

15.56 hrs.

**WORKING JOURNALISTS AND OTHER
NEWSPAPER EMPLOYEES (CONDI-
TIONS OF SERVICE) AND MISCELLA-
NEOUS PROVISIONS (AMENDMENT)
BILL**

[English]

**THE MINISTER OF LABOUR (SHRI
BINDESWARI DUBEY):** Sir, I beg to move:

"That the Bill further to amend the Working Journalists and other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, be taken into consideration."

As hon. members are aware, the Government have, from time to time, appointed Wage Boards for looking into the wage structure of working journalists and other newspaper employees including those who work in the news agencies. These Wage Boards are appointed and function in accordance with the provisions contained in the Newspaper Employees (Conditions of Service) and Miscellaneous Provision Act, 1955. Keeping in mind the changes in economic conditions in the country and in the newspaper industry, the wage boards make recommendations in respect of changes which ought to be brought about in the wages and working conditions of these employees. Hon. members are aware how deeply this Government is concerned with the welfare of workers. It is in the pursuit of this concern that an effort is made that Wage Boards are appointed with reasonable frequency to ensure the continued availability of fair service conditions to workers in the newspaper industry. The last Wage Boards appointed to look into the wage structures and service conditions of journalists and non-journalists were constituted in July and August 1985.

Apart from trying to reduce any delays which may be occasioned after the receipt of the report of the Wage Boards, it is equally important to see whether it is possible to reduce the delays which could occur in the

working of the Wage Boards. This required a review of the law and procedures from the point of view of examining whether any changes or clarifications in these laws would be helpful.

Along with an examination of the substantive recommendations, which these Wage Boards have made with regard to the wages and service conditions of the employees, the Government, therefore, also undertook a study of various provisions of the Act with the above objective. During the course of this study, it has come to our notice that although no substantive changes may be required in the law, there are certain terms and concepts incorporated in the Act which have lent themselves to differing interpretations by different Wage Boards. A perusal of the reports of the past Wage Boards seems to indicate that such difficulties have become a feature of the functioning of these Wage Boards. It is, in the light of this experience, that it is considered appropriate to incorporate certain amendments in the Act in order to clarify doubts, misconceptions and controversies about these terms as these would make for smoother functioning of the Wage Boards, possibly to reduce the time taken by them and reduce the area of disagreement among the members of the Boards.

16.00 hrs.

The main points on which amendments are sought to be made in the Act are:—

- (1) The Act, at present adopts by reference, the definition of the term "wages" from the detailed definition given in the Industrial Disputes Act, 1947. For the sake of clarity, it is now proposed that the definition of wages be incorporated in the Act itself.
- (2) Past experience indicate that there has been some measure of controversy as to whether the term "wages" used in this Act, includes allowances as also such

[Sh Bineswari Dubey]

new allowances that the Wage Boards may feel inclined to recommend. Even though, the position in law is quite clear that this is in fact so in view of the past controversy it is proposed to incorporate an appropriate amendment to explicitly include allowances and new allowances alongwith the wages so as to enable Wage Boards, to fix and revise the rates of wages and various existing allowances and also to recommend new allowances.

(3) In the past there has also been controversy as to whether Wage Boards can fix wages on an all India basis or whether it is incumbent upon them to take up such fixation on a regional basis. In spite of the fact that the position in law is quite clear that the Wage Boards have the authority to either recommend wages on an all India basis or on a regional basis this controversy seems to have persisted. Therefore, with a view to clarifying matters and setting at rest this controversy it is proposed to incorporate an explanation under Section 10 (4) that Wage Boards are not prevented from fixing the wages on an all India basis.

(4) The definition of newspaper establishments under Section 2 (d) has also been a subject matter of some debate in the past. It is now proposed to amend Section 2 (d) of the Act to provide for clubbing of newspaper establishments under common control and also to elaborate the meaning of common control so as to make it crystal clear so that the Wage Boards do not experience any difficulty in this regard.

Hon'ble Members will notice that the amendments proposed in the Bill before the House are clarificatory in nature and the objective of the Government in bringing these amendments is to facilitate the working of the Wage Boards and to prevent unnecessary controversies and varying interpretation which impede their work. We are proposing these amendments keeping in view the larger interests of the working of the newspaper industry and for ensuring that the efforts of Government towards discharging its statutory responsibility of fixing and revising the wages of the working journalists and non-journalists employees, are not impeded as a result of unnecessary and fruitless quibbling over definitions which, in the absence of these clarifications had been lending themselves to varying interpretations.

Since these amendments are only clarificatory in nature and these have always been implied in the existing legislation, I intend to move an official amendment to this amending Bill to indicate that the proposed clarification has always been intended and deemed to be contained in the Act.

With these words, I commend the Bill for consideration and passing by this august House.

MR CHAIRMAN Motion moved

"That the Bill further to amend the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, be taken into consideration."

Shri G M Banatwalla

SHRI G M BANATWALLA (Ponnani)
Mr Chairman, Sir, the Bachawat Wage Board has submitted its recommendations to the Government. I understand that the recommendations are under consideration of the Government. It would have been better, if today, the hon. Ministry would have given us some idea of the Government's thinking on those various recommendations. Since the

recommendations of the Bachawat Wage Board, there have been a lot of criticisms. While newsmen characterize these recommendations as inadequate, totally inadequate, the newspaper establishments consider them as something that would cripple them altogether. As a result, there is a lot of tension, and this tension can not be allowed to continue. I thought that perhaps today, the Government would come forward and let us know of its thinking with respect to the recommendations of these Wage Boards, and whether the Government is also thinking of any modifications. However, I must urge upon the Government, emphasize upon the Government the need for an early decision, and an early notification in this respect, so that all this state of tension does not continue.

There are also recommendations made by the newsmen. We do not know, nor has the hon. Minister considered it fit and proper to take this House into confidence as to what those recommendations are, and what is the attitude that the Government has adopted towards those recommendations and suggestions of the newsmen. But, as I said, a lot of misgivings come up as a result of delay, as a result of the delay on the part of the Government to make its decision known, and to issue the required notification. If I am not wrong, it was assured to all of us that the necessary notification would be issued before the end of this Session. We have almost reached the end of the Session; there is now hardly one more working day left. May I urge upon the Government that before the House rises...

