

12:37 hrs.

SEA CUSTOMS (AMENDMENT)
BILL*

Shri Morarji Desai: I beg to move for leave to introduce a Bill further to amend the Sea Customs Act, 1878.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Sea Customs Act, 1878."

The motion was adopted.

Shri Morarji Desai: I introduce† the Bill.

INDIAN MEDICAL COUNCIL
(AMENDMENT) BILL*

The Deputy Minister of Finance (Shri B. R. Bhagat): On behalf of Shri Karmarkar, I beg to move for leave to introduce a Bill to amend the Indian Medical Council Act, 1956.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Indian Medical Council Act, 1956."

The motion was adopted.

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Shri B. R. Bhagat: I introduce the Bill.

12:38 hrs.

WORKING JOURNALISTS (FIXA-
TION OF RATES OF WAGES)
BILL—Contd.

Mr. Speaker: The House will now resume discussion on the motion for consideration of the Working Journalists (Fixation of Rates of Wages) Bill, 1958. Out of 4 hours agreed to by the House for general discussion, 1 hour and 39 minutes now remain. After

general discussion is over, clause-by-clause consideration and thereafter third reading of the Bill will be taken up for which two hours are available. Shri C. R. Basappa may kindly continue his speech.

Shri Goray (Poona): May I request that the time may be extended by 1 hour?

Mr. Speaker: All right; we will have one hour more for general discussion. I hope there will not be similar requests for clause-by-clause consideration also. How long does the hon. Minister intend to take?

The Minister of Labour and Employment and Planning (Shri Nanda): About half an hour.

Mr. Speaker: That means I will call upon the hon. Minister at about 2:45. Hon. Members will kindly be brief, and the time limit will be 10 minutes. I have no objection if hon. Members want to take more time, but I do not know how many more hon. Members want to take part.

There are twelve speakers. Ten minutes to each.

Some Hon. Members: It is too short.

Mr. Speaker: Fifteen minutes. Fifteen minutes for 12 Members will come to 3 hours. Ten to 15 minutes for each.

Shri Basappa (Tiptur): Yesterday, we were considering the question of various objections put forward by the newspaper proprietors to the Wage Board's award and also to the decision of the Supreme Court. From these objections, we could see that they had raised not only one objection but a series of objections. Most of these objections were all rejected by the Supreme Court. They wanted to point out that it was an encroachment on the freedom of the press and also that a big restriction is put on the right to

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† Introduced with the recommendation of the President.

trade on their part and similar objections were raised by them. Ultimately, the Supreme Court rejected all of them and upheld only one objection and that too, to a very limited extent, in my opinion. That, as we all know, is that the capacity of the newspaper proprietors to pay these journalists was not in the forefront. That was the ground on which the Wage Boards award was set aside and therefore, we should clearly see what that objection is, and how we can meet the difficulties pointed out by the Supreme Court. Even with regard to that objection, I said, it was only to a limited extent. That is because, after all, the proprietors of these newspapers want to say that the capacity of the newspapers in the particular unit must also be taken into consideration. What probably the Supreme Court means is that the capacity of the newspaper industry to pay as a whole, in the particular region should be taken into consideration, not every unit should be taken into consideration. Because, at that rate, all kinds of papers are in our country, a large number of mushroom papers, we may even call them, because they do not represent any particular policy or anything like that, and it is not our desire to see all kinds of paper exist here without paying properly for the working journalists. Therefore, when the Supreme Court upheld this objection, that means only the industry as a whole. Even when they considered this question of the capacity of the newspapers to pay, they have taken the very argument of the Wage Board and they wanted to put it against them because they raised this question. The Wage Board authorities wanted to say that the newspaper proprietors did not come forward with all their cards before them, they did not come forward with all their accounts properly and therefore, it was a little difficult to find out exactly the wage to be fixed. When they have used that argument against these proprietors, the Supreme Court, in its wisdom has taken it as an argument that they have not at all taken into consideration these things or in

the record, they could not find sufficient materials to show that they were sent there. Anyhow, we have to respect the Supreme Court and we have to abide by their decision. Let us take it. What the Government is doing is to see that the defect pointed out is completely rectified.

With that object in view, they have appointed a Committee according to the Ordinance and according to the Bill and they are going on with the laudable object of settling the matter once for all within a short time. I do not see any objection to it. Anyhow, they are again raising these objections that this is only an official Committee, that the basis of their enquiry is not very satisfactory, and all these things are raised once again. From this it is evident that their main object is only to prolong the whole thing again for a long time, so that these working journalists or the other workers may not get the benefit for which they are aspiring all these days. About the nature of the Official Committee, they seem to be under the impression, though the hon. Minister has cleared the doubt, that it has the final power in the matter. Even from the Statement of Objects and Reasons, we can very well see that the Ordinance provided for the establishment of a special Committee for the purpose of making recommendation to the Central Government—I mark the word Central Government—in regard to the wages to be fixed for working journalists. Why should there be any fear at all? After all, when the Wage Board was there, they used to raise the objection that it has the final power, there is no other final authority at all, why should the final authority rest with the Wage Board, and so on. The Government has taken the whole issue and their effort is to settle the matter amicably to the proprietors and working journalists. They have now come forward with this objection. After all, the Committee is going to collect all the materials that were before the Wage Board, and they will call for objections to them.

[Shri Basappa]

One objection raised was that all these things were not heard and not decided. The Committee is going to call for objections. All the objections will be looked into and all the matters passed on to the Government for final decision. There should be no apprehension on the part of the proprietors.

Let us look at the question. They want the whole question to be examined thoroughly, and say that the fundamentals must be gone into, that the industry is in a big catastrophe, that there is a crisis in the industry. In the Resolution at the conference which they held time back, they have raised all these things. If we look at the position of the industry, of course, we do see that some small papers are in difficulties. So far as the big papers are concerned, they are going on quite well with their expansion programmes, and they are quite all right, even paying very high salaries to some of their relatives who are there managing the whole show. All kinds of expenditure are put in there. If we examine this expenditure correctly, we will come to know whether they are making a profit or not. I think, if all these accounts of these big papers are properly examined by our Income-tax officers more thoroughly, some of them will have to be booked seriously. There are all kinds of malpractices; newsprint is taken and it is not distributed properly and it is misused. We are hearing all these things in this House when there are questions on newsprint and its mismanagement and mis-use. At the same time, they are going on with their expansion programmes. When it is the case of small papers, there are difficulties and these difficulties are created by the big papers themselves. They are not supplying newsprint in an equitable manner to them. It is our duty to see that these small newspapers go on properly and their paper is distributed properly. That is another aspect of the whole question. We must certainly look into the recommendations made by the

Press Commission and put them into practice.

This question has come from very big men in this country who held very high positions. One Member is from the Rajya Sabha. We all know Pandit Kunzru is a very great man. More than that, there is our Shri R. R. Diwakar. They have taken up this cause in such a vigorous manner. We were very sorry to hear the other day an extract from a letter written by Shri R. R. Diwakar in this respect. It was a letter in an offensive language. A responsible gentleman.....

Shri Joachim Alva (Kanara): Can this letter be read out in order to enlighten the House?

Shri Nanda: It the hon. Member has in mind the reference which I made in my opening speech, then I think there is some misunderstanding. I did not make mention of the letter from Shri R. R. Diwakar. It was from the President of the IENS and the particular portion of it which I quoted was in the speech that was delivered by the President and I am just laying the whole material on the Table of the House. [Placed in Library, See No. LT-851/58.]

Shri Basappa: I am very sorry Apart from that letter, from the speech that was delivered by Shri Diwakar in that conference, we can see that he has said that there is jeopardy for our independence, for our democracy, that it will recoil on our democracy and our fundamental rights are thrown to the dust. I do not exactly remember what all he said, but they all speak to the fact that he is raising all these very big questions as if they are thrown to the winds. But I wish to say that Shri Diwakar himself is connected with a very big enterprise, the Samyukta Karnatak Trust, and it was up to them to give all the materials to the wage board, and how far they have done or not still remains to be seen. When they had agreed to abide by the decision of the wage board,

now to go back on that and raise all kinds of objections, I think, is something which I cannot understand. Anyhow, these great gentlemen have taken up the cause of the newspaper proprietors, and I say that it is unreasonable.

After all, these questions will have to be settled in the interests of both, for in a newspaper there are so many aspects as we know, and all the interests will have to be safeguarded. Of course, they say it is just like putting the cart before the horse, that we are not going to develop the industry but we are going to give more wages to the working journalists and all that. After all, these are parts of a big industry, and all the interests have to be safeguarded.

Anyhow, the solution of this problem is very important. It has been pending for a very long time, and various suggestions are thrown, and people say wage boards are of not much use, and that the tribunal will take a long time to decide these matters. Under these circumstances, the negotiations between the parties failed thoroughly, and therefore what else can the Government do at this juncture except to solve this problem in a more just manner, and therefore they have brought forward this Bill, and therefore it is our duty to see that it is supported, that this Bill is passed, so that the working journalists, after a long time, may have their due share.

Shri T. N. Singh (Chandauli): I am thankful to you to get an opportunity to discuss this very important measure, a measure which I have always looked upon as a very necessary thing, not only for the newspaper industry, not only for the working journalists, but as a whole in the interests of the press, the freedom of the press, and also freedom to carry on the trade that one wants to.

There has been a lot of unnecessary and irrelevant talk on this question outside this House, not in this House,

and in the press. When a year ago, in 1956 May I believe, the wage board was appointed, it took almost a year to come to certain decisions, but the proprietors of newspapers went to law court challenging the decisions of the wage board. I can very well realise and envisage the difficulties which the wage board must have experienced, though it was presided over by a very eminent Judge of the High Court, Shri Divetia. But from what little experience I have of newspapers, newspaper concerns, as a Member of the Press Commission, and also in other capacities, I can say that the accounts of very few newspapers can stand scrutiny. I am making that statement with a full sense of responsibility. A noble soul like the Chairman of the Press Commission, Justice Raju Shyakhsha, knocked his head against all kinds of pressures to get at the facts. Gentlemen as he was, even he had to threaten action under the Commissions of Inquiry Act against various newspapers who did not submit information regarding their financial position.

We had occasion to go through some of those accounts. We desisted from making any further probes into the balance sheets and accounts rendered by the newspapers. In the interests of our newspaper industry maintaining a good name, of the press and the press proprietors, we did not want to do any mud-slinging. Even then what had that Commission to say? It will be rather interesting if I refer to the manner in which the accounts were kept and maintained by some newspapers, and whether they actually showed the true state of affairs of the accounts. The Commission says:

"In one concern, substantial advances have been made to employees on the managerial side who, in a number of cases, were also relations of the proprietor. This was not a satisfactory feature particularly since the concern was depending on loans for its entire working capital. In another concern, we noticed that large invest-

[Shri T. N. Singh]

ments had been raised for that purpose. The proprietors of the concern had obviously other interests outside the conduct of the newspaper, and the newspaper concern was utilised for handling these transactions also."

We had come across a number of cases where the funds were not being properly used. The accounts were not properly kept, and also the losses that were shown were subject to grave doubt. Even then, taking more than 160 cases we came to the conclusion that on the whole they showed a profit of one per cent. I belong to the days when most newspapers were struggling concerns. From 1925 I have been in the newspaper profession and those newspapers had a very difficult time to go through. Today's newspapers are princes compared to the beggars of those days.

Shri Achar (Mangalore): What about the small papers?

Shri T. N. Singh: I am coming to the small papers. Please have patience. The middle and the big papers were taken into account by the Press Commission and it is in respect of them that this one per cent is quoted. We analysed their accounts. If you see how men are employed, men who belong to their relations' families are put on the role of employees and draw their salaries, certainly there will be loss in the concern. In one case, when I was a Member of the Commission and the Commission had just reported, I happened to meet one of the newspaper proprietors, a very eminent person who often goes on delegations abroad. I had heard something and I casually told him: "What is it, I think, the income-tax people are after you. You have not hidden your income and I suppose the accounts submitted were correct?" That was some 1,000 miles away from Delhi. When I returned to Delhi, a few days after that same gentleman came and asked: "Can you tell me

what is the position? I am very anxious. I shall be very grateful if you can help me." I said: "What is it, are you really guilty of that? I just brought it to your notice. Why are you so upset? Have you got a guilty conscience?" He went away.

I know something of accounts also, and I can say that if anybody had gone into the details of the accounts that the Press Commission got from them, many of the newspaper proprietors who are looking very righteous today and passing all kinds of resolutions, will cut a very sorry figure. I am glad that as a result of the Supreme Court's verdict, the capacity of many newspapers will have to be decided. I wish they will make all the accounts and everything available. One of the difficulties in our way has been, whether in the Press Commission or the wage board, getting at the correct accounts. I would urge the hon. Minister of Labour that if this Act which he is passing will not enable a greater probe into the economic position of the newspapers, he had better strengthen it, give more powers, call for all papers, the duplicate and triplicate books of accounts if necessary. Drastic powers should be given. Then only will the actual state of the profession be known. I doubt very much whether it will be possible for any committee of enquiry to go into these details and give a correct verdict, unless all accounts are made available.

