रहा है । क्लाज ५ (१) में लिखा है :

"any working journalist who has been in continuous service whether before or after the commencement of this Act for not less than three years."

इसके मानी यह हुए कि बिल पास होने से पहले किसी न किसी बहाने से किसी कर्मचारी को नौकरी से निकाल दिया तो इस तरह से उसकी ३ साल की सर्विस टूट गई इस प्रकार उसको आगे चलकर जो फायदा मिलना था वह नहीं मिल सकेगा । इसलिए हमारा तात्पर्य यह है कि उस वक्त से इस कानून का असर होना चाहिए जब से वह पेश किया गया । मुझे आशा है कि हमारे माननीय मंत्री जी इसे तुरन्त लागू करने की बात को अवश्य स्वीकार करेंगे क्योंकि मन्तव्य तो हमारा और उनका एक है, यद्यपि भाषा भिन्न है लौकन तात्पर्य में कोई विरोध नहीं है ।

DIWAN CHAMAN LALL: Sir, the hon. Minister himself has given an assurance that he will not delay the implementation of this measure. He has said that already this matter has been delayed for a long time. Now I would like to remind him about the two incidents that have happened and which have created this unnecessary suspicion in the minds of the hon. Members. One was the Trade Unions (Amendment) Act of 1947. It was passed by the Legislature in 1947, and it is still to be brought into force. The other was the Industrial Disputes Act, Act I of 1955. Some of the States have not yet implemented the provisions of this measure, for instance Madras. The State of U.P. refuses to pass any rules in regard to that matter. Therefore, if I suggest the date of 29th September, it will not be something that will prevent the hon. Minister from implementing this particular measure immediately.

Therefore I do hope that he will look at it from this point of view and accept my amendment.

DR. B. V. KESKAR: Sir, the hon. Members, it seems, have got some suspicion that we will delay the implementation of this measure. But I think that suspicion is rather unfounded, because I might point out that the Industrial Disputes Act was brought into force immediately after it received the President's assent. I do not think any such charge can be levelled against us. So far as the other question is concerned, I am afraid, we have discussed the question of gratuity and clause 5 was discussed very thoroughly. I do not think it will be right to have this particular provision now being enforceable at a date very much in advance of the other clause. I do not agree with it. But if the hon. Members feel more satisfied, we can say that it will come into force immediately. I do not mind that. If they have no confidence in me, they can have confidence in these words.

MR. DEPUTY CHAIRMAN: Then I think you are accepting Mr. Dwivedy's amendment, No. 64.

DR. B. V. KESKAR: Yes, I am prepared to accept it.

MR. DEPUTY CHAIRMAN: Then you accept Mr. Dwivedy's amendment. Deletion of lines 9 and 10 will be all right.

DR. B. V. KESKAR: Yes.

\*Amendments Nos. 1 and 2 were, by leave of the House, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

64. "That at page 1, lines 9 and 10 be deleted."

The motion was adopted.

\*For text of amendments, vide col. 1236 *supra*.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The title and the enacting formula were also added to the Bill.

DR. B. V. KESKAR: Sir, I beg to move that the Bill, as amended, be passed. In doing so, I would like to thank hon. Members who have taken an active and sustained interest in the discussion.

SHRI S. N. MAZUMDAR: I hope he is not giving his opening as well as concluding speech, for I would like to speak for a few minutes. We cannot give up the right to speak on the third reading.

MR. DEPUTY CHAIRMAN: There is no question of giving up your right, but the House agreed to this. All right, Dr. Keskar, you reply afterwards. Motion moved:

"That the Bill, as amended, be passed."