PROF. N.G. RANGA (Guntur): How is it possible?

SHRI G.M. BANATWALLA: It was one of their assurances; I am reminding them that there is hardly one more working day left; and before the House rises, let the decisions be known. Of course, Prof. Ranga says it is not possible. But, then, it is not possible because of the delay on the part of the Government, which the Government must

own; and I must urge upon the Government that the matter brooks no further delay. Let there be an early decision, let there be an early notification. Let us know what the decision of the Government is, at the earliest time.

We are now having this Bill for the amendment of the Act; and the hon. Minister was pleased to tell us that this Bill has been brought in accordance with the recommendations of the Bachawat Commission itself. The Bachawat Report has made several recommendations for the amendment of the Act. Only a few of them have been taken up. What has happened to the other suggestions made in the Bachawat Report? We have not been told about that. We have not even been told as to what is the Government's thinking on those particular amendments suggested by the Report of Bachawat Commission. I may, for example, refer to an important recommendation: The Board has suggested that the relevant pieces of legislation need to be given a consolidated form. The Report on the basis of which we are today having this Bill, that Report itself suggests that the Act should be complete in itself, and exhaustive of matters dealt with therein.

Therefore, the Bachawat Report wants a very comprehensive legislation in this particular field. I would, therefore, like to know from the hon. Minister why, in contradiction to the recommendations of the Report itself to have a comprehensive legislation and not to rely on separate pieces of legislation and amendments, a comprehensive Bill has not been brought before us? Let us hope that this recommendation contained in the Report will also be duly accepted by the hon. Minister and the Government at the earliest opportunity. Now, one does not know when that opportunity would come because important opportunities have already been lost by us. So, let us urge upon the Government that this recommendation be treated with all the respect that it deserves and let us have a comprehensive legislation that deals exhaustively with all matters concerning this particular field.

[Sh G M Banatwalla]

We also have the question of health hazard and risk to life. The Bachawat Board has suggested that an Expert Committee should be asked to go into this question. I do not know whether such an Expert Committee has been formed, if not, whether the Government intends to form such a Committee. However, it is necessary that this very important matter should receive due consideration from the Government. Let us have an Expert Committee that can suggest to us provisions for safety measures and provisions for insurance risk and health hazard. Also provisions for medical insurance of employees together with their dependents at the cost of the Newspapers Establishments should be made. I understand and we are told that such provisions do exist in the relevant Act in Pakistan. There is no reason why we should lag behind. I will urge upon the Government to see that separate measures are taken in this respect.

There is also a suggestion for a Committee to study the over-time practices and payments. Let such a Committee be constituted at the earliest and let us go into this particular question.

The main point however remains and that is an early action with respect to the recommendations of the Bachawat Report and the pension scheme. In view of the misgivings that are there in the industry and for the purposes of speedy implementation of the various recommendations, one may even suggest to the Government that this Act be placed in the Ninth Schedule of the Constitution. Let this suggestion also, which has come from the newsmen and from their societies, be seriously considered by the Government. Of course, there are Newspapers Establishments which are criticising that the recommendations would cripple the newspapers especially when such recommendations have come in the wake of staggering increase in the newsprint prices. One may disagree with the Government as far as this staggering increase in the price of newsprint is concerned.

PROF. N G RANGA What about the price of the newspapers?

SHRIG M BANATWALLA That again goes to the consumer. You and I will have to shell it out and the Government also should consider our plight also in this matter.

There is need to evolve new and modern concepts of wage determination and give recognition to both merit and experience. This should be specially true with respect to an industry like the newspapers and therefore the matter should receive due attention and let the experts go into this question of new and modern concepts of wage determination for the newspaper industry.

We have the large newspapers, the small newspapers, the medium newspapers and especially I must plead for the newspapers in regional languages, newspapers in languages other than English. They require proper help from the Government. Indeed for newspapers to stand on Government help is a matter that is unpalatable as far as democracy is concerned. But then there are several recommendations in this particular field also. Without going into all those recommendations, I must say, that the plight of the small newspapers in various regional languages—in various other languages—the Urdu newspapers and their problems must be duly considered by the Government. Yes, I just referred to the Urdu papers. Here, I must bring one matter to the attention of the Government, that is with respect to *katibs*. I believe that the Bachawat Commission Report has grievously erred in considering the *Katibs* as non-journalists. This—rather—an injustice. Those well-placed in calligraphy are taken as working journalists. These *Katibs* also are in the nature of those who are well-placed in calligraphy, they almost come in that category. It is a grievous error. The *Katibs* are an integral part—what should I say?—of the entire Urdu journalism. I must plead therefore that this error be removed. *Katibs*—what is their condition today? They are required and called upon to work on daily wages and no benefits accrue to them. On

the top of it, now the recommendation which does not consider *Katibs* as working journalists is a grave injustice. I must, therefore, say that the Government should also have considered them as working journalists and this error be removed.

Necessary arrangements should also be made for the training so that they may develop their skills further. I understand that there is a project for vocational training and that the World Bank has agreed to provide financial assistance of £ 280 million to pursue vocational training projects. In this particular scheme, Let some work be done for the training of the *Katibs* also. I would plead for the *Khatibs* that not only this error be corrected and they be considered as working journalists but also that due arrangements should also exist to provide training facilities and for the development of the skill to our *Khatibs*.

With these words, I once again urge upon the Government that early steps be taken, in order to see that due notification is issued. Please let us all know the decision of the Government with respect to the recommendations as also such modifications as the Government may be thinking in view of the various representations received from the newsmen.

SHRI P. R. KUMARAMANGALAM (Salem): Mr. Chairman, Sir, at the outset I would like to congratulate the hon. Minister for having taken this step of bringing this Bill in this House.

Mr. Banatwalla quite rightly said that assurances were given to the journalists that the issue of follow up on the Bachawat Report would be completed before the end of this Session. We were awaiting the Bill and when last week we found that the Bill had just appeared, we heaved a sign of relief. But then on going through the Bill, I noticed that it was a Bill that only applied prospectively with no retrospective effect and that is one of the reasons why I have given an Amendment giving a provision whereby it could be brought into force from

1st June 1985. It is obvious—why I did it, the hon. Minister I am sure would understand—that the Wage Board itself was constituted in 1985 and making its recommendations to take effect only from 1989 would be to say the least the joke on the journalists.