Then, Sir, what will happen? Somebody may put an appeal in a court and the court may rightly hold that all the accounts were not available, how can they judge the capacity. Is the noble profession of journalism to be held to ransom in this manner year after year? Their demand for a decent living wage has been before the country and this resistance I cannot understand. If one were only to examine the kind of people who are employed in newspapers in Delhi or outside, he will find that all kinds of persons are there on the employees' list and money is

being wasted. The real journalists, the working journalists, the poor journalists do not get a decent salary.

Coming to another aspect, when people talk of the freedom of the Press, freedom to carry on trade and vocation, guaranteed under articles 14 and 19 of the Constitution, I am reminded of some of the personal experiences of some of my journalist friends. When the Press Commission was sitting, some persons, who were members of the staff of some newspapers had the courage to come and tell us something. Promptly action was taken against them. There is the well-known case of Mr. Vinay Kumar Sinha. He was transferred and ultimately the poor man is no more there.

Similarly, there were other things. An accusation may be made that I am against all the big capitalists. But there was Justice Rajadhyaksha. He even had to issue a stern warning to the newspaper proprietors who appeared before him that the journalists who appeared before him should not be victimised. He did take up certain cases; the records are there, anybody can verify them. That has been the position.

Now this is not a new development. If I may be permitted to quote from my own experience, I was given notice to get out of a newspaper run by a Maharaja, formerly run by the Congress. The notice served on me was: you are getting—shall I make a comment, of the very high salary—“of Rs. 60” and therefore the paper cannot afford to pay you.

Shri Prabhat Kar (Hoogly): As a measure of economy?

Shri T. N. Singh: As a measure of economy I was retrenched. Then I had occasion to serve another paper here in Delhi a very prominent paper.

Mr. Speaker: I think it has proved a blessing in disguise!

Shri T. N. Singh: Owned by a very prominent businessman of this country. As a journalist I was also a follower of Gandhiji and working among labour and other people.

Acharya Kripalani (Sitamarhi): You were.

Shri T. N. Singh: And now I am yours, Gandhiji's pupil.

Then I happened to be the Secretary of a labour union here. There were the usual strike in mills, as it happened elsewhere. The newspapers said no news about that shall appear. I was the sub-editor and there were my fellow reporters. They gave me some news, as sub-editor it came to me. It appeared in the papers. After three or four days I was summoned before the great Almighty and asked: what are these strikes, can't you settle this? I said you talk it over with the representatives of labour, I will also be there and then we shall discuss. I had nothing to do with the appearance of the news. After another fortnight I received a letter from the Editor: you make your choice, you can either continue as Secretary of the labour union, or you can continue as a member of the staff; you cannot be both. What I was doing during my spare time was no concern of his. Naturally I resigned. I said I would prefer to remain a starving public worker in a labour union than work and retain my job in that paper.

Shri D. C. Sharma: What was your salary?

Shri T. N. Singh: Rs. 125. Then I had to go.

This is the freedom of the Press, freedom of opinion and freedom to carry on ones trade. If such people come and say that these are being jeopardised by the very laudable ordinance, which the Government promulgated, I say let Government take all such criticisms. They will rise higher in the estimate of the people; they will go up. People will have

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more confidence in them. They may lose the confidence of the big capitalists, but the poor and the starving will have love, affection and admiration for them. For that reason I welcome this measure.

Then there was a recent case. He was the correspondent of a paper in the South, a local correspondent. He took some part in helping the working journalists. Promptly he was called and asked that he must not do it, or his connection with the paper would be served or terminated.

Shri Prabhat Kar: 'Association' would be better.

Shri T. N. Singh: 'Association' is the correct word. That was done.

This is what is happening. Is freedom of the Press, freedom of expression, meant only for those who can afford to spend a few lakhs and start a newspaper? Is it not meant for the poorer man, who works for his living, who carries on the noblest of the professions, probably the oldest of the professions in the world, that of carrying the good message to all.

Shri Ranga (Tenali): Since the days of Narada.

Shri T. N. Singh: I would therefore very strongly urge on the Government and every section of this House: let us stand as one man united behind this very necessary measure and support it to the full, make it a little more effective where it is lacking in certain respects and pass it with as much speed as possible. Only at this juncture I felt that our Constitution-makers were very wise in providing the article for the promulgation of ordinances when such emergencies arise. I also congratulate the Government for having taken the courage of promulgating the ordinance.

I would say only one small thing and sit down. I do not know how to put it. I feel it is not proper for people

who have been heads of States to get themselves involved in these controversies. There was the case which was going on. It is perfectly true that there should be freedom to carry on one's trade and profession, and one can argue a case if one happens to be a lawyer. But I personally felt then that it was not a very desirable convention that was set up. Again, we find another Head of a State has taken cudgels on behalf of a section of people called the newspaper proprietors. When a man becomes a Head of a State, he has nothing to do either with proprietors or with the have-nots or the have's. If somebody who is above all this...

Shri Ranga: Why should the hon. Member bring all that in?

Shri T. N. Singh: I wish it had not happened.

Shri Goray: But he himself was a proprietor.

Shri T. N. Singh: I would very much like that such personalities need not come into such controversies, and I very much regret that.

Mr. Speaker: I would urge hon. Members not to make any references either on the one side or the other to Heads of States. Whatever they might have said, when once somebody makes a reference to it, naturally, another must criticise it. So, let their speeches not be quoted either for the one side or for the other. We shall try to avoid that. Whatever may have been said already, certainly I hope and trust that the Heads of States will also not put themselves into controversial issues.

Shri T. N. Singh: That was my object.

Mr. Speaker: Anyhow, let us not bring them in here. (Interruptions).

The Minister of Information and Broadcasting (Dr. Keskar): If a person is no more a Head of a State,

how does he come in? Supposing he is an ex-Head of a State, what would be the position?

Mr. Speaker: Was the statement made by him as Head of State?

Dr. Keskar: I think there is a mistake.

Shri T. N. Singh: The reason why I raised this was this. After one has become a Head of a State, one does enjoy a certain position.

Shri Ranga: That does not mean that he should be constitutionally judged throughout.

Shri T. N. Singh: When a person has become President or anything like that, he tries to avoid being involved in controversies of this nature. It was from that point of view that I suggested that it may be better if we could avoid such things. If we cannot avoid it....

An Hon. Member:. They can avoid it.

Mr. Speaker: All that I can say for purposes of our debate is that so long as any person is a Head of a State—whether the Head of this Union or the Head of any particular State—let his conduct as such Head of State be not brought in here. Whether he continues to be the Head of a State or not, let not his conduct as Head of State be discussed here.

Shri Ranga: This is after he has ceased to be Head of State.

Mr. Speaker: His conduct during the period of his office as Head of State shall not be called in question here, even though he might have ceased to be the Head of a State. After ceasing to be the Head of a State, or before he became a Head of a State, he was only an ordinary citizen and if he made any statements, there could be no objection, if there is reference to such statements.

Shri Prabhat Kar: That is what we are referring to.

Shri T. N. Singh: We are referring to the conduct after he has ceased to be Head of a State.

Mr. Speaker: The fact that he was at some period Head of a State need not be brought in here, and need not be referred to at all here. Instead, hon. Members can say so-and-so had said so, or that any big citizen in this country had said so.

Shri Joachim Alva: What my hon. friend wants is that we should lay down healthy conventions as to whether a Head of a State, after retirement, should mix himself in the bread-and-butter politics.

Mr. Speaker: He may himself become a proprietor or even a working journalist. God alone knows. Every day, the ex-head of a State does not get a pension; what is he to do? Is he to die of starvation?

Shri Prabhat Kar: In making a reference to any particular individual, if it is said that he is an ex-Governor or that he was a Governor, it is not in any way going to prejudice his status or anything else.

Mr. Speaker: Let there be absolutely no reference to his Governorship. It need not be referred to at all. Instead, it can be said that so-and-so has made a statement.

Shri Prabhat Kar: After all, when you describe a man, you have to describe his status.

Mr. Speaker: It is not necessary. Let us be clear about this matter. In regard to the Head of a State, his conduct as such Head of State shall not be called in question here....

Shri Prabhat Kar: We are not doing that.

Mr. Speaker: Whether he continues to be the Head of a State or not; if the conduct relates to the period while

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he was a Head of a State, that shall not be called in question here. That is the first thing.

Secondly, when his conduct before he became the Head of a State or after he ceased to be the Head of a State is referred to, let not the fact of his having been the Head of a State be referred to here.

Shri Ranga: He should be treated as a citizen.

Mr. Speaker: Let him be treated as an ordinary citizen. But why should we call him an ex-Governor and then begin to abuse him? It is very wrong. I would not allow it.

Shri T. N. Singh: But there is one constitutional point. Under the Act passed by Parliament, we are giving pensions to certain ex-Heads of States.

Some Hon. Members: No.

Shri T. N. Singh: Yes. (Interruptions) Only to the President. We are giving pensions to a certain ex-Head of the entire State.

Mr. Speaker: We are not questioning it. Enough has been said about journalists. Leaving aside the question whether the Heads of States should receive pension or not, I am not here called upon to adjudge whether a pensioner can take part in these things or criticise the Government, as if all pensioners are keeping quiet, and they cannot enter into politics and begin to abuse Government also. There is no meaning in referring to Heads of States or ex-Governors and so on. If any person is elsewhere, and he is not in a position to defend himself, apart from his being Head of a State, how does any reference to him come in here? Unless there is a report which we are discussing and we want to discredit the statement or the evidence of any particular person, he need not be called in question here. I do not

know how it is relevant at all and why it has been allowed. Let there be no reflection made upon any citizen of the country unless it has got a direct bearing on this, and as far as the Bill is concerned, he gave evidence before the Select Committee, and any hon. Member wants to say that his evidence ought not to be accepted, he has got interest one way or the other and so on.

Shri Bimal Ghose (Barrackpore): He made a reference to it. That is why we are referring to it.

Mr. Speaker: Who made a reference to it?

An Hon. Member: The Minister.

Mr. Speaker: Let him be making a hundred references. A number of people may be making references. Why should we be worried? Are we now saying that a thousand people have said this or that or made a reference to this or that? Independently, we are in a position to judge on the merits, irrespective of the personalities, unless all hon. Members are trying to be carried away by what a particular individual says. Therefore, let us avoid references to individuals.

Shri Prabhat Kar: He is a party to the dispute in respect of which the Bill has been brought. And reference has been made by the Labour Minister to the speeches and the letters of the I.E.N.S.; and he being a party, naturally, we have to take into consideration the fact that one party is going it. And we are not charging him as Governor but only for what he is doing, because we expect that such a respectable gentleman should behave differently in such matters. That is why we are saying this.

Shri Ranga: After he has given up his seat of office as Governor, he becomes an ordinary citizen like anyone of us. It should be open to him to express his views or to take any

stand that he likes. It is open to us also to condemn him. It is not necessary for us to make a grievance of the fact that he had been Governor.

Shri Prabhat Kar: We are making no grievances.

Shri T. N. Singh: I did not make any grievance of that.

Mr. Speaker: I was not here to hear what reference was made regarding that individual.

Shri Prabhat Kar: He was chairman of the meeting or the conference of newspaper editors, and he has sent a letter to the Labour Minister, which was placed before Parliament.

Mr. Speaker: If any reference has been made to any individual for the purpose of strengthening the one side or the other, it is open to the other side to say that such kind of criticism ought not to have been placed. But in that connection, let no reference be made either by the one side or the other to his having been Governor or the Head of a particular State.

Shri Goray: Though, usually, we the Members on this side of House, are allergic to any Ordinances, I think this is the one occasion when we can say that this Ordinance was called for and was opportune. The Bill that is before us seeks to replace the Ordinance of June, 1958.

The genesis of this particular Bill that is before us dates back to 1952 when the Indian Federation of Working Journalists met in Calcutta.

At that time, the newspaper industry was in a state of chaos and because of the representations made by the Working Journalists' Federation, a Press Commission was appointed in 1952. The Report of the Press Commission is, I should say, a monumental work, and perhaps in the history of journalism in this country, it will always occupy a honoured place. This Report gave rise to the Working

Journalists (Conditions of Service) Act of 1955. After that, a Wage Board was appointed with Mr. Justice Divatia as Chairman in 1956. The Wage Board came out with its recommendations in 1957. As soon as these recommendations came out, they were challenged by some of the newspaper establishments in this country. They went to the Supreme Court and the Supreme Court gave its final verdict in March, 1958.

A good many points were raised by the newspaper establishment which approached the Supreme Court—as many as 11. But it is to be noted that out of these 11 points, all except one were negatived. The one and the only point admitted by the Supreme Court, on which the Court held that the decisions of the Wage Board were not valid was that the wage scales recommended were not related to the capacity of the newspapers concerned.

The newspapers establishments which had approached the Supreme Court had referred to all sorts of violations; they had said that article 14 of the Constitution was violated, they had said that article 19 was violated, implying thereby that freedom of the Press and freedom of trade were jeopardised.

13-23 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

All this was not accepted by the Supreme Court. Therefore, when the Supreme Court found fault with only one of the recommendations made by the Wage Board, the Government came out with this Ordinance which tried to meet the objections raised by the Court. The provisions of that Ordinance have now been incorporated in this Bill too.