SHRI S. N. MAZUMDAR: Mr. Deputy Chairman, it is not for the sake of any academic discussion that I have taken a stand on my right to speak on the third reading. There are some important matters to be referred to. This Bill has not made any provision for staff councils. I could not move any amendment, but it is a very important matter. It is important, moreover, because reference has been made both by Dr. Keskar and Mr. Khandubhai Desai to collective agreements. Collective agreements imply certain other things. For collective agreements to be successfully conducted, it is necessary that unions should be recognised and that employees should be assured of

[Shri S. N. Mazumdar.]

security of service. What newspaper proprietors are doing today is that they are trying to strike at the very formation of the unions. Although the Federation of Working Journalists is a very powerful body today, still in individual establishments the employers are trying to strike at the very roots of the union by victimising the important workers. That is why I say that it is useless to speak of collective bargaining as the method by which employees would be able to achieve such and such privileges unless certain other things are assured. For exercising their rights to collective bargaining, they must be assured of proper conditions. This is very necessary and should not be forgotten by the Government. The Bill as it has been passed by this House still contains some lacunae which we tried to remove but which we failed to do, but still undoubtedly it is an improvement. It provides working journalists with better conditions. Therefore, I support the Bill, but still I would like to say before I resume my seat. . .

MR. DEPUTY CHAIRMAN: It is time.

SHRI S. N. MAZUMDAR: Sir, you know I do not take much time.

I thank Dr. Keskar for the fact that he kept an open mind and even at the eleventh hour, even after the discussion of the Bill started, he accepted some improvements, but I expected him to proceed further in improving the Bill. That he has not done. Still, in connection with this Bill, which has received the unanimous approval of this House—and surely it is going to receive the assent of the other House also—Government has much to do to see that the apprehensions which were raised in this House regarding some other matters should really not materialise, and that the working journalists receive all the help from the Government that is necessary. With these few words, I support the motion.

श्री बनारसी दास चतुर्वेदी (विन्ध्य प्रदेश) :  
उपाध्यक्ष महोदय, मैं वरिष्ठ जर्नलिस्ट्स फ़ेडरेशन की तरफ से डाक्टर केशकर को बधाई देना चाहता हूँ। उन्होंने जिस सहृदयता के साथ इस बिल का संचालन किया उसके लिए वे बधाई के पात्र हैं। यद्यपि उनके विषय में हम लोगों को कुछ कठोर बातें कहनी पड़ीं परन्तु वह केवल मित्रता के नाते कहनी पड़ीं। यह हमारी चरख लड़ाई है। और यदि कहीं पर कोई कठोर बात कही गई हो तो उसके लिए मैं क्षमा प्रार्थी हूँ।

DR. B. V. KESKAR: May I say only a word in commending this Bill for the unanimous approval of the House? As I said, hon. Members have taken an active and sustained interest in this Bill, and it is due to the knowledge, specialised knowledge, that they brought to bear on the subject that we have made many improvements in the Bill. I am thankful to them for the co-operation they have extended. I might assure them and also the working journalists that we have their interests at heart as much as anybody can have, and if sometimes certain demands which are made by them are not accepted, it is not because we do not want to help them but because we do not feel, taking a balanced view of everything, that it would be in their own interests to do certain thing, because we have to consider the working journalists in the context of the whole society, in the context of the other industrial workers of whom they are part and with whom they claim to be. They have all to go together and, therefore, whatever might have been said as being not acceptable has only been in that context. I, therefore, hope that they will not take it amiss and will not consider that we do not look to their benefits and their better future. I hope that this Bill will serve as a kind of standard, a kind of charter, not only for the working journalists but will serve as a model for other professions also in the years to come. I commend this Bill for the unanimous approval of the House

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

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MESSAGE FROM THE LOK SABHA  
THE UNIVERSITY GRANTS COMMISSION  
BILL, 1955

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary to the Lok Sabha:

"In accordance with the provisions of Rule 133 of the Rules of

Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the University Grants Commission Bill, 1955, as passed by Lok Sabha at its sitting held on the 28th November, 1955."

Sir, I lay the Bill on the Table.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

*The House then adjourned at thirty-eight minutes past five of the clock till 11 A.M. on Friday, the 2nd December 1955.*