Mr. Chairman, Sir, through you I think it would be relevant to point out that all the organisations which represent journalists, whether it is National Union of Journalists or IFWJ, together have said that they are not satisfied with the Bachawat Commission Report. In fact when the Bachawat Report recommendations, the interim recommendations regarding the interim relief, came out, the hon. Minister would recollect that there was a hue and cry when many Members of Parliament joined their voices to those of the journalists to say that this is nothing but an eye-wash. Well, what I would like to state is that this has been slightly better than that, but has not met the aspiration and hopes of the journalists.

16.25 hrs.

[SHRI SOMNATH RATH *in the Chair*]

The Government is aware that the journalists have represented to the Prime Minister. They have represented to the Minister. They have held discussions with the Minister of State for Labour. And the stand on major issues like the dearness allowance which they have demanded, is quite justifiable that they be paid as per the lines of the Fourth Pay Commission. The naturalisation that has been recommended in the Board is at least one generation old. If one talks of 100 percent naturalisation at a level only upto 1250, then all I can say is that it is a generation old. It definitely does not even time with Dubeji's time. When he was our President of INTUC, even he would have said that 1250 level of 100 percent naturalisation is meaningless. Such a suggestion has been made and recommendations have been made. The journalists have represented that the Fourth Pay Commission's rate should be adopted as they are more scientific and equitable. If Government can deem the

[Sh P R Kumaramangalam]

Fourth Pay Commission to be fit for its employees, why can it not consider the journalists at least on par with Government servants? I am not demanding that they should be made superior, but at least on par

The other question is that there are many recommendations where the 40 per cent improvement in pay scales would still bring working journalists only very close to college lecturers. The status of journalists today is in question. One is not looking at it merely from the point of view of rupees, annas and pies. One also looks at it whether the journalists are to be treated as second class citizens or are they to be treated on par with other employees, other persons who belong to the working class?

In the name of freedom of press, one is aware how many press barons have been literally exploiting the working journalists. One would understand it is a small regional paper or a small paper here and there but papers which have been on the scene for many a decade and have been making profits hand over fist, pay a miserable amount to their journalists and dictate what is the policy that the paper shall adopt. Recently, the INS came out saying that they cannot afford. I would like to bring to notice of the Government not to fall-trap to these crocodile tears that they shed on the so-called increase in price of newsprint. If one looks at it from a comparative point of view the profitability of the newspaper industry on the hand vis-a-vis the other industry as a percentage of net worth, you will see that the famous TELCO whose shares are bid at a high levels, it has a percentage of 7.3 while the newspapers has a percentage of 13.57. If you take Associated Cements, it has, percentage of profit to the percentage of net worth, 9.7 while the newspapers still have 13.57. If you see the net worth versus the profit, the newspaper is one of the best industries that one can start with because you can under-pay your employees, you can exploit your employees, you can threaten your employees and say that you have the constitutional

guarantee to do so in the name of freedom of press. If one looks at the net profit or profit before tax as a percentage of turnover, while the Indian Oil Corporation has only 2.79 percent the 'Hindustan Times' has 13.22 percent and 'Indian Express' Bombay has 16.65 percent. I am just giving a few figures to show that there is no justification at all in the claim of employers that they do not have money and that if Bachawat Commission's report is implemented, it would drive them against the wall. That is the biggest untruth that could have been told at all. I would like to submit that the date of implementation would be critical and relevant. Equity and fair play demand that uniform application should be there to all class of newspapers. Of course, it may be justifiable in the case of very small newspapers to distinguish them and give them a little relief. But at least between all known Papers of the national level, there should be no discrimination. Similarly, there should be no discrimination between agencies also.

The technique that has been adopted till now has been to delay the implementation by legal proceedings and other tactics. It is my appeal to the Government, and specially to the hon. Minister for Labour who has himself been, apart from being a Chief Minister and a Cabinet Minister, a labour leader of standing—he himself, I know, at one time has stood in those places where we stand, and raised his voice in favour of the working journalists—that let not the Cabinet Minister's chair influence him. The virus may be strong but the working journalists' cause is very just.

I would like to submit that the amendment being brought in officially by the hon. Minister himself—the Government amendments—to ensure that this Amending Bill takes effect from the date of the act itself, is very welcome. However, notification under the Act has certain complications. It is because of this that one suggestion was put forward in this House by Mr. Banatwalla that it should be put in the Ninth Schedule. I had given another suggestion earlier and that was to make the terms and conditions of working

journalists as a Schedule to the Act. It looks as if the Government is not in a position to do so because of certain legal complications. But whatever it be, let not the notification procedure be delayed to such an extent that the whole five years' work that the Bachawat Commission has put in, becomes a nullity and a joke. What is required today is immediate action. At least those provisions on which there is no dispute between the Bachawat Commission and the Working Journalists Association be notified as of today. If not today, let them be notified tomorrow. But let the word that we will implement the recommendations be kept before the session ends, and let the other improvements, which I hope the Government will consider, be notified after the due process of giving notice to both sides. But let not this notice be used as a weapon by the employers to defeat the very purpose itself.

I do not wish to take too long but I wish to end by saying that it is for the first time that the Government is coming forward positively to help the working journalists and we welcome it. We only wish that this effort is not diluted by any protracted legal proceedings and the Government takes all steps to ensure that it does not happen and the working journalists' hopes and aspirations are met. Thank you, Sir.

[Translation]

SHRI AZIZ QURESHI (Sa'na): Mr. Chairman, Sir, I rise to support this Bill. Earlier hon. Members, Shri Banatwalla and Shri Kumaramangalam expressed their views quite intelligently and I agree with them. I would like to say something in this regard within the time limit.

A short while ago, Shri Banatwalla talked about urdu newspapers. He should have mentioned the conditions of urdu journalists in which they have to work and how they are exploited in the country. Such exploitation does not take place in any other language paper.