If we look at clause 4 of the Bill, we find that provision has been made to meet all possible objections that could be raised against the Wage

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Board decisions. We find in clause 4(2)(b):

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

Then in sub-clause (4) of the same clause, we find:

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

Therefore, one more objection that was raised has been met. Finally, in sub-clause (5), they say:

"The Committee may, if it thinks fit, take up for consideration separately groups or classes of newspaper establishments, whether on the basis of regional classification or on any other basis, and make recommendations from time to time in regard to each such group or class".

One fails to understand what the objection of the newspaper proprietors is to this Bill. This Ordinance and the Bill which seeks to replace the Ordinance have not come out of the blue like a bolt. This matter has been there for a long time. Discussions have been taking place right from the time of the Report of the Commission. In the Report of the Commission, they had recommended certain measures. After that, there were consultations between Government, proprietors of newspapers and working journalists. Afterwards we find that when they approached the Supreme Court—even when the Supreme Court was seized of this matter—there were negotiations going on. After the Supreme Court gave its

decision and the Ordinance was promulgated, even at that stage, discussions were not barred and we hear that every time the representatives of the newspapers were consulted. To a certain extent, they had agreed; they had committed themselves to a particular course of action and after the negotiations were over and conclusions reached, they again went back on their word and told Government that they could not accept what had been recommended.

I do not know why the hon. Minister was so modest in his attack on the newspaper proprietors. Immediately after this Ordinance was promulgated—about three weeks afterwards—the newspaper proprietors held a conference in Delhi. The pamphlet that they have brought out describes this conference as a "unique conference". They go on to say in their resolution that this particular Ordinance was "objectionable, unconstitutional and unprecedented". These are the three words they have used to describe this Ordinance. After describing the Ordinance in this manner, I won't be surprised if these people again go to the Supreme Court. A hint to that effect has been dropped by one of the big people in our country who inaugurated the conference. I am referring to the speech made by Dr. Kunzru. He has stated in his speech—this is on page 10 of the pamphlet—as follows:

"If there is any further litigation, I do not know what would happen".

I am really sorry that a great man of Dr. Kunzru's stature should have walked into the parlor of these gentlemen. He should not have said this, that 'if there is further litigation, I do not know what would happen'. I am quite sure that there is going to be further litigation, because successive attempts of Government to come to some agreed formula or to arrive at a particular agreed solution have always been turned down by the newspaper proprietors.

Now, they are saying that the Ordinance and the Bill go much beyond the recommendations of the Press Commission. But I would like to ask these gentlemen whether even the recommendations of the Press Commission were acceptable to them. As soon as the recommendations were out, they started a campaign against them. They said it was not possible for them to accept them, that Government were trying to interfere, that this was an encroachment on freedom of the Press and the rights of free trade were being curtailed. All sorts of accusations and charges were levelled against the suggestions in the Press Commission's report.

I think what they really want is to prolong this state of suspense. They do not want seriously or sincerely to have this problem solved. They have said that they want an inquiry *de novo*. I do not know what remains to be inquired into. We had the Press Commission. Then we had the Wage Board. Then they went in appeal to the Supreme Court. The Supreme Court investigated so many things. Now, when Government have come out with this Bill, they again say that there must be an inquiry *de novo*. What has to be inquired into? The point as regards capacity to pay has been laboured often. After all, what is this capacity to pay? In their Report itself, the Press Commission have said that when they tried to investigate it, it was very difficult to find out the truth. What they have said is not to the credit of the newspaper proprietors at all. I would like to read out only a couple of passages, small paragraphs. The Commission says:

"It has been represented to us that some managements of papers have followed certain practices that have increased the cost of production and thus reduced the profit available for distribution as bonus. The methods are mainly—

(i) to employ a number of persons, mostly relations of the

employer on high salaries. In some cases, an excessive number of such posts are created on the managerial side and the resources of the concern are thus drained away."

That is number 1. Then, secondly they say—

"To pay excessive commissions to concerns in which the main shareholders or directors are interested. These payments may be by way of commission for purchase of newsprint or acting as sole selling agents, sole advertising agents or managing agents, and sometimes even without any business justification at all."

These are the accusations made against these concerns by....

Mr. Deputy-Speaker: The hon. Member must soon conclude. The hon. Speaker announced that no hon. Member can get more than 15 minutes and he has instructed me like that. The hon. Member began at 1.19.....

Shri Goray: I will just finish in two or three minutes, Sir.

Having said this, what I wanted to point out was that the position of the newspaper proprietors is not at all a just one. It is just a cantankerous attempt to prolong this stage of suspense and indecision.

Let me come to the news agencies, agencies like the P.T.I. for instance. The Press Commission had also some hard words to say about these agencies.

What they are doing is this. Long drawn out negotiations have been going on. The employees of the P.T.I. have represented their case and they have asked for revision of their scales. But the answer they have got to their demands from the people who are in charge of the P.T.I. is that it is not possible for them to meet their

[Shri Goray]

demands because they are running this agency at a loss.

It has been pointed out by the Press Commission that many of the Directors of the P.T.I. are in their private capacity proprietors of newspapers. The agency does not want to raise the subscription rates. After waiting for so many years the employees of the P.T.I. have notified the management that they should either give them some sort of interim relief or they will have no other alternative but to go on strike. Such a situation which we should all like to avoid becomes inevitable when the newspaper proprietors take a stand which is not at all reasonable.

Government must do something about it and see to it that we must have an answer to the challenge that these people are throwing at us. I wonder whether this Bill, if it were to become an Act—as it would very soon—would be in a position to meet this challenge because the whole thing would be once again in a melting pot. Therefore I would request the Government to see to it that the fate of the working journalists is not kept hanging in the balance for a long period of time. We will have to put a stop to this somewhere. Government will have to tell the proprietors that their patience is at an end and that they are not going to entertain any more appeals or any other attempts to leave the fate of the journalists hanging fire.

Mr. Deputy-Speaker: Shrimati Sucheta Kripalani.

Shri Joachim Alva. (Kanara) 7032—

Mr. Deputy-Speaker: I thought Shri Joachim Alva was not in his proper seat.

Shri Joachim Alva: I am sorry, Sir; if it was a question of getting up from my seat I would have done so.

Mr. Deputy-Speaker: If he had got up in his proper seat he would have been called first.

Shri Joachim Alva: I think I will get this honour later.

Shrimati Sucheta Kripalani (New Delhi): Sir, I thank you for the lucky chance I have got.

This is one of the Bills which is having universal support from all sections of this House. This is very gratifying because Government is having this unique privilege of getting the approval on the measure from all sections. That shows how right this Bill is. This Bill is now replacing the Ordinance that was passed in last June. Under the Ordinance a committee has been appointed to go into the question of the rate of wages to be fixed for working journalists and to make recommendations to the Central Government.

Normally, we would have disapproved of an Ordinance. We consider an Ordinance an encroachment upon the rights of the Parliament. But this is one case where all of us wholeheartedly support the action of Government and we think that Government had no other way but to take this strong step.

The question of the conditions of wages of the journalists is a long standing one. This problem was mooted both by the Press and the public for a number of years. At last the Government of India appointed the Press Commission. The Press Commission also submitted its report in 1954. After that another two years elapsed before the Wage Board was appointed and the Wage Board submitted its report in 1957. I am reminding you of the years to show that quite a long time has gone and the whole procedure has been rather slow, if anything.

Then the decision of the Wage Board was challenged before the Supreme Court on several grounds. One of the grounds—an astounding one—was that it was an encroachment on the freedom of the Press, another that it was an unreasonable restriction of the right of trade. To invoke this principle of encroachment on the freedom of the Press at this juncture looks to me like a parody. The Indian Press has fought for its freedom for many years but this is not the time to take shelter under this principle in order to deny the journalists their just rights.

The Supreme Court rejected all the grounds that were contended before them except one. Only this one round was allowed that the records did not show that the Wage Board had fully assessed the capacity of the newspapers to pay, as provided under section 9 of the Working Journalists Act. On this sole ground all the decisions of the Wage Board were invalidated. This was naturally a very great blow to the journalists and it created considerable unrest among them. There was more than unrest, Sir, because some of the proprietors and publishers, taking advantage of the Supreme Court's decision withdrew the recent wage rise they had given. They even went so far as to try to recover the back payments already made. Therefore, the situation was really very serious. You must also take into account that there was practically a wage freeze since the appointment of the Press Commission because the matter was under dispute and every day people were expecting some decision. It was, therefore, quite justified on the part of the journalists to be agitated over the situation that had arisen. And, it was perfectly justified on the part of Government to take stock of the situation and act promptly and try to give some relief to the journalists. The Government showed exemplary patience in this case. They made three attempts to bring about some kind of amicable

settlement between the journalists and the proprietors. The first two attempts proved failures because of the intransigence of the proprietors. The third attempt was the appointment of a special sub-committee of the Cabinet with the Home Minister as Chairman, Dr. Keskar, Shri G. L. Nanda and Shri A. K. Sen as members. They went into the question and tried to bring about an adjustment between the two parties. The Chairman, the Home Minister, made it clear that the basis of negotiations should be the acceptance of the general scheme of things, negotiations were to be made only to modify the wage structure in order to give relief to the journalists. Negotiations went on and both parties were consulted.

As a matter of fact, certain proposals were made by the Home Minister which were to give relief to the proprietors—to some proprietors even to the extent of 30 per cent. They all agreed. Then they said they would consult their parent bodies. After consulting the parent bodies, they totally went back upon the agreement; they repudiated the negotiations. They took a stand which was not only a pre-Supreme Court stand but a pre-Press Commission stand. They took a very recalcitrant attitude. So, what was the Government to do? Government had no other way; they tried their level best to have some settlement. Settlement having failed, Government had to take the step of issuing the Ordinance.

Let us take the question of the capacity to pay. Only on this sole question, the Supreme Court has given a judgment against the Wage Board decision. Did the Wage Board not take into consideration the capacity to pay? The very fact that the Wage Board had allowed different scales of pay for the same kind of work in different papers goes to show that the income of the papers had been taken into consideration. Perhaps the Wage Board did not so fully and meticulously go into the question as to satisfy

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the Supreme Court. But the Wage Board had gone into that question as far as it was possible.

Suppose the Wage Board's recommendation fell short on this point, who was to blame? Was the Wage Board alone to blame? As had already been ably pointed out by Shri T. N. Singh, the publishers and proprietors took recourse to every method in order not to reveal their true financial condition to the Wage Board. There was manipulation of accounts. The chain papers were in a very convenient position. They would refer the members of the Board, if they happened to be in Calcutta, to their office in Bombay; and if they were in Bombay, they would refer them to Delhi. In that way, they evaded placing their books before the Wage Board. We know that there are trusts who have got money enough to make endowments and to give in charity but not money enough to pay fair wages to their journalists. The other day Shri Khadilkar gave some instances of newspapers whose proprietors had enough profit to start new units but not enough money to pay wages to the journalists.

There are other vagaries to which a reference had been made. There are some chain newspapers. Let us say that there is one unit which does not make a profit but that unit may have one man as editor who is paid Rs. 5,000. But the other units which make a profit, the other units of the same chain, have men as editors and journalists who are paid a pittance. Fixation of salary depends upon the whims of the proprietors. The proprietor fixes the salary taking political or other conditions into consideration rather than the consideration of fair wage. It is not justice or fair play. Such appointments are often made. So, these go to show the chaotic condition prevailing in the matter of payment to journalists. I want to draw attention to something even more serious. This whole matter

shows that the attitude of the proprietors is based on commercial ethics; their whole ethics is commercial ethics; their whole morality is commercial morality. If we look at this problem, not from the narrow point of view of fair wage to journalists, but from a wider point of view, what do we see? What has happened in the last 10-15 years. Who have invaded the Press and what type of people have been able to publish papers? Are they concerned with journalism or with the welfare of the people? No. They are not concerned with the welfare of the people; they are not journalists themselves. They have taken up these papers merely as commercial ventures. Just as a commercial magnate may run a shoe factory or a textile mill, in the same way, he runs the Press merely with the object of getting some financial gain. Some of them have become very clever and they feel that if they own a paper, it is political power which they can wield. So, such people control press either from profit motive or with the idea of wielding political power. A new class is gaining ascendancy in the words of Indian Press.

Indian Press has been associated with top-ranking patriots like Raja Ram Mohan Roy, Tilak and Gandhiji; all these people had been associated with the Press in some way or other. The tradition of the Indian Press is one of patriotism and idealism and it has played a very great and noble part in our struggle for freedom. It has been the guardian of public welfare and civil liberties. The old time proprietors used to be journalists themselves and worked for a pittance in order to build up a paper. A different atmosphere prevailed at that time. It was very difficult to know who was the proprietor or employer and who was the employees. Gradually, this atmosphere has changed. Indian Press has got a high role to play. In this new democracy, the Press is the Fourth Estate; it is the guardian of

our right and liberties. Is the Indian Press able to play this great role?

What has happened in these 10 or 15 years? Has editorial freedom increased? Shri T. N. Singh has told us about this. The journalists have to depend upon the proprietors. Freedom and independence of the Press is throttled. Our journalists do not function in an independent way. This question of pay is a minor question compared to the independence and freedom of the journalists and editors.

The journalists have put up a very good fight for their economic security in that we all support them. But economic security alone is no guarantee for freedom or independence of the journalist. That is a more serious matter in a democracy and it is a matter which deserves the attention not only of the journalists but of all of us who are interested in public welfare. I am very sorry to find that even trusts and other proprietary organisations which should be imbued with the old tradition and which have had a past history and tradition are now borrowing their ethics from their commercial compatriots. Shri Khadilkar quoted instances to show as to how they are now treating their journalists and in what way they are denying the journalists their fair wages.

I should like to refer to another matter to which attention has already been drawn by previous speakers. At the conference of the newspaper publishers held in Delhi last month, very brave words were used and the leaders of the conference condemned the Government roundly. They raised various objections. One very important objection was to the fixation of wage by statute. They said that this was a matter for a judicial tribunal and so it should be decided by judicial

adjudication. But even the Supreme Court did not accept their contention in this regard. The Supreme Court had pointed out that all over the world fixation of wage by Wage Board was considered a better method. It was also pointed out by the hon. Labour Minister in his introductory speech, that the alternative suggested by the owners and proprietors was such that it would have unduly delayed matters and raised too many disputes. They have also criticised the official character of the new committee. They even criticised the restriction of wage enquiry to journalists only as very limited in scope. There is a saying in Bengali that if the material aunt shows greater affection for the child than the mother, then you have to suspect it. These proprietors have become so conscious of the right of all the people working in the Press that they demand the widening of the scope of the enquiry. The cat is out of the bag when you come to the resolution which says that the enquiry should be held *de novo*. Why? Because of one small point the Wage Board's decision have been invalidated by the Supreme Court. If this one little point needs to be reconsidered by this new committee, should the entire findings of the Wage Board be considered as *ultra vires*? Should their entire recommendation be thrown away? Why do they want an enquiry *de novo*? It is merely to delay matters. The sentence quoted by Shri Goray just now shows that Mr. Kunzru is perhaps thinking of again going to the Court after this committee gives its decision. Therefore, it is clear that the proprietors have shown an uncompromising and intransigent attitude. The Government therefore is perfectly justified in taking this step and it has our whole-hearted support. There is no time to go into the details. We accept all the clauses and we hope that this Bill will be of great benefit to the journalists and will put an end to the dispute that is raging before the country for a long time.

Shri Joachim Alva: Sir, the average Indian working journalist is a devoted, patriotic and hardworking man, devoted to the ideals of nationalism. He can hold his own against the best in the world whether it be London, New York, Washington, Tokyo or Peking. But the emoluments he gets are not worth mentioning, he cannot stand against the worst in the world in the matter of emoluments though he can stand against the best in the world in the matter of ability and his devotion to work. The average Indian journalist is a frustrated young man and he does not get what he should really get, while a young man of his age gets the best of jobs in other fields of life and is able to take an executive's salary in four figures in other avocations of life. If an average Indian journalist loses his job, he has to literally walk the streets. He does not know what is the morrow. Mostly he does not get married, and if he gets married, woe be unto his wife and children. He is so much devoted to his profession that he will not think of going . . .

Mr. Deputy-Speaker: I was told the hon. Member was also a journalist

Shri Joachim Alva: Yes, Sir; I am also perhaps, describing my own woes, so it does not matter. If he loses his job, he will not go to any other profession, because he has been so much devoted to his own profession that he never thinks of going elsewhere even though he may obtain better emoluments. That means he has to go out of his job once for all. Once a journalist always a journalist, and in that mission of life he refuses to go elsewhere.

I have described to you in brief, Sir, what is the fate, what is the temperament, what are the objectives of an average Indian journalist. There was a time when this profession was considered very noble. It had a mission in life, but it has now been turned into all a matter of commission, and the commission is turned out by the lords of the profession. There are quite a number of Shylocks

in Indian journalism. There are a few lords whose income or the gross revenue of their papers runs into lakhs and lakhs of rupees. And, rightly, the Wage Board divided them into five or six classes—there may be even eight classes. The A class papers had a gross revenue of over Rs. 25 lakhs, the B class papers had over Rs. 12.5 lakhs to Rs. 25 lakhs, the C class papers had over Rs. 5 lakhs to Rs. 12.5 lakhs, the D class papers had over Rs. 2.5 lakhs to Rs. 5 lakhs and E class had Rs. 2.5 lakhs and below.

It was right that the Wage Board made these five distinctions. Lots of material were presented before the Indian Press Commission in regard to the financial state of all the newspapers, yet the hon. Supreme Court gave a dog's chance to the proprietors on the ground that their capacity has not been enquired into. The newspaper proprietors put forth before the Press Commission any amount of material in regard to their capacity, so much so that my hon. friend, Shri T N Singh, said that if they had uttered lies or they had not told the truth about their own profession, some of them at least rightly deserved to be behind prison bars. Perhaps, the Government want to be very lenient and they may not take all those drastic steps.

The Government of India have done their best to bring forth as many measures as possible to help the working journalists, to put the profession on its feet. First came the Press Commission, then came the Wage Board and then the Ordinance. Then it went before the Supreme Court, and the Government of India has not let grass to grow under its feet, it has brought this Bill in time. I think the Government of India can solve this problem in 24 hours if it means to do it. The hon. Minister is a well meaning man, so also the Minister of Information and Broadcasting. If the Union Government pulled itself up and rose to the occasion, this entire problem of journalism, the Press Trust

of India, the question of journalists, the status of the proprietors and Working Journalists, everything could be solved in 24 hours. Somehow or other my own feeling is that the Government of India, despite all the grand, great and magnanimous intention of the hon. Prime Minister, as a team, perhaps, have not been able to pull up and settle this problem, because their is always 'pressurisation' from outside. The pressure is very great, but that pressure has not succeeded with the masses of India. The masses of India, whether you like it or not, take their own course. Whatever the newspapers may write, they make up their mind in their own way and say: "We shall pull this way in the election." The masses of India today make their own decisions, and they refuse to be dictated even by newspapers, just as in Britain on a critical occasion they said to the lords of the Press: "Nothing doing, we shall have our own way", and they voted as they liked.

Now let us see what is the kind of payment that they have been making. Before going to any other point, I would first like to take up the question of the Press Trust of India. The newspaper lords have been manipulating, have been intriguing in such a manner that they have reduced the Press Trust of India to shambles today. The Press Trust of India should be a powerful body, should be the pride of the land, the pride of the newspapers, the pride of journalism, but it has taken a secondary place. That is because the lords of Indian Journalism sit on the Board of Directors, manipulate votes as they like, bring in shareholders as they like, pass decrees as they like and the really capable, able, patriotic and devoted journalists who are serving in the Press Trust of India, all over the land do not get to decay and be demoralised. They can be fired out of their jobs; they can be hired and fired out of their jobs as the lords like.

Now I come to another question. What do the big newspapers do in regard to medical amenities for working journalists? What do they do about their housing amenities and about other things? Here is *The Times of India*, one of the most prosperous units of the land having a gross revenue of over Rs. 2 crores. If you ring them up at two o'clock in the morning and ask, you get the working journalist doing his noble duty. I asked him once where he was living and he said: "My house is 40 miles away from Bombay." There is no proper place for him to sleep. That is the state of affairs in *The Times of India*. I asked him: "What about your breakfast?" He said: "Nothing doing." These are amenities which the newspaper barons must provide for the working journalists. They must be given a comfortable room to sleep after their work in the night, and they must be able to have their wash in the morning, have their breakfast for nominal charges and go home. Even these amenities are not provided by the biggest newspapers of the land.

Then, how does *The Statesman*, a British newspaper carry the first prize for its printing? They do not merely possess the best rotaries, they have men who oil the machines in a perfect way. I learn that in *The Statesman* they never had a strike, though it is a British paper, with blue-blooded boys in its establishments. In *The Statesman*, in the sense that there are only a few Indians as high grade executives and most of them are Europeans. Whatever that may be, I am only concerned with the technical production. I am also concerned as to why there have been no strikes. Why is it that there was a strike in *The Times of India* and also in *The Hindu*? I do not know about other papers. Why is it that three papers. The total income of the single British owned paper in India, and they are also able to run away with the hound, in the sense that it is able to produce the best copy paper

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in India, though we may not like some of its political contents?

What are the revenues of these three major papers—*The Hindu*, *The Times of India*, and the other one? There is the *Free Press Journal*. It had to undergo any amount of trouble. I remember when it was started. It was started on the hey day of 1930 movement. I would like to pay my humble tribute to Mr. Sadanand, who suffered from a terrible malady of elephantiasis, who walked about in the town, in India, in the world with that disease and wanted to start a news-agency. He worked very hard, and the *Free Press* had to undergo lots of difficulties. The hand of the British came heavily on him. Over a lakh of rupees was demanded as security. The *Free Press* had to face a lot of trouble compared to *The Times of India* and *The Hindu*.

Let us consider the revenues of these three papers. The total income of *The Times of India* is Rs. 2,44,43,165, and they have shown a loss of Rs. 11,877—thank God they have not shown more. They have got now five papers—the *Film Fare*, *Evening News of India*, *Illustrated Weekly* and also the *Nava Bharat Times*. And the glorious salary that they are giving to the Editor of the *Nava Bharat Times*,—he should have been started on at least Rs. 1,000—an A class paper. The Editor was started on Rs. 300, Rs. 153 as dearness allowance and Rs. 50 as other allowances, making a total of Rs. 503. The Wage Board said: "Nothing doing. Pay him Rs. 1,250." How can you pay the editor of a daily, the editor of a Hindi daily, which people read and are influenced by it, Rs. 300 or Rs. 500 a month, when the total gross revenue of *The Times of India* is to the tune of Rs. 2,44,43,165, showing a loss of Rs. 11,000?

Sir, *The Hindu* runs with a gross revenue of Rs. 63 lakhs and it has shown a profit of Rs. 2,14,773. The *Free Press* has shown a loss of Rs. 5 lakhs, though its revenue is only

Rs. 26,64,000—as I told you, it had to face innumerable trouble and it is no use lumping it along with others. But in fairness to *The Statesman* it must be said that it has shown a gross revenue of Rs. 82,84,235 and has shown a higher profit than any other Indian paper in the sum of Rs. 6,18,563.

What happens to my Indian friends? Do they issue a double set of books, a double set of entry, with the highest income of any paper in the East—the *Times of India* publication, with a gross revenue of over Rs. 2 crores and which shows a loss of Rs. 11,000? But it is no wherewithal for the young journalist who works till 2 o'clock in the morning, sitting 40 miles away from home. These amenities are very essential.

When I was the Sheriff of Bombay, in 1948, I called all the newspaper proprietors to bring all the data with them and spend a sum of money, asking them to open out the columns of a newspaper for a fund in the name of Horniman, the great journalist who suffered for India, in the name of Mr. Brelvi, who shed tears in the *Bombay Chronicle*, another great journalist, a Mussalman, and a Hindu. Khadelkar, with the paper called *Navakhal* which circulated during the great days of freedom. He had no big money behind it. And again, Mr. Khadelkar was the first Indian who told the British that "it is because of you that the Hindu-Muslim riots started in Bombay". I said, "Throw out the funds for starting a Fund." Shri Morarji Desai was a journalist and they asked him for a plot of land. We said, we want to have a club here, a club where every working journalist can go and sleep in the night and have breakfast in the morning. They were not prepared to throw open the columns of the newspaper to collect about Rs. 5 lakhs to Rs. 10 lakhs, which could have been collected for the mere asking.

There are no journalists' facilities or a building anywhere in India worth

the name, nor in the capital. The Government have given some two or three rooms next door. For 58 years what has happened to all these wartime profits of the newspaper proprietors? The Supreme Court may know, or, may I, in all humility, say that perhaps they never heard this point. I do not know the proceedings. But the bureaucrats of newspaper industry are able to hire and collect a battery of legal talents. The hon. Mr. Munshi was there and others also. Mr. Shah was also there. There were solicitors and best counsels. But the poor journalist cannot have the services of great lawyers, and after all, even law sometimes triumphs with the aid of the finest talent and a battery of law-lords behind it. And there is this judgment of the Supreme Court before which we have to humbly bow. Next time if and when the case goes to the Supreme Court, I hope that the working journalists and the Government of India will definitely have a stronger and better case to put before the court.