In case the Government take action

immediately on the views expressed by Shri Kumaramangalam, then the journalists may be in position to lead a respectable life.

Sir, unfortunately in the name of the freedom of the press many journalists have brought bad name to this profession which was once used to be considered as a noble profession. Many opportunists have entered into this profession. Yellow journalism is the sole reason of this degradation. I would like to request the hon. Minister to ensure that there is no intimidation or black-mailing in this profession and money-minded persons are discouraged while implementing the provisions of this Bill.

Sir, provision of this Bill will not be of much help to the journalists as big newspapers indulge in underpayment in the name of the freedom of the press. I would like to request the Government to take initiative and take strict action against the big newspapers and also give full protection to the journalists. The objective of the Bill, as envisaged therein, would not be achieved. Therefore I would like to request the hon. Minister to move another comprehensive Bill, if possible, in this session and if not issue an ordinance to provide protection to the journalists from the owners of newspapers.

In addition to many other points raised, this point was also raised that big papers are published with a bang all over the country, the complementary copies of which are supplied to all Members of Parliament. I feel that these things are done to save income tax, wealth tax and such other taxes. This has become a normal practice with the big business houses. I would like to draw the attention of the Government towards this and request them to take steps to check such practices.

With a view to extend full support to my journalists friend, I would like to request the Government to pay full attention towards the noble profession of journalism. It will be a great achievement if attention is paid towards the condition of those journalists in the country who treat journalism as a noble

[Sh Aziz Qureshi]

profession The Government should provide full protection to those journalists who spend their entire life in the service of the nation They are upright and dedicated for the sake of healthy journalism The Government must give full protection to them to enable them to continue serving the country

I take this opportunity to quote the lines of renowned urdu poet Faiz Ahmed Faiz, in support of the Bill and in favour of the journalist friends -

[*English*]

Let night's warm blood go on flowing
This darkness is the powder of the face of dawn
It is just about to be morning
Oh restless heart wait

[*Translation*]

SHRI DAMODAR PANDEY (Hazaribagh)
Mr Chairman, Sir I whole heartedly support the Bill moved in the House by the Hon Minister of Labour This Bill apparently appears to be not of much importance and one feels that the plight of journalists would improve with a little effort but it will have far reaching effects

Sir, you are aware that due to the stubbornness of industrialists the experience of wage boards has not shown the desired results Before 1970 also in many industries Wage Boards were set up under the Chairmanship of learned judges, who were acquainted with the facts The representatives of workers and management were also included in these Wage Boards Even the unanimous judgements of Wage Boards could not be implemented because of one reason or the other and because of arbitrary attitude of some persons Consequently the matters remained in courts both Supreme Court and High Courts for years for settlement In this manner every effort was made to see that the experiment of Wage Boards does not prove to be successful In the large

industries which are fully capable and the labourers unions powerful enough to force the industries to enter into agreements, the Government also encouraged settlement of wage and service conditions through mutual understanding and negotiations instead of going in for settlements through Wage Boards However the newspaper owners have never displayed such acumen, otherwise the settlements would have become easier Something peculiar haunts the the minds of the newspaper owners (*Interruptions*)

Many hon Members dwelt over the conditions prevailing in the newspaper industry Many big newspaper owners, who started this industry do not have attachment with their industry, but their attachment with newspaper has been increased Tata, Birla, Dalmia all of them started publishing their own newspapers Newspaper is no more a profitable business only but they also indulge in blackmailing the society and the Government through their newspapers Newspapers out as are result of hard labour of the journalists They work with complete devotion and enable their newspaper to compete with other newspapers but they are exploited to such an extent that they are asked to follow wrong directions and if they do not follow them even inadvertently they are victimised not only in terms of pay but in many other ways I want that Bill dealing with service conditions of the journalists and non journalists should be brought forward which should be acceptable to all concerned and those provision should be binding on the industrialists group who publish newspapers, so that working class, which labours hard may get some relief But, unfortunately, this could not happen because there was no way out Therefore, a wage board was set up for the journalists and their recommendations are before us but in my view certainly there are some good recommendations The people who used to fix the pay scales earlier or formulated service conditions did not realise how owner of newspapers can interpret the recommendations to their advantage They used to constitute industrial groups of newspapers and devised some other ways

too. 'The Indian Express' which is published from separate centres like Madras, Hyderabad, Ahmedabad and from other parts of the India, separate companies were set up headed by their kith and kin. Entire capital is invested at one place and profit too is collected at one place but separate companies were set up to dodge the authorities as well as journalists. Similarly, Dalmia Nagar to Times of India is laying closed and thousands of workers have become jobless. Times of India is a very prestigious business House which could not run its basic industry and indulges in blackmailing through newspapers. We are observing what 'The Statesman' is also doing. All the big industrialist houses bring out magazines, weekly magazines and fortnightlies and express their views through them and they put pressure on the journalists and ask them to suggest improvements in their business. Bachawat Commission has done a great job, they have grouped all categories of workers. I agree that it is a great achievement for the Wage Board. Unless these suggestions are incorporated in some Bill, the newspapers owners will not implement them properly. In my view this amendment is, quite necessary and we shall be able guide the journalists and others working in the press and a line of decision would be set for future and we may feel more happiness on receipt of the recommendations of next Wage Board. The suggestions made with regard to implementation are commendable and I welcome them heartily. I wish that the Parliament should pass this Bill, unanimously. No Mill owner was ready to implement the Award of its Wage Board. It showed helplessness of the Government that wage board was set up but industrial group tries to sabotage. The sugar industry has been asked to implement it in different ways. The Newspaper owners are also behaving in the same manner, although the price of newsprint is uniform throughout India, and their functioning is same but they are earning maximum profit. They engage the people in separate ways. After implementation of provision of this amendment, they will not be able to do so. This amendment is quite essential and I welcome it and I hope that the whole House will pass it unanimously. With

these words I conclude.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, I welcome the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Bill and rise to support the provisions as far as they go.

But at the very outset, I must express my concern as my hon. colleagues, Mr. G.M. Banatwalla and Mr. Kumaramangalam have done, at the delay on the part of the Government in the consideration of the recommendations of the Bachawat Wage Board. We are all looking forward to a comprehensive piece of legislation and not a piecemeal measure and, therefore, I would urge upon the Government to consider these recommendations that are before the Government for quite some time, now, as expeditiously as possible.

We have adequate experience of trade union transaction and the hon. Minister himself is a expert trade unionist. Every such situation creates a tension but it can be reconciled. It is natural to have such controversies between the management and the employees but I think once the recommendations have come before the Government and with all the representations that Government have received from various interests, it should be possible for the Government to come to definite conclusion at an early date.

I would like to take this opportunity, however, to speak of the national trend towards decentralisation.

I find that in this legislation Appendix which of course, essentially is not new in this aspect, somehow encourages the monopoly trend and the trend towards centralisation. I am aware of the fact that there are proprietors and proprietors. There are proprietors who take the place of the editors and there are proprietors who use it primarily as a money-making device, who are not con-

[Sh. Syed Shahabuddin]

cerned with what goes into the paper but they are concerned about if it brings them some profit at the end of the year. But whatever be their motive, in a free country like India, I think, this trend towards centralisation of the newspapers must be combated in a deliberate manner. There have been further extensions of this trend. Many more organisations are coming into the field and they are trying to capture there entire class of papers spread all over the country. I know, for example, one organisation which is virtually trying to extinguish the entire set of Urdu newspapers and replace them by a very elegantly and very beautifully produced newspaper while I admire but if all the newspapers coming from various Urdu-speaking centres in the country were to belong to one organisation, that will be the death of democracy.

SHRI AZIZ QURESHI: Is it there?

SHRI SYED SHAHABUDDIN: I am sure you are aware of it. I do not have to tell you. I am making a general point that this trend must be combated, that the extension of monopoly in the field of newspapers must be combated by the state. I would even go to the point of suggesting that there should be a law that a particular establishment in the manner that you have defined it here shall not be permitted to have control over more than a certain percentage of the total number of copies in any particular language. That must be brought into effect. No single newspaper can, whatever be the number of newspaper units at its command, be permitted to control and to brain-wash the people of India and act as a monopoly and, therefore, I plead with the Government for a comprehensive piece of legislation on the point.

PROF. N.G. RANGA: There is no Home Minister here?

SHRI SYED SHAHABUDDIN: There are small papers and I would like the Government to give special attention to the prob-

lem of small paper. They have to live. Small fish also must have the chance to swim in this ocean. They should not all be permitted to be eaten away by sharks. Therefore, I would suggest that perhaps there should be some law encouraging the journalist fraternity to form cooperative to run newspapers. I do not know whether that has been done or can be done. I am not an expert in cooperatives. But I have a feeling that perhaps it should be possible that a small newspaper in any particular place instead of being owned by a particular person can perhaps be owned by the people who work there including the staff about whom Shri G.M. Banatwalla spoke.

Now I come to the Bill. I fully agree with the definition of the term "Wages". I only hope that when the Government comes to the determination of a National Wage Policy, they will adopt an equally generous definition of the term "wages" to apply to all wages in the country and, perhaps, also in all Departments and Ministries.

But, I am rather doubtful about the term "establishment" for one reason. If you look at the Schedule to Section 2(d), the phrase "substantial number" has been used in four places, that I can see. I am wary of this term "substantial". The word "substantial" means anything and everything. It means exactly what the Government of the day want sit to mean at a particular point in time. Therefore, I would like the hon. Minister to clarify what he means by this term "substantial". I personally feel that if the commonality in the proprietorship pattern or the share holding pattern of two or more companies goes to more than ten percent, that should be considered to be substantial. One should not wait to consider that it must exceed fifty percent or it must go up to ninety percent. They can be brought within the term "substantial". And of course, if there is an anti-monopoly law, as I have pleaded that would apply and that would put a limit to common ownership. Anywhere, if a single group or a single individual tries to control more than ten percent of the shares or the holding of another newspaper, of another establish-

ment, that should be put beyond its scope by law.

With these words, I would like to support the Bill and hope that soon we shall have a more comprehensive piece of legislation and also a clear ideological approach will be adopted by the Government so that the recent incident which left rather a bad taste in our mouth in which an eminent journalist was forced had to quit a newspaper after having contributed to building it up to occupy niche for itself—and such situations are not repeated in the newspaper industry.

[Translation]

SHRIGIRDHARILAL VYAS (Bhilwara):
Hon. Chairman, Sir, I support working Journalists and other Newspaper Employees (Condition of Service) and Miscellaneous Provisions (Amendment) Bill, 1989. First of all, I want to draw your attention towards the Part 'A' of "Statement of objects and reasons of this Bill" in which definitions of newspapers has been discussed:-

[English]

"amplify the definition of "newspaper establishment" contained in clause (d) of section 2 so as to provide for clubbing of various establishments under the common control of any person or body of persons".

[Translation]

New Schedule added in it and new provision contained in part "D" of section 2 are really welcome steps. Had this provision been not made, owners of these big newspapers would have continued to exploit not only the journalists under the law but all of us too. Therefore, I want to submit that a law should be framed to the effect that no newspaper will be owned by any capitalist. The Government should frame such a law that every journalist may work in the capacity of a shareholder, let there be a company and journalists may become its owners. After such arrangement only, newspaper can be brought out properly in this country. Such

arrangements do not exist and present rather all the newspapers are owned by big capitalists. This is the reason why many a time the Government has to face embarrassing situation. Many misleading and contradictory news are published in newspapers and journalists also have to work under pressure, journalists have to tow the line of the owners.

17.00 hrs.

Therefore, it is very essential to curb such tendencies and if it is not done, it will be a great set back for our democracy. It is realised at present and will also be realised in future. Therefore something definite should be done to improve the situation. Nothing has been said about this in the report submitted by Bachawat Commission but I urge the Hon. Minister that such arrangements should be made for the future. It may be taken up on priority basis, through organisation or through some other arrangement but arrangements should be made to make available price information.

Mr. Chairman, Sir, my second submission is with regard to wages, you have included in it:-

[English]

"wages' means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a newspaper employee in respect of his, employment or of work done in such employment, and includes—

- (i) such allowance (including dearness allowance) as the newspaper employee in for the time being entitled to;

[Translation]

Secondly you have mentioned in it.