In these kinds of things, what is the position? These are the facts. The wartime profits of newspapers were enormous and huge, and they were wallowing in their profits. We do not seem to consider about them.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Joachim Alva: Yet, the newspapers, even after 10, 13 or 15 years after the war, are not prepared to give the barest minimum to the working journalists. They say, "We are only 20 per cent." They are to be seen in the memorandum set down in the All-India Newspaper Editors' Conference. First, of all, they say that we are only 20 per cent; if we give you 20 per cent, the others will ask for more. Who are the others? The working journalists take on their back the burden of producing the newspaper on the editorial side. There are the others also. What happens

to them? *The Times of India* today should set up and show a higher lead. It cannot merely go on by saying that it is the finest paper of the East. The British-owned paper has shown how to produce the paper, how to treat its employees. I do not know whether they give all the amenities, medical and all that. I do not know whether the Indian executives in *The Statesman* get these amenities: holiday once in three years abroad, for their wives and children. I want to know how many newspaper proprietors, the big top class, I, II, III—*The Hindu*, *The Hindustan Times* or others, give these facilities for their young men and women to go abroad. It is the bounden duty of big newspaper proprietors whose income has risen to Rs. 1 crore or Rs. 2 crores, to allow their young men and women who have served for seven years or more, to go abroad, to London, Tokyo and Prague, and see how they in those centres write a story and work in the newspaper offices. The journalist must be sent to London, Tokyo, Prague, etc. He must travel. Unless he travels, he cannot write with authority; he cannot write with feeling; he cannot write with judgment.

I would like the Ministry of Information to have a list as to how many men and women these newspaper proprietors have sent out of their own volition. They may go on delegations or other things.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Joachim Alva: Two more minutes and I will sit down. These are the essential matters that they ought to provide for.

Mr. Deputy-Speaker: I cannot give him two minutes. I give one minute.

Shri Joachim Alva: Two minutes. I shall finish. I want to get back to my old point. It has been the fate, destiny, of the Press Trust of India, that it has been sabotaged by the newspaper lords, and unless the Govern-

[Shri Joachim Alva]

ment takes this matter in its own hands, in the manner that the Press Commission has suggested, it will be difficult. It is a pity that it is the same case with the United Press of India also, which was started under noble auspices. Mr. Sadanand was one of the founders of the United Press of India. There is enough scope in this land to run these news agencies, if they are run well. They will go also on the rocks if they do not function well. These newspaper agencies should be the eyes of Indian journalism, and unless we are able to build up young men in these newspaper agencies, capable young men and women, able young men, who are able to take care of these, and see that they are provided enough money not only for their wives and children but also for their amenities, housing and other amenities, we will not be able to run our journalism on the right lines. These are the essential amenities.

I would beg of my hon. friends here not to neglect the other side: not merely the salary, but the other amenities, which are very essential for their upkeep. With these words, I thank you, Sir, for having given me the chance to speak on this Bill.

Shri Naushir Bharucha (East Khandsen): Mr. Deputy-Speaker, Sir, while most of us have expressed our sympathy with the lot of journalists, I think the best way to express that sympathy is to see that the legislation which we enact is flawless. It is very necessary to examine very critically the judgment of the Supreme Court so that we may avoid the various pitfalls. The decision of the Wage Board was challenged before the Supreme Court on two grounds: first, that the Act itself was *ultra vires* in that it violated articles 19(1)(a) and (g) and 14. But perhaps it will surprise the hon. Members to know that the ingenuity of the newspaper proprietors in attacking the Wage Board's decision was simply wonderful. They at-

tacked it on 11 different grounds; that the reconstitution of the Board itself is *ultra vires*. Then they said that the decision was taken by a majority and that was not warranted. It is wonderful. Then, the procedure of the Board ignored the principles of natural justice. The reasons for the Wage Board's decision were not given. Classification on the basis of gross revenue was not authorised under the legislation. Grouping into chains and units was not authorised. The Board was not authorised to fix salaries on an all India basis. Again, the Board did not take into consideration the capacity to pay. That was the only argument out of the 11 points that was held good by the Supreme Court. Then, they said that the Board had no authority to give retrospective application. Then, they had no authority to fix scales of salaries for three years and the Board had not before them the cost of living index figures.

Why I am citing all these various arguments is because similar arguments may be taken up—a dozen of them—even on the existing Bill, as it is, and if one of them proves fatal to the Bill, then the poor journalists will have to be sent by us on a wild goose chase. I want that to be avoided, and that is the main purpose of my speech.

The Supreme Court stated that the capacity to pay was not taken into consideration. First, the concept of the capacity to pay includes also the elasticity of the demand of the product. Secondly, it also includes the extent to which the burden of higher salaries could be passed on to the consumer. Thirdly, whatever else you say, capacity means the producer, in this case, the newspaper proprietor, who must not be sent out of his business. Bearing all these factors in mind, let us see what should have been done by the Government. Let us get this thing very clearly: that the capacity to pay has come to stay.

I might say that from the legal point of view, the judgment of the Supreme Court is a monumental judgment. But it is going to give a lot of headache to the Government because every industry will now claim, apart from newspaper industry, that the capacity to pay must be taken into consideration. Therefore, it will throw open the floodgates of litigation. But, since it is the decision or the pronouncement of the highest tribunal of this land, we have to accept the fact that the capacity to pay must be one on which this House should legislate. This House cannot merely say that the capacity to pay ought not to be taken into consideration, because, there again, we would go into legal trouble. Therefore, let us be very clear that capacity to pay must be thrown into bolder relief in the Bill that we have to enact. If we do not do that, it is inconceivable that ultimately this Bill might also be held invalid by the Supreme Court.

All that I want to see is that let there be not even the slightest loophole, because the ingenuity of the learned counsel for the newspaper proprietors is great, and therefore it is that we must be careful and see that a mere flaw this way or that way is not found. What I consider, in my opinion, to be and which may turn out to be flaws is what I am going to present just now. If we examine the scheme of the Bill, we will find that we are proceeding, not from the scratch, but we are proceeding by taking the Wage Board decision as the starting point. The hon. Minister has said there is nothing wrong in that, because that is the only basis on which you can modify or otherwise alter the decisions of the Wage Board beyond recognition. The scheme of the Bill is that we have got a committee which is required to give notice, and in the notice the Committee has to call upon the newspaper proprietors and the working journalists that they should make representations in regard to certain matters only.

If we see clause (4), sub-clause (2) says:

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

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

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

Therefore, "the capacity to pay" is brought in by the backdoor, merely in connection with the rates of wages. What I am pointing out is this. Why should we restrict the terms for making that representation? Because, ultimately, the Government will take a decision on the basis of the recommendations that the Committee makes, and the newspaper proprietors might contend that by the terms of the Act, by the language of the Act, they were restricted from making a full and free representation on the capacity to pay and, therefore, whatever recommendations the Committee may make are null and void. I have given my amendments only with the object of amplifying the scope of representation. Probably it may take more time, because more representations will be made.

Then, sub-clause (c) says:

"the alterations or modifications, if any, which, in the opinion of the person making the representation, should be made in the Wage Board decision and the reasons therefor."

[Shri Naushir Bharucha]

Now, making modifications and alterations is not the same as outright rejecting the award, just like restricting a right does not mean abolishing or extinguishing such right. Similarly, if you say "altering and modifying", that does not give the right to say that the whole thing should go lock, stock and barrel. If, therefore, the Supreme Court comes to the conclusion that from the very start the newspaper proprietors were handicapped by reason of the fact that the language of the Bill restricted unnecessarily their freedom to make a representation—a High Court or the Supreme Court can very easily say there was no unfettered freedom given for representation at the time when the section was enacted—if any such flaw occurs, then again the poor journalist will have to go into wilderness.

Then you say in the Bill that "we shall decide all matters which, in our opinion are minor matters, without referring to the newspaper proprietors". If they are major matters, then only shall refer them to parties. How can you change the accepted principle that no order can be made to the prejudice of any party without that party being heard. Does that principle say that when it is a minor matter you can pass the order without hearing the other party? Again, you will tumble there. It is conceivable that the Supreme Court may take a different view; that is a different point. But a danger is there in taking this view. If we want to express our sympathy for the working journalists, the best way to do it is to make this Bill flawless. It is no use merely repeating *ad nauseam* that their condition is bad. That is an accepted fact. But what are we going to do about that? If I were there in the place of the hon. Minister, I would have proceeded in a very different manner. First, I would have appointed a fact-finding body to find out the capacity to pay, giving the fullest freedom to every

side to make representation in any manner it wanted in connection with the subject matter of the dispute. I would not have restricted the scope to "altering or modifying the Wage Board decision". That is bad. It may turn out to be bad. Who knows?

Secondly, having done that, Government should have come to their own decision as to what should be the fair wage. Thirdly, having come to that decision, instead of issuing a notice, it should have been embodied as a legislative Act of this House. In connection with the legislative character of the functions of the Wage Board the Supreme Court has made certain very illuminating references. Referring to the character and functions of the Board, they say:

"There is considerable difference of opinion whether the functions performed by the Board are administrative, judicial, quasi-judicial or legislative in character. The question assumes importance on two grounds—whether the decisions of the Wage Board are open to judicial review" (if they are judicial, they are open to judicial review) "whether the principle of *audi alteram partem*—no man shall be condemned without being heard—applies to the proceedings before the Wage Board. If the functions were administrative or legislative in character, they would not be subject to judicial review and not only would they not be amenable to the writ of certiorari or prohibition under article 32 or article 226, but they would not be amenable to the exercise of special jurisdiction under article 136.... The principle that no man shall be condemned without being heard, that was not followed in the course of the proceedings before them and the procedure adopted by them was contrary to the principle of natural justice."

The point I am making is this. What will be the character of the function of the Wage Board or any authority that you want to set up to make recommendations? That character of the function is again determined by the language of the Bill.

Here it is obvious that, according to the language of the Bill, the functions are quasi-judicial. Also, on the recommendation made by them, the notification which the Government will pass, that itself will be open to challenge once again. The only way to prevent this being open to challenge, or at least to not a successful challenge, is to invest the final decision of the Government on the basis of the report of the fact-finding body with legislative character. Government arrives at a certain rate in the light of their report. Then, instead of the notification, they can embody these rates in a legislative enactment. The difference is this. Then, even if the journalists get much higher rates, the courts cannot question the wisdom of this House to grant higher rates. If it is a quasi-judicial decision, that decision can be questioned. That is the main point in regard to this. I, therefore, submit that when we are anxious to see that the journalists get their dues, it is more necessary that our enactment should be free from flaws. I am afraid, I cannot say that this is a flawless Bill or it is not open to some other objections. It may turn out to be good. But, in order to prevent the journalists from having another wild goose chase, it is very necessary that the Government should consider the amendments that I have suggested. While welcoming the steps taken by the Government to end the protracted agony of the journalists, it is very necessary that in view of the judgment of the Supreme Court we should be more cautious of our steps.

Shri Achar: I would like to make a few observations from a point of view which, I feel, had not been sufficiently discussed, rather not discussed at all, that is, from the point of view of the

small papers. I am not thinking of the barons of the fourth estate. I felt that most of the speakers, including the hon. Minister himself, emphasised more the conditions of the working journalists of those big papers.

We have to consider the industry as a whole. If there are very good conditions in a few big papers like, probably *The Times of India*, which my hon. friend, Shri Alva, mentioned, or *The Hindu* of Madras or *The Hindustan Times* or a few other papers, I would submit that they are exceptions. That is not the general rule.

What is the general condition of this newspaper industry? What does the Press Commission say? They say that an amount of Rs. 7 crores has been invested and the profits do not go beyond Rs. 6 lakhs, i.e., the return is 1 per cent. We have to remember the condition of the industry as a whole and not of these magnates. If these bigger newspapers are not paying properly to the journalists, probably the Government can take steps to see that their conditions are properly remedied and their remuneration is properly paid.

I have also something to do with the journalists and I know that their conditions are very bad. They had been agitating from about 1950 or 1951 and still they are in the same condition. All my sympathy for them and I feel that their conditions must be improved. But, while doing so, let us not forget the smaller papers in the *mofussil*. I would say that that part of the industry is more important. There are innumerable small newspapers in the District Headquarters and even in *Talukas*. What is the condition of those papers? One after another, I find, they are closing down. They have innumerable difficulties, e.g., the difficulty of getting newsprint. What a tortuous method to get the licence? They have not even dreamt of paying income-tax at any time and yet they must take income-tax exemption certificates. There are innumerable

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things. I am not going into that as to how these small papers are labouring and finding it very difficult. That is the condition. These small papers hardly employ some two or three journalists. In some cases, the owner himself is the honorary editor and he employs some two or three persons, nothing more than that.

What is their capacity to pay? Very often, it was repeated here, I find speaker after speaker saying that this capacity to pay is a very small point. I was surprised to hear from hon. Members that capacity to pay is a small point. Is that so? The very existence of that newspaper will depend on that point.

Shri S. M. Banerjee (Kanpur): The existence of the journalists also.

Shri Nausbir Bharucha: The existence of the journalists does not matter.

Shri Achar: At the very outset I said that the conditions of the journalists are bad. Journalists of the bigger papers are altogether different from the journalists who are working in some of these small newspapers. Of course, the Press Commission itself has divided them into several classes. It may be quite right where the income runs in some lakhs, but what about the large number of small newspapers? For example, in my own district there are several weeklies. There may be probably one which is fairly prosperous, but look at the condition of the other papers who hardly have a circulation of 2,000 or 3,000 or 5,000. Every one of them is losing. I do not think I know only the difficulties of newspapers of my district. I know the conditions of newspapers in the neighbouring seven or eight districts at least. I know that paper after paper they are closing down.

The Praja Socialist Party had in our district a fairly good weekly, called

Vichara Vadi. The Vice-President of the Praja Socialist Party was connected formerly with the Congress from 1918 or so. He was running that weekly—a good weekly—to advocate the policy of the All-India Praja Socialist Party. His paper has closed down. What is the condition of the paper of the Communist Party, *The Aruna*. It is running at a loss. I am connected also with another paper. What is the condition of that paper? It is simply struggling for existence. I do not know, when year after year it is losing thousands of rupees, whether it will close or not. That is the condition of weeklies and dailies in the *mofussil*. As I have said, I have not much experience of these bigger papers. I am making these observations from the point of view of the small papers.

Shri S. M. Banerjee: What are you suggesting from Government for these papers—a subsidy?

Shri Achar: I do not know whether that will improve matters. Anyhow I would like to go my own way because hardly I have five minutes or so.

My point is from the point of view of the small journals—whether the remedy now suggested will improve matters or whether it will go to the root of the condition of this industry and whether they will not suffer more? What is it that is suggested in this Bill? An official committee is to be appointed and the conditions are to be decided. I want to ask this question—in fact I want to appeal to the hon. Minister—will it be possible for this committee—an official committee—to know more about the conditions of the papers in the *mofussil*? Will it be possible for them to go into this question and find out what exactly is the position of these newspapers and what is their capacity to pay? Will it be possible? I find from the financial memorandum that about four months are provided. The hon. Minister was pleased to say that probably that may be extended a little more. It may be five months or

so. I ask this question whether this official committee will be able to go and find out the conditions of these several small weeklies spread all over India from Cape Comorin to the Himalayas. Will it be possible for this committee to go into this question and find out what exactly is the condition of this industry? Of course, the Supreme Court has come to the conclusion that the capacity to pay is an important factor. My hon. friend, Shri Bharucha, has already pointed out that there are technical difficulties which will also have to be got over

Now, the capacity to pay is a point that has to be considered. Will it be possible for this committee to go into this aspect of the question and find out what exactly is the capacity to pay and whether this committee will be able to suggest a rate of wages? I would submit that they will not be able to do so. At this point I would like to submit as to why in the case of the journalists the ordinary procedure of law is not adopted. We have got the Industrial Disputes Act. So, if things are to be gone into there is a regular procedure provided for, i.e., the conciliation procedure and a regular adjudication. I can understand in exceptional cases of very big Presses, where probably they will be able to go and represent their conditions, a procedure like this will be possible. But conditions differ from place to place. What is in Mangalore may not be even in Mysore. What is in Mysore may not be in Hyderabad or Jabalpur or Ludhiana. Conditions are so different. Workers are working in different conditions altogether. If that is so, is it possible to have a general rate of wages or is it necessary to look into the conditions of each area? That is why I would submit that the general provision of the law, the common law of the land, the law which provides the Industrial Disputes Act and which provides the remedy whether that will not be the proper method so far as at least the smaller journals are concerned. I would appeal to the hon. Minister to see that either these small journals

are exempted from the scope of this Act or I will say that it must be a committee which would go into this matter in detail.

In fact, the Press Commission or the Wage Board also had to admit that they did not have sufficient material to fix any rate of wages. In fact, the Chairman himself in his remarks says:

"Such anomalies may also be pointed out. But it must be remembered that we had no data of all the newspapers before us and where we had it was in many cases not satisfactory."

The Chairman himself had to admit that that was the position and the information that they had. When that is so, is it possible for an official committee, and I find that this committee is practically a committee from the Secretariat, within that space of time to enquire into all these conditions and advise the Government as to how this wage must be decided. I would submit that this committee will not be able to do it, if my submissions are correct. I would appeal to the hon. Minister to consider the consequences of any recommendation that could be made about these small newspapers. These newspapers have not merely their journalists to help them. As several of the critics have pointed out, this journalistic industry does not consist of only the working journalists. In fact, they have several other departments, the circulation side, development side, printing side, composing side and several other sides. As a matter of fact, as the Owners' Conference has pointed out, the expenses on the journalists is only one-fifth. If we look to this side only, what will be the consequence on the other departments of the newspaper industry? Will it not create dissatisfaction? It may be, as pointed out earlier, the bigger magnates may be able to stand it. What is the position of the smaller papers? If one-fifth of these workers are given an increase, what will be the condition of this industry? It is already in a very great stress and strain. What will be the condition of

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the small papers and the four-fifths of the other employees in their concerns. I would submit that the Minister may be pleased to look to this side of the question specially in view of the fact that the investment and the number of persons employed may be more in these bigger concerns. As a matter of fact from the point of view of the independence of the press and from the point of view of building up a democracy, I would say these small papers are of the greatest importance. If this Bill is passed, I submit, it will be a great thing, a great injustice, I will say, so far as these small papers are concerned. I would appeal to the hon. Minister once again to consider this aspect and see that the small papers are not made to suffer.

श्री भक्त बर्षान (गढ़वाल) : उपाध्यक्ष महोदय, श्रमजीवी पत्रकारों के वेतन-स्तर को निश्चित करने के सम्बन्ध में शासन ने जो अध्यादेश जारी किया और दो दिन पहले श्रम मंत्री महोदय ने जो विधेयक यहाँ प्रस्तुत किया, उसका मैं हार्दिक समर्थन करता हूँ।

श्रम मंत्री महोदय ने अपने लम्बे भाषण में जिस संयम और धैर्य से काम लिया है उसकी मैं प्रशंसा करना चाहता हूँ। यद्यपि यह निश्चित है कि समाचारपत्रों के मालिकों का जो सम्मेलन पिछले दिनों इसी दिल्ली में हुआ था उसके द्वारा धारित प्रस्तावों और उनमें दिये गये भाषणों के बारे में माननीय मंत्री जी ने विस्तारपूर्वक समझाने का प्रयत्न किया और इस बात की मुझे बड़ी प्रसन्नता है कि अपनी उत्तेजना को उन्होंने अपने तर्क में रखा, व अपने नियंत्रण में रखा। उन्होंने काफी विस्तारपूर्वक उनके सम्बन्ध में प्रकाश डाल दिया है। इसलिए मैं इस सम्बन्ध में और अधिक नहीं कहना चाहता था, लेकिन श्री आचार्य ने जो मुझसे पहले यहाँ पर एक-दो बातें कहीं, उसके कारण मुझे मजबूर होकर कुछ बातें सदन के सामने रखनी पड़ रही हैं।

सबसे पहला प्रश्न जो उन्होंने रखा और जो सवाल समय-समय पर उठाया जाता है वह यह है कि बड़े-बड़े जो समाचारपत्र हैं उनके मालिकों की धाड़ लेकर कहीं वेहूँ के साथ धुन न पिस जायें और कहीं छोटे समाचारपत्रों को आघात न पहुँचे। मैं स्वयं इस सदन में समय-समय पर इस बात की आवाज उठाता रहता हूँ कि छोटे समाचारपत्रों की हमें रक्षा करनी चाहिए, लेकिन मुझे इस अवसर पर अपने शासन के कर्णधारों से फिर यह शिकायत करनी है कि समय-समय पर जो मुद्दावें दिये गये उन पर अभी तक पूरे तरोक संभल नहीं किया गया है।

प्रेस आयोग ने एक बहुत महत्वपूर्ण सिफारिश की थी, मूल्यानुसार पृष्ठपत्र, प्राइम पेज रीडयूल के सम्बन्ध में : उनके बारे में कई वर्षों से विचार हो रहा है। यह निश्चित है कि अगर उस प्राइम पेज रीडयूल को लागू कर दिया जाय तो जो छोटे समाचारपत्र हैं उनकी आर्थिक स्थिति सफल सकती है और वह पत्रकारों को पूरा वेतन दे सकते हैं; लेकिन मुझे जहाँ तक मालूम हुआ है, हमारे बड़े समाचारपत्रों के मालिक उसमें आड़े आ रहे हैं और उसमें अड़चनें डाल रहे हैं।

इसके अतिरिक्त पिछले दिनों मैंने जो आघातों की चर्चा की थी उसमें भी मेरा यही उद्देश्य था कि भारत सरकार की जो अपनी सरकारी विज्ञापनों के बितरण की नीति है उसमें भी जहाँ तक हो सके भारतीय भाषाओं के समाचारपत्रों को तथा जो छोटे छोटे समाचारपत्र हैं उनको और अधिक प्रोत्साहन देना चाहिए और अधिक संख्या और अधिक परिमाण में विज्ञापन देना चाहिए, ताकि उनकी आर्थिक स्थिति सुधर सके। मैं इस अवसर पर प्रार्थना करना चाहता हूँ कि उन्हें शीघ्र इस और रुकवट उठाना चाहिए, ताकि हमारे छोटे समाचारपत्रों की आर्थिक स्थिति सुधर सके। अगर यह दो रुकवट उठाये गये तो मैं समझता हूँ कि उन की आर्थिक स्थिति इसनी सुधर जायेगी कि जो वेब बोर्ड ने सिफारिशों की थीं या वह समिति

कुछ संशोधित रूप में जो सिकरारिषों करने वाली हैं उनकी धरायगी करने में कुछ धक्कन नहीं पड़ेंगी ।

उपाध्यक्ष महोदय, अम मंत्री महोदय ने विस्तार के साथ जो अमी समाचारपत्र मालिकों का सम्मेलन हुआ था उसके बारे में अपने विचार प्रकट किये थे । यहाँ पर कुछ माननीय सदस्यों ने यह भी धाराका प्रकट की है कि जब यह विधेयक स्वीकार हो जायेगा तथा उसके बाद इस विधेयक के द्वारा जो समिति नियुक्त हो रही है उसकी रिपोर्ट मदन के सामने और देश के सामने आ जायेगी और जब उसको लागू करने का अवसर हमारे सामने आयेगा उस समय यह हो सकता है कि समाचारपत्रों के मानिक फिर उच्चतम न्यायालय की शरण लें । यह काफी गम्भीर मामला है । हमें यह देखना है कि यह कानून इस तरीके का बनाया जाये और इस पर इस तरीके से प्रमल किया जाय, ताकि इसकी कोई सम्भावना नही रहे । लेकिन इसके साथ ही साथ मैं सरकार से यह भी निवेदन करना चाहता हूँ कि विश्वमनीय सूत्रों में यह मालूम पड़ता है कि हमारे समाचारपत्रों के—बड़े समाचारपत्रों के—मालिक माहिबान कुछ एक पड़्यत्र धन्दर-धन्दर रच रहे हैं । वे केवल उच्चतम न्यायालय में ही नहीं जाना चाहते, बल्कि पत्रों की स्वाधीनता के नाम पर, मैं तो कहूँगा कि उनका दुरुपयोग करने पर उतारू हो रहे हैं और जहाँ तक पता चला है उससे यह मालूम होता है कि उन्होंने इस बात का निर्णय कर लिया है कि अगर यह समिति स्थापित हो जाय और यह उनके विरोध के बावजूद भी कुछ सिकरारिषों करें और सरकार उन पर वृद्धता से प्रमल करें, जैसा कि मुझे पूरा विश्वास है कि वह करेंगी, तो उनकी धोर से सरकारी और ससदीय कार्यवाहियों का 'ब्लैकआउट' कर दिया जायेगा । यह एक बहुत बड़ा गम्भीर पड़्यत्र मालूम पड़ता है । अभी २२ तारीख को यहाँ पर इस सदन में जो विचार प्रकट किये गये, कुछ ऐसा मालूम पड़ता है

कि उन पर 'ब्लैकआउट' लगाया गया यानी यहाँ पर जो लोकल ऐडीशन निकलता है उस में तो कुछ समाचार दिये जाते हैं, लेकिन जो डाक ऐडीशन बाहर भेजा गया उसे तोड़ा मरोड़ा गया और काट-छाट कर दी गई । कुछ ऐसा एक होता है कि जब वह समाचार प्रकाशित हो गया तब उस के बाद समाचारपत्रों के मालिकों के दिमाग में कुछ फितूर आया और उन्होंने अपने मम्पादकों को डराया-धमकाया कि इतने लम्बे-चौड़े समाचार क्यों दिये जा रहें हैं, यहाँ तक कि शायद मिनिस्टर माह्र के भाषण के बारे में भी कहा गया कि इतना लम्बा-चौड़ा भाषण प्रथम पृष्ठ पर क्यों दिया गया है ? तो यह एक ऐसी चीज है जिम के बारे में मैं सरकार को चेतावनी देना चाहता हूँ । सरकार के पास भी एक बड़ा शस्त्र है और वह शस्त्र इस प्रकार का है कि अगर वे ससद् की कार्यवाही 'बायकाट' करना चाहते हैं और बड़े समाचारपत्र माननीय मंत्रियों के भाषणों को भी नहीं छापना चाहते तो उस का जवाब उन के पास यह है कि कम से कम वह सरकारी विज्ञापन देना बन्द कर दें और उन को 'ब्लैक निस्ट' कर दें । इस तरीके में उन के पड़्यत्र का मुकाबला किया जा सकता है ।

उपाध्यक्ष महोदय, मैं ने कुछ संशोधनों की सूचना दी है । उन में मेरी मुख्य मंशा यह है कि काफी देरी अमजीवी पत्रकारों के सम्बन्ध में हो चुकी है । सन् १९५०-५१ से लगातार वे इस बारे में मागे करते रहे हैं । प्रेम आयोग एक प्रकार से उन्हीं के परिश्रम से और उन्हीं के आन्दोलन के द्वारा स्थापित हुआ था । उस के बाद वेज बोर्ड की स्थापना हुई । फिर सुप्रीम कोर्ट में इतना समय लग गया । अब यहाँ पर जो विशेष समिति स्थापित की गई मुझे बड़ी प्रसन्नता है कि पहले अम मंत्री महोदय ने घोषणा की थी कि तीन महीने में उस का कार्य समाप्त हो जायेगा । इस से मालूम

[श्री भवत दर्शन]

पड़ता है कि श्रम मंत्री महोदय बहुत प्रयत्नशील हैं, उन का बड़ा इच्छा है और बड़ा उत्कट अभिलाषा है कि जल्द से जल्द उस का कार्य समाप्त हो, लेकिन कुछ भ्रष्टाचारों को दूर करने से, कुछ भ्रष्टाचारों को दूर करने पड़ रहे हैं जिन का वजह से दो महीने का और समय लगेगा। और मुझे तो यह आशा है कि तीन महीने के बाद पांच महीने फिर छह महीने और इसा तरह कहीं एक वर्ष न लग जाय। इसलिये आवश्यकता इस बात की है कि जल्दी से जल्दी इस सम्बन्ध में निर्णय कर लिया जाय।

श्रमजीवी पत्रकारों के बारे में मुझे कुछ अधिक कहने का आवश्यकता नहीं है। स्वयं समाचारपत्रों के मालिकों के सम्मेलन का उद्घाटन करते हुए डा० कुंजरू साहब ने ये शब्द कहे थे :

"With the conditions under which some of the journalists have to carry on their duty I am well acquainted I have no hesitation in saying that they have not received a fair deal".