[English]

- (ii) the value of any house accommo-

[Sh Girdhari Lal Vyas]

dition, or of supply of light, water, medical attendance or other amenity or of any service of any concessional supply of food-grains or other articles "

[Translation]

Now you have provided medical attendance in it. That is not the only question. At times journalists have together information at the risk of their lives, therefore the question of their safety also arises. You have mentioned nothing about it in the Bill. Nothing has been mentioned about insurance too. Nothing has been stated explicitly about the compensation in the event of some injuries caused in an accident. God forbid if some one dies what will be the compensation to be paid to him. As in Government service, if someone dies, in harness, pension and other facilities are granted. No provisions have been made to this effect that how journalists would be helped in such contingencies. Therefore this provision must be incorporated in it.

Mr. Chairman, along with it you have mentioned in it that "But does not include any bonus". There are many provisions under the Industrial Disputes Act e.g. bonus, provident fund, gratuity etc. Similarly there is provision of granting pension also to Government servants. You have taken into account both the things but mentioned that "but does not include any bonus". The man who works, and earns should get bonus according to his salary. Shri Kumarmangalam has just not stated that these newspapers earn more than 13 percent profit and bonus is given out of this sum only. It is granted from the sum earned by the journalists. Therefore bonus should definitely be included in the wages. It should not be excluded from it. It is my suggestion that some provision should definitely be made in this connection, secondly you have stated -

[English]

"Any contribution and paid or payable by the

employer to any pension fund or provident fund or for the benefit of the newspaper employee under any law for the time being in force."

[Translation]

Now you have neither made any provision for pension nor for provident fund in it rather you have excluded them. Therefore, I would suggest that provisions should be made both for the pension and provident fund as has been done in case of workers and Government servants.

[English]

"The gratuity payable on the termination of Service "

[Translation]

In many cases, gratuity has been included in one's wages and is paid to the individual at the time of retirement. This provision should also be included in it. In the absence of these provisions journalists will face so many difficulties. Some recommendations of the Bachawat Commission's report which is still under the consideration of the Government, have been included in the Bill whereas some other recommendations have been left out which has made the journalists unhappy and the newspaper owners say that their financial burden has been increased. Despite a lot of profit earned by the Newspaper owners, they talk like this. Under such circumstances how the Government will implement report of Bachawat Commission in its entirety. As has been pointed out by Shri Pandey that reports of various Commissions and Boards appointed by the Government are not fully implemented which causes discontentment among the people. Some arrangement should also be made for the implementation of the recommendations of a Board or a Commission in their entirety and the hon. Labour Minister has to ensure as to how such an arrangement can be made particularly in respect of wages. I would also like to say that some provisions which have been excluded, are very important and should be included in it. The Government should make

such an arrangement for the future, which may further strengthen our freedom.

[English]

SHRI SHANTARAM NAIK (Panaji): Mr. Chairman, Sir, I stand here to support the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Amendment Bill, 1989.

The Bachawat Commission report, as has been referred to by our colleague Shri Banatwalla, speaks of an exhaustive legislation on the subject. As I go through, I find that there is one more legislation on the subject. I was wondering for a moment, as to why on this one subject, we have another legislation known as Working Journalists Fixation of Rates and Wages Act, 1958. I would like to know from the hon. Minister whether the legislation namely the Working Journalists Fixation of Rates and Wages Act, 1958 is still in force or it has been repealed or if it still exists, what is the scope of this second legislation of 1958 - vis-a-vis - the legislation of 1955. I speak this in terms of the need which is required with respect to unified legislation on the subject. It happens many times that whenever the Government thinks of bringing a legislation on a given subject even if there exists the main legislation, the Government, for the particular purpose, enacts a separate piece of legislation consisting of three or four sections. But after one year, if another eventuality occurs, then another legislation—another Act—independently, is enacted. As a result of that, we have specially in the field of labour three or four legislations on one single subject. So, I would like to suggest to the Government, provision apart, let us have one unified legislation on this matter with a request that you will clarify this aspect of the second legislation which is existing.

I concur fully with our colleague, Mr. Vyas, who has just now said about the newspaper which should be established by journalists. In fact, in certain fields like fishing—I know as far as my State is con-

cerned—sometimes there are restrictions that trawler can be purchased and operated only by a traditional fisherman.

17.11 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Now, why should we not make or enact a legislation or a law to say that only a traditional journalist or a qualified journalist own and operate a newspaper? It may no doubt happen that Tata or Birla may send his son to complete a 2-3 year course in journalism. Well, it is possible. But nevertheless let the newspapers in this country be owned by professionals so that the injustice or the things that we see today in the field of journalism to do not happen in the fashion they taken place.

Newspapers are very relevant. I may say in all humility that they are more relevant and important to us politicians - because it is we, politicians, who convey our thoughts and views to our constituents through the newspapers and magazines. It is we—the politicians of today—who would like to see that newspapers flourish. It is never in the interest of a public man to curb the freedom of Press in any manner. But there is a need today for a code of conduct for journalists to be operated on a statutory basis. No doubt it is said that there exists a code which the industry in following. It may be existing in a voluntary form. When it exists in a voluntary form, it has different meaning for different people. Therefore, if there is a code of ethics for journalists, let that code be a statutory one so that we know that code is the law of that land. A voluntary code has no meaning. Therefore, if a code has to be enacted, it should be in the form of a statute.