अर्थात् कुंजरू साहब ने उस सम्मेलन का उद्घाटन करते हुए स्वयं इस बात को स्वीकार किया था कि श्रमजीवी पत्रकारों की जो आर्थिक स्थिति है वह बड़ा दयनीय है और उस का जल्दी से जल्दी कुछ निराकरण किया जाना चाहिये।

श्रीमान्, मैं इस सम्बन्ध में माननीय श्रम मंत्री जी का ध्यान इस ओर भी आकर्षित करना चाहता हूँ कि पहले इस बारे में जो अधिनियम बना था व कानून बना था उस की बहुत सी धाराओं के सम्बन्ध में भ्रष्टाचारों को दूर करने और तथ्य एकत्र करने की कोशिश की गई, लेकिन उन को अभी तक भी एकत्र नहीं किया जा सका। हमारे पास इस तरह के उदाहरण मौजूद हैं, विशेष कर बम्बई में, और मुझे कुछ गर्म भीती है वह कहते हुए कि मैं उत्तर प्रदेश का रहने वाला

हूँ लेकिन उत्तर प्रदेश में जहाँ कि हमारे गृह मंत्री एक बड़े प्रसिद्ध पत्रकार रह चुके हैं, वे एक दैनिक पत्र के सम्पादक रह चुके हैं, और जहाँ के श्रम मंत्री एक साहित्यिक व्यक्ति हैं और जिन का कि पत्रकारों से काफ़ी अच्छा सम्बन्ध रहा है, उन के होते हुए भी उत्तर प्रदेश में और बम्बई में ऐसे उदाहरण मौजूद हैं कि श्रमजीवी पत्रकारों की तरफ से जितने मामले उठाये गये उन को औद्योगिक प्रदालतों तक नहीं जाने दिया गया ; वहाँ तक उन को पहुँचने ही नहीं दिया गया और उन को बीच में ही समाप्त कर दिया गया। इसलिये मैंने कुछ सशोधनों की सूचना दी है और मेरे कुछ मित्रों ने भी दी है जिन का कि आशय यह है कि राज्य सरकारों के लिये यह प्रतिवायं कर दिया जाय कि अगर कोई ऐसा मसला बेतन न मिलने का आये तो उस को औद्योगिक न्यायालयों के सुपुर्द करना प्रतिवायं हो।

उपाध्यक्ष महोदय, अन्त में मैं इस अवसर पर एक ही बात कहना चाहता हूँ कि समाचारपत्र-मालिकों की ओर से जो स्मृतिपत्र हम कमेंटी को दिया गया है, वह हम लोगों का अर्थात् माननीय सदन का भी वितरित किया गया है। उस स्मृतिपत्र के खंड ११ ५ 'वी' में कुछ शब्द आते हैं जिनकी कि वजह से मुझे कुछ कहना पड़ रहा है। उस में कहा गया है :

"It has always been recognised even by the journalists themselves that the working journalists in English dailies cannot be put on the same basis as those in language papers. The nature of the work and the qualifications for the work in English and language papers are totally of a different character."

यह जो सिफारिश इन्होंने की है या इन्होंने अपने स्मृतिपत्र में जो बात लिखी है, मैं इस अवसर पर उसका कड़ा विरोध करता हूँ। मैं माननीय मंत्री जी का ध्यान और

मन्त्री जी के द्वारा जो इस वक्त एक विशेष समिति नियुक्त की गई है उसका ध्यान मैं इस भ्रोर दिखाना चाहता हूँ। यह धाम तौर पर कह दिया जाता है कि हिन्दी और अन्य भारतीय भाषाओं के जो पत्रकार हैं उनका स्तर नीचा है। लेकिन उसके उलटे मैं बतलाना चाहता हूँ कि आज स्थिति यह है कि हिन्दी और अन्य भारतीय भाषाओं के पत्रकार-जगत में जितने भी हमारे नये पत्रकार आ रहे हैं वे पूरे उच्च शिक्षा प्राप्त हैं, उनके अन्दर एम० ए० और डॉक्टरेट काम कर रहे हैं। इसके सिवाय अगर हम तुलना करे बारीकी से तो जितना अंग्रेजी के पत्रकारों को जो कि दैनिक पत्रों में खास कर काम करते हैं उनको केवल जो सदस्य उनके पास अंग्रेजी में टाइप हो कर आते हैं उन में केवल सशोधन करना होता है, कही पर 'टी' काटना होता है, कही 'आई' पर 'डोट' लगा देना और कही पर, फुलस्टॉप लगा देना होता है जब कि हिन्दी व अन्य भारतीय भाषाओं के पत्रकारों के अन्दर दुहरी योग्यता हाना जरूरी है। उनको अंग्रेजी का अच्छा ज्ञान होना आवश्यक है; और उन के अन्दर इतनी काबिलियन होनी चाहिये कि वह बिजली की गति में उमका हिन्दी और अन्य भारतीय भाषाओं में अनुवाद कर सके। इसलिये हिन्दी और अन्य भारतीय भाषाओं के समाचारपत्रों में जो पत्रकार काम कर रहे हैं उन को दुहरी परिश्रम करना पडना है और दुहरी उन की योग्यता भी हानी है। इस प्रकार दोनों भाषाओं में उनकी समान गति होती है और इस दृष्टिकोण से मैं तो यहां तक कहने को तैयार हूँ कि अंग्रेजी के पत्रकारों को जितना बेतन दिया जाये हिन्दी और अन्य भारतीय भाषाओं के पत्रकारों को उससे अधिक बेतन देना चाहिये। क्योंकि उन्होंने स्वाधीनता के संग्राम में उनके मुकाबले ज्यादा कुर्बानी भी की है। खैर, इसको छोड़िये। आज भी देश के निर्माण में वे ज्यादा परिश्रम से काम कर रहे हैं। मैं कम से कम यह आशा करता हूँ और

मुझे यह पूरा विश्वास है कि माननीय मन्त्री जी के रहते हुए, जो कि अपनी न्यायप्रियता के लिये प्रसिद्ध हैं, जो यह कमेटी बनी है, उसके ध्यान में यह बात रहेगी कि किसी भी हालत में हिन्दी और दूसरी भारतीय भाषाओं के पत्रकारों और अंग्रेजी पत्रों के पत्रकारों के बीच में बेतन के मामले में कोई अन्तर नहीं किया जायेगा। मैं यह नहीं कहता कि क्या बेतन स्थिर किया जाये, लेकिन यह निश्चिन सिद्धांत होना चाहिये कि जो भी बेतन स्थिर किया जाये वह हिन्दी तथा अन्य भारतीय भाषाओं और अंग्रेजी भाषा के पत्रकारों के लिये समान हो।

उन शब्दों के माथ में इस विधेयक का समर्थन करता हूँ।

Shri Nanda: When I made some observations at the commencement of this discussion, I spoke of my anticipation with regard to the course of this discussion. I had a certain impression about the temper and attitude of this House towards the problem which has now come up before it in the shape of this Bill. That has been fully realised. I feel deeply grateful to all the Members of the House for confirming my expectation that if I had not done this, if this Government had not taken recourse to this promulgation of an ordinance in the quickest time possible, Government would have come in for blame and exposed itself to criticism.

As far as I can judge, taking all the speeches together, there has been no objection whatever, no doubt expressed regarding the desirability of having an ordinance on the subject. So far as the substance of this proposal is concerned, here also I believe practically all the hon. Members are, in accord with the Government regarding the provisions and the intent of this legislation. One or two Members, however, have indicated a certain difference of opinion regarding certain provisions of the Bill. There is, however, this acknowledged fact.

[Sri Nanda]

One hon. Member, Shri Achar, spoke in a different strain, and as far as I could understand the object of that speech, it ran counter to the basic concept and approach of this proposed legislation.

Hon. Member, Shri Prabhat Kar, who spoke immediately after I had finished my speech, also has some other suggestion to offer. Although he fully agrees that there should have been an ordinance, his point of view is that instead of a Bill which provides for the appointment of a committee which is going to make an enquiry and make recommendations, it would have been far better for the Government itself to come forward with proposals for a wage scale, to be embodied in the legislation itself. This is an attractive idea, and was before our minds also, but how would the Government have arrived at a decision regarding what should be a proper scale of wages? There would have had to be an enquiry, both because when you are looking at a thing again you have to apply your mind and assure yourself that a fair deal is being given to all concerned, and also because of the express directions of the Supreme Court. They have to be complied with. There had to be an enquiry. Then, a certain amount of time should have elapsed in the course of that enquiry. What does this Bill do? What was the provision made in the Ordinance? The inquiry precedes the determination by Government of what the wage rates should be. Parliament has been asked or approached to sanction a certain procedure for the purpose of ascertaining what the facts are, what the situation of the industry is, what the specific factor, into which an inquiry is now called for in terms of the judgment of the Supreme Court is, and so on. And what Government have agreed to do and what they have recommended to Parliament is that there should be a committee which will be properly assisted in the matter of, this assignment of

theirs to have a close look into the state of the industry, its capacity to pay, what scales or wages are going to be recommended for adoption etc. This would have had to be done. It is better that it is done in an open way, and Parliament knows what procedure is being adopted for the purpose of carrying out this responsibility. And what is being intended through this Bill, I feel absolutely sure, is preferable to the course suggested by the hon. Member.

Then, there was a suggestion that instead of adopting this particular mechanism or this particular procedure, we should have gone ahead with a kind of *de novo* inquiry and set up another wage board or something like that. In my remarks at the outset, I covered that ground I believe, adequately, and explained why that course was not necessary at all and was open to certain objections.

The intention is that we should have enabled the newspaper establishments to state their case fully and furnish all the information that they can so that the matter may be looked at fully and afresh. Shri Achar has gone much farther, and I shall deal with his point, namely that the question of the capacity of the industry has to be gone into. Whoever denied that this was important? This question of the capacity of the industry is relevant in all proceedings for wage determination. Except when it is a question of a subsistence wage, to what extent the capacity comes in may differ according to circumstances. But the capacity of the industry is there, and it is relevant, and it is being taken into consideration. As attempted to indicate, what was it that came in the way of a full assessment of the capacity of the industry then, and how would a *de novo* inquiry have made any difference from the point of view of any legitimate consideration?

The question raised by Shri Achar was: How would it be possible for this committee to judge the capacity of the industry or the capacity of a particular newspaper in a particular corner of this country, by sitting here, and how is it at all considered feasible that a uniform scale of wages can be accepted and applied over the whole industry, in the whole country, considering the enormous variations in the capacity and the circumstances at each place? This consideration is not restricted only to the newspaper industry. It is quite relevant in the case of all industries. An industry of a national character is spread all over the country. Which industry is not? Take the case of the textile industry, for example.

Shri Achar: I should like to explain one matter. With regard to all other industries, no such legislation for fixing wages for the whole country has been adopted. Usually, a dispute arises, and it goes before the industrial tribunal; the tribunal goes into that particular question and decides the scale of pay or the rate of wages. It is only with regard to the newspaper industry that this method has been adopted. That is my submission.

Shri Nanda: The hon. Member is speaking to the Labour Minister as to what ways are being adopted for the purpose of wage determination in different industries. And with all humility, I may inform the hon. Member that he has to study a little more of the history of wage determination in this country. There are a number of industries where wage boards have been appointed, or tribunals have been appointed, which have taken into their purview the whole stretch of the industry in this country, and may be, it was open to them to take into account regional considerations also, just as it is open to this committee to take into account regional considerations. But there it is.