In the present circumstances, the investigative journalism is flourishing and it has to flourish. Basically, our journalists in the rural areas need to be protected. In the cities, a journalists, who is doing investigative work, practically has no threat to his life. There may be some instances. Even if there is a threat, he can manage in a city area. But in

[Sh. Shantaram Naik]

rural areas, if problems of weaker sections are to be brought to light, then the rural journalists have to face the landlords, the industrialists, the capitalists and all those who are affected by these things. Therefore, it is in the rural areas specifically that our journalists need to be protected

The problem of inclusion in the Ninth Schedule is very much there. I fully support that because they may not challenge the Act. Any other notification or any other agreement can be challenged in the State. It may be kept pending for years together. The demand for the inclusion in the Ninth Schedule is there and it need not be challenged. Even if it is included in the Ninth Schedule, one has to see the reality as to whether the employees will challenge the inclusion or not. Even if they do, it will easily take two or three years for them to challenge the inclusion of the Act in the Ninth Schedule. But this period time will be a little less than what the notification may suffer under normal circumstances

I would like to mention that much hue and cry was made about the like in newsprint price in the last few months. I would not like to get into the economics of the newsprint price since I do not know the details of it. But I would certainly say that the value of the news should also be scrutinised by the journalists and others when the question of newsprint price comes. In the last five years, a Member of this House, I have seen that many times irresponsible coverage is given to times against the interest of the integrity and security of our country. We do not discourage investigative journalism. In fact, issues which are raised in this House are based on newspaper reports. And there is nothing wrong in it also. Some people say that we should not refer to newspapers. But I do not say this because newspaper is a medium. We as Member of Parliament or representatives of people, cannot go to every nook and corner to find facts. It is very difficult to do so. This is the machinery which does this job through a network of journalists

and reporters. We further carry the messages published in journals and newspapers to this House as representatives of people. And I think it is our duty to do so. Since the messages are carried further, the newspapers should be more responsible and see that the news is true. Therefore, we politicians of today, value the existence of newspapers in the society much more than anything else because our views are carried by them to the people. Our journalists friends are workers toiling day and night to gather news not only for us but for the society at large and for the people who would like to know the pulse of our country. So, let us give some benefits for them; let us not waste time; let us come forward to help this working class in the best way possible.

[*Translation*]

SHRI HAFIZ MOHD SIDDIQ (Moradabad): Mr. Chairman, Sir, I am grateful to you for giving me an opportunity to speak of this Bill.

I support the views expressed by the hon. Members, who spoke prior to me. I would like to say that various Amendment Bills have been passed by the Parliament in the past also but they have not been implemented properly due to some loopholes. Therefore, I would like to say to the hon. Minister that though it is a matter of happiness that the Government wants to provide more facilities to the journalists working in cities and districts but the Newspaper Owners devise such methods to see that they do not get any benefit. As has been said by Shri Banatwalla and other Members that Bachawat Commission has not recommended anything in addition to the Palekar Award to journalists. They work day and night but even then the Newspaper Owners adopt some measures so that benefits do not reach them. They are also not taken into confidence so that they can have their say. Therefore, through you, I would like to say to the hon. Minister that the facilities Government intends to provide to the journalists who work at the risk of their lives and serve the society, should be strictly implemented so that they may get full benefit.

With these words I support the Bill.

SHRI MOHD. AYUB KHAN (Udhampur): Mr. Chairman, Sir, I rise to support the Working Journalists and other Newspaper Employees (conditions of service) and Miscellaneous Provisions Amendment Bill 1989.

I want that our Government should have a definite policy on press. The Press is called as fourth Estate. Therefore, Government should have a definite policy to give it a proper shape. The working journalists have a major role to play in it. To preserve its independent character and for its future safeguard I would request the hon. Minister that instead on piece meal legislation, a comprehensive legislation, which may include the recommendations of the Bachawat Commission, should be introduced and the Parliament should have a full fledged discussion on it. I would also like to say that the error of not excluding Katibs working in Urdu press should also be rectified because they are the integral part of the urdu journalism and no Urdu Newspaper can be published without them. Hence they should be treated at par with the working journalists.

No doubt, the present Bill is for the betterment of the journalists but it would be more beneficial if a comprehensive Bill is brought forward. Even then I thank the Government for whatever has been done for the welfare of journalism and congratulate the hon. Minister. With these words I support the Bill.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Mr. Chairman, Sir, I am very happy that I have moved this Bill for the consideration of this House. While taking part in the discussion on the Bill, all of the hon. Members have supported and welcomed this Bill.

In the course of their speeches, many hon. Members have put forward very good suggestions. I am thankful and grateful to them for valuable suggestions. I convey their while supporting this Bill.

As I already stated in my speech while moving. The motion, the object of this Bill is limited. There have been some controversies misconceptions and wrong interpretation of certain provisions of the principal Act relating to wages and newspaper establishments. Though these provisions are very clear. After studying the reports of different Wage Boards it appeared that the reason for delay in submitting the report of wage board is attributable to varied interpretations of some provisions of the main Act.

Before bringing this Bill in the House, and in depth study of all the reports submitted by various Wage Boards and Tribunals such as Devena Wage Board, Bhandarkar Wage Board, Shinde Wage Board, Palekar Tribunal, Bachawat Wage Board were made by the Government. Necessity of special study arose because Bachawat Wage Board took a lot of time in submitting its report. The delay invited criticism from all quarters. Government was also much concerned about it. In view of the feelings expressed by the people, the Government enquired into the causes of delay in submission of the report of the Wage Board. Upon this, we found that delay occurred due to certain provisions of the principal Act. In order to remove doubts and varying interpretations, this Bill has been brought in the House.

One of the causes for delay has been the varying interpretation of the classification of newspaper establishments. Although definition of Newspaper Establishment is very clear and the classification was first made by the Diveria Wage Board. Some guidelines were laid down by him. But in spite of all those guidelines, the owners of newspapers establishments distorted the criteria of classification to their advantage through all conceivable means. They tried their best to find a way to lower the classification of their establishment. It is known to many Hon. Members as well as the Government. As such Government felt the necessity to remove doubts for ever so that no one can lower the classification in future. Thus the owners of newspaper establishments will not more deprive journalists and non-jour-

[Sh Bindeshwari Dubey]

nalists of their legitimate remunerations and wages through lowering of classification of their establishments. Diveria Wage Board classified newspaper establishments into units, groups and multiple units and newspaper agencies were also classified. Big newspaper chains managed to change the classification in their favour. In view of our past experience, newspaper establishments have been classified and with a view to bringing more clarity, in addition to explanatory clause, a schedule has also been appended to the Bill. This has been done to treat two or more newspaper establishment owned by an individual and his or her spouse as one newspaper establishment. Similarly, two or more newspaper establishments publishing newspapers bearing the same or similar name and in the same language in any place in India or bearing the same or similar name but in different languages shall be deemed to be one newspaper establishment.

Sir, journalism is an important and honourable profession and the Government has high regard for the journalists. We want that they should be given adequate wages and provided facilities befitting their status so that they could lead a decent life. But it is also true that the owners of newspaper establishments frustrated all our efforts to bring improvement in their condition. Shri Damodar Pandeyji has said that the journalists have lost faith in the very concept of Wage Board. Thereafter Tribunals were set up and cases were referred to labour courts. As those measures were time consuming, the Government encouraged settlement of disputes about wages and other fringe benefits through bilateral negotiations. There have been good results of it. Wages are fixed in our core sector, basic industries and also in other industries through bilateral negotiations. Decisions taken about amenities, etc at the negotiating table are faithfully implemented by the employers. The assurances given to the labour class are also implemented faithfully. Many hon Members have pointed out some other disparities which need to be removed. Shri Banatwalla and

other Members have raised the issue of certain other categories also. After submission of report of Bachawat Wage Board, different Newspaper Employees Associations have also given representations. A mention was made about the delay in submission of report by the Bachawat Wage Board and in taking action thereon by the Government. There was a consolidated report containing 720 pages of both the Wage Boards. Both the Wage Boards had 11 members each including justice Bachawat as their Chairman. Except one Member, remaining 9 members appended their signature on the report with their notes of dissent. Their notes of dissent were not identical. There were different notes of dissent on different recommendations. In view of so many notes of dissent, it became imperative for the Government to undertake indepth study of recommendations and the notes of dissent given by the different members. Their justification had to be examined. It took a lot of time. It is known to the hon Members that the Government and for that matter the Hon Prime Minister were very much concerned over the delay in submitting the report and we tried our best to get the report as early as possible. Whenever extension of time was demanded by the Board, it was given for a very short period. Even then work could not be completed in time. Had we resorted to other methods, it would have taken more time. That is why we kept giving some extensions. When I was informed that the Chairman wanted to submit the report a day before the expiry of the term of the Board, my joy knew no bounds. At that time, I was hospitalised for treatment of a serious ailment. Even then, I took leave from the hospital and attended my office so that justice Bachawat could formally submit the report to me. This report was incomplete as it had not been signed by some of the members. They appended their signatures later on. One of the Members appended his signature after one week. Thereafter I again fell sick and went to London for Bye-pass Surgery and returned after one month. During that period the Department studied the report very seriously and processed it. Immediately on my return, I went through the

full report. I can only say that the Government has fully scrutinised the report and it is in the final stage. We do not want to delay the matter. We are careful because if notification is not issued at the appropriate time it may have some adverse results. While giving note dissent, the representative Members have gone to the extent of complete rejection of the report and they have threatened to go to court. Many hon. Members have said that even after the issue of the notification regarding the recommendations of the wage Board, they want to go to court to delay the implementation of the recommendations. Therefore, we are taken steps very cautiously and we do not want to leave any loophole which could help them in delaying the matter through distorted interpretation of the provisions. As I already said that the matter is in the final stage of taking a decision. The Government is taking action and final notification will be issued by the Government very shortly. As regards the purpose for bringing this amending Bill is concerned it has been brought forward with a view to removing doubts and varying interpretations of the recommendations of the Wage Boards. The recommendations of the earlier wage Boards have been twisted to the advantage of owners of newspapers. This Bill has been brought to prevent owners of the Newspaper establishments from depriving journalists and non journalists of their legitimate wages and perks by twisting the recommendations to their advantage which they used to do in the past. This Bill has been drafted after careful consideration of the recommendations of all the previous Wage Boards including the Bachawat Wage Board. Through an amendment, Shri Kumarmangalam has made a suggestion that it should be made effective from 1985. I think that the question of specifying the date of its implementation does not arise as it is not an amending Bill. Nor have we added any new clause to the main Act. This Bill is only clarificatory in nature. Hence, clarifications made in the Bill would come into force with retrospective effect. Therefore, it is not necessary to specify any date for its implementation. I have already cleared it in the amendment made by me. As the time is going to be

over, I would like to request the hon. Members to approve this amendment unanimously. While taking final action in the matter, suggestions made by the hon'ble Members on this Bill will be considered. I would like to assure that their suggestions would be taken into account. I would also like to request Shri Kumarmangalam to withdraw his amendment keeping in view the reply given by me.

[English]

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, be taken into Consideration."

The motion was adopted.

MR. CHAIRMAN: The House now shall take up clause-by-clause consideration of the Bill.

Clause-2 - Amendment of Section 2

Amendments made:

Page 1, line 9, -

for "inserted" *substitute* -
"inserted and shall be deemed always to have been inserted"; (1)

Page 2, line 4, -

for "inserted" *substitute* -
"inserted and shall be deemed always to have been inserted"; (2)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN: The question is:

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

The motion was adopted

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

Clause 3 - Amendment of Section 10

Amendment made:

Page 2, line 32. -

for "to make" substitute -
"from making" (3)

(SHRI BINDESHWARI DUBEY)

MR CHAIRMAN: The question is:

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

The motion was adopted.

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

Clause 4—Insertion of the schedule

Amendment made:

Page 2, line 36,—

for "inserted" substitute

"inserted and shall be deemed always to have been inserted" (4)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN: The question is:

"That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

"That clause 1, Enacting Formula and the Long Title Stand Part of the Bill".

The motion was adopted.

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

SHRI BINDESHWARI DUBEY: I beg to move:

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

MR. CHAIRMAN: The question is:

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

The motion was adopted.

17.52 hrs.

SALARY, ALLOWANCES AND PENSION
OF MEMBERS OF PARLIAMENT
(AMENDMENT) BILL

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT): I beg to move:

"That the Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954, be taken into consideration."

At present under section 6A(1) and 6A(6) of the Act, the Members of Parliament representing the Union Territories of Andaman & Nicobar and Lakshadweep islands are entitled to air travel facility alongwith the spouse/ companion from the usual place of residence in the islands to the nearest airport in the mainland of India. For the return journey steamer facility is available to them. On the recommendation of the Joint Committee on Salaries and Allowances of Members of Parliament, it is proposed to allow air travel facility to them for return journey also from the nearest airport in the mainland of India to