One answer is that it is quite possible, quite feasible, and quite proper, depending upon the cases which are being dealt with, to have a scale or a

wage rate which will be operative or applied to the entire industry in the whole country, that is, a uniform scale. Take, for example, the coal industry. The tribunal settled certain wage scales, and they are very extensively applied. So, it is not that the newspaper industry has been singled out and an invidious distinction is being made to the disadvantage of this industry. That is not so. This is the usual approach towards fixing the standard of wages, in order that there may not be bickerings and quarrels and disputes from day to day; for, in one place, the workers are having a certain scale, while at another place, they are having more for practically the same kind of work, and this always leads to tension and difficulties and trouble. Therefore, the trend of wage fixation has been in the direction of greater and greater uniformity in the interests of industrial peace and in the interests of justice.

In this case, it has been made very clear in the Ordinance and in the Bill that it is open to the committee to take into account regional variations. So, this answers my hon. friend's point. And who can give us the assurance—can the hon. Member do that—that even if we enable the members—the number of members is limited, but we have appointed more than a score of officers—or others to go into each and every unit including the smallest, there will be the guarantee that that unit will furnish the information simply because somebody goes there? Why could not that information have been furnished otherwise? Was it not asked for by the Press Commission? Did not the Wage Board itself make a serious endeavour or effort and try to persuade? Also, I believe, they tried to do something more vigorous also, but they did not succeed. What prevented the persons concerned, whose interests and whose handicaps and difficulties are in the mind of the hon. Member, from giving all the information that they had quickly in order to enable, in the first instance, the Press Commission and afterwards the Wage Board to have all the data and the material before

[Shri Nanda]

said, so that it could not have been said by anybody that the wage capacity to pay had not been fully considered?

15 hrs.

If the material had been there—all of it—there would have been no difficulty. As has been pointed out by several Members, some of the proprietors refused to give the information and in order to escape that liability to furnish the information, they in advance were prepared to commit themselves to pay whatever scale was applicable. This meant that their capacity to pay was unlimited. I do not know what considerations made them to take up that attitude. I cannot go behind all that. Even as regards the newspaper of my hon. friend, Shri Mahanty, who spoke the other day, I have been given the information that in spite of reminders and two public notices, he did not submit any returns at all. I would not like to bring up any personal case; I do not think it is at all material very much as to whether the hon. Member himself gave the information or not. But the more important thing is that there were a number of such cases where they were reluctant and refused to give information. Why did they? One hon. Member who spoke a little while ago said that there was a kind of wage freeze. That is what has happened in the case of the working journalists. Let us see the perspective in which this attempt to hasten things has to be seen.

The Wage Board gave its decision on the 10th May, 1957. It said that this decision was to be made applicable to a point of time—2nd May, 1958. If this decision stood the test of the Supreme Court's scrutiny and if the Wage Board had adopted a certain procedure which could have escaped negative judgment, that decision would have been applicable from a certain date and retrospectively from

an earlier date. At that time, the protests which arose in very big volume and intensity were based on this contention that it was very burdensome and onerous for a newspaper to have to pay a scale of wages with increase which had to cover a whole period of twelve months before the date. Where is the money to come from? I wish there had been nothing retrospective about it, if they could have got the thing on the spot, because what was not retrospective at the time of the decision of the Wage Board has become now retrospective by so many more months. As the delay goes on, they are not getting anything retrospective.

I cannot say what the Committee will do, how far back it will go or not go. It is for the Committee to recommend. But at any rate, as every day passes, a situation is arising whereby they are losing for that day also. I have nothing to speak about getting it for 2 years or 1½ years, from an earlier period. But the sense of urgency that arises in this case is because of this fact that the longer it takes the more will have to be paid. It would have been something if whatever was due to them—may be it was a little less than what the Wage Board had decided upon—was paid; but even that something is in jeopardy because of the delay that is going on, and the Committee will consider how far they have to go in order to fasten this kind of liability on them. So there it is. We have to see this particular case in this special setting and consider any suggestion that we may go and have the facts and figures about every unit and then decide.

And what about the Industrial Disputes Act, conciliation etc.? Has there not been abundant conciliation in this case? At what levels? Conciliation at the level of the Labour Ministers and conciliation, as has been pointed out here, at the level of a Committee of the Cabinet. What more conciliation was possible? That fail-

ed. Then there was a quasi-judicial procedure, the Wage Board, and it did not yield results. So I do not think there has not been enough effort to see that things were done without creating any feeling that anybody was being hustled.

Some other objections were to the mechanism that has been adopted, to the composition of this Committee. Shri Mahanty said certain things about this Committee which I failed to appreciate very much—that this Committee was a Committee of junior officers. It is composed of Joint Secretaries who may be Secretaries tomorrow—all of them. They are entrusted with this task of inquiring into the condition of the industry, and to say that the decisions arrived at by a competent authority presided over by a High Court Judge will be subject to revision by a body consisting of junior officers is a very wrong appreciation of the situation. Who is going to decide in this case? These are recommendations to be made by the Committee and the ultimate responsibility for decision is with Government. It is Government's decision. Government are having a review with the help of officers who have been appointed as a Committee. So I think the doubt that has been created about the appropriateness of this course is not well founded at all.

There is one serious issue raised by Shri Naushir Bharucha. It is very well intended and deserves very serious consideration. It is in line with the sentiments I have expressed that we should try to avoid any kind of further delays; we should make this, shall I say, lawyer-proof

Shri Naushir Bharucha: Flaw-proof. Nothing is lawyer-proof.

Shri Nanda: It should at least not become vulnerable to inroads by legal ingenuity. We share that feeling. We should try to make it as good and perfect as possible, in view of the fact—as has also been mentioned by some hon. Members—that the resolution of the conference refers to it as

'unconstitutional' apart from other objectives. I felt that one had to take notice of that.

How do we take notice of it? The only way is to have a very good look into it and see that we do not leave any loophole. I feel that as far as our legal advisers and others are concerned, they have applied their minds fully to this subject and they are of the opinion that what is being intended to be done is quite all right. At the stage of amendments, we can consider the matter further as to whether anything needs to be done about it so that there may be no possibility of any difficulty arising later on. But on the face of it, it appears that there should not be any difficulty because the section in the Working Journalists Act refers specifically to this. That is, the appointment of the Wage Board has been linked up with the question of fixation of rates of wages. That is exactly the wording which is being used in this Bill also; that is, the functions of the Board are to fix the rates of wages. But we will have a little closer look into it.

A few things which do not affect directly the provisions of the Bill were brought in by some hon. Members. They gave an inkling of the working of the minds of the hon. Members about certain things which have to be done, not here by this Bill, but by the committee. The question of the status of the language papers, the working journalists in these newspapers are all things which have to be dealt with on merits on a study of the facts. Personally I have all the sympathy with the viewpoint which was expressed by the hon. Member who spoke last. But it is not for me to say anything about it because there is a committee engaged in dealing with these matters and that committee will go into the merits. All these matters are relevant to their enquiry and, certainly, I expect them to look into all the

[Shri Nanda]

aspects of the matter in all their bearings.

I have to thank the hon. Members again for the unanimous support given to this proposed legislation and also for giving expression to their views on the subject of how the industry should arrange its affairs and how it should be possible to have better relations among the working journalists and the proprietors by ensuring that there is a fair deal to those who work in the industry.

Having said that I hope that the rest of the stages may also be gone through promptly.

Shri Mahanty (Dhenkanal): May I solicit some information from the hon. Minister? In the course of his interruption the other day while I was speaking, the hon. Minister assured us that he would let us know what Government were thinking about the price-page schedule, the policy of newsprint distribution, and the re-orientation of the advertisement policy. He has not made any mention of it.

Shri Nanda: If you permit me, Sir, I will say a few words about this. Because I thought that I should not exceed the time allotted to me by the Speaker I did not say anything about these. But since this has been specifically asked, I will answer.

I placed myself in touch with the hon. Minister in charge of the subject and he has given me information which I can convey to this House. I had asked him to intervene and give information to the House. The information that I have been given—about which I had some knowledge before also—is that the Ministry have actually dealt with this matter. They placed a statement on the Table of the House some time last year wherein the factual position in regard to the implementation of the main recommendations of the Press Commis-

sion were given. Up to that point of time there is full information given to the House.

The matter specifically in the mind of the hon. Member is the price-page schedule. The Press Commission when they dealt with this problem had some integrated view of the whole position. That is, something was to be done for the working journalists but something else had to be done by Government for the industry. Therefore the two things go together. With regard to the other matters which have a bearing like the capacity of the industry, certain doubts and difficulties might arise as to the other part which is being decided upon in relation to the working journalists, that is, creating certain burdens or liabilities on the newspapers.

Regarding that, I am told that the only matter which has not yet been disposed of is the question of the price-page schedule.

Regarding advertisements I have got before me a set of papers in which the replies of the hon. Minister in charge of this subject have been fully given as to what the policy is. Regarding price-page schedule the decision is this. This is an answer given by the hon. Minister in this connection. I will just read two or three lines from that.

"We have passed an Act regarding price-page schedule. This question has been exercising the mind of the Government very seriously. We are looking into the various policies which will help in fulfilling the objects for which the Act was passed and when they can be promulgated.

I said in reply to a question on the floor of this House last month that in everybody's interests—it is not the interests of the proprietors only—the question concerning the future newspapers.

their standard and also regarding the spirit of competition about which the Press Commission has also referred, we felt that we would not be right in trying to hurry up this thing and that is why we have been considering this matter seriously."

The last sentence is—

"I may, however, inform the House that very soon we are going to take a decision regarding this and we will place it before this House."

Here is an assurance of the Minister in charge that the one matter which now needs to be . . .

Shri Mahanty: What is the date of this reply?

Shri Nanda: It is this year; April 1958.

श्री भक्त बर्षन : उपाध्यक्ष महोदय, प्राइस पेज शिड्यूल के बारे में हमेशा बेरी सून इत्यादि शब्दों का प्रयोग किया जाता है। क्या यह निश्चित रूप से बताया जा सकता है कि देर से देर कब तक इस का निर्णय हो जायेगा ?

उपाध्यक्ष महोदय : प्रब तो इतना ही निश्चित हो सकता है, जितना कि कर दिया गया है।

Mr. Deputy-Speaker: I will now put the question.

The question is:

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

The motion was adopted.

Clause 2.—Definitions

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Constitution of Committee).

Shri Mahanty: Sir, I move:

Page 2,—

for lines 7 to 22, substitute—

"3. (1) For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists, having regard to the conditions of the working journalists and the capacity of the various categories of newspapers as classified in the Wage Board decision and in the light of all other relevant circumstances, the Central Government shall, as soon as may be after the commencement of this Act, by notification in the Official Gazette, constitute a Committee consisting of an equal number of persons nominated by the Central Government to represent employers in relation to newspaper establishments and working journalists, a chartered accountant nominated by the Central Government and a judicial officer not below the rank of a High Court Judge, who shall act as the Chairman thereof."

My amendment seeks to reconstitute the committee as suggested therein. I do not wish to cover the same ground once again. I would try to plead with the hon. Minister that this committee staffed by junior officers of the Government of India and charged with duty of reviewing the decisions of a Board presided over by a High Court Judge is not only unfair to the Board itself but will also fail to invoke that confidence and trust in the parties concerned.

[Shri Mahanty]

The hon. Minister has not answered the point which was raised as to what would happen if the same issue had been referred to the same Wage Board with only extended terms of reference, namely, the capacity of the various units to comply with the recommendations of the Board. Instead of that what the clause proposes is to refer the same question to another committee the composition of which will give rise to serious misgivings. I am not sure if this issue will not be taken up in other forms also. I hope the hon. Minister will see that this kind of reprehensible principle is not introduced in a legislation of this nature; and in future also the decisions of a competent authority presided over by High Court Judges are not left to an official body presided over by an officer of the status of a Joint Secretary, to be reviewed.

Mr. Deputy-Speaker: Shri Mahanty's amendment is before the House. There is one Government amendment also.

Shri Nanda: Sir, I beg to move:

Page 2, lines 11 and 12,—

omit "as soon as may be after the commencement of this Act".

Mr. Deputy-Speaker: This amendment is also before the House.

Shri Nanda: This is consequential to the fact that the Bill has come in place of the Ordinance. It covers the period which has already passed.

In answer to the hon. Member, Shri Mahanty's point, I do not think that I need say anything more because I have already attempted to clear the position. It is not any question of raising a committee over the head of a judicial body. In fact some members of this committee were in the judicial service and they would have been long ago, some of them, members of the Supreme Court. But that is

not the point. It is not this committee which is taking a decision; it is helping the Government to arrive at a certain appreciation of the capacity of the industry to pay. There is nothing wrong in it.

Shri Jadhav (Malegaon): Sir, on a point of order, there is no quorum in this House.

Mr. Deputy-Speaker: The bell is rung. Now there is quorum. I shall now put amendment No. 2 to the vote of the House. The question is:

Page 2,—

for lines 7 to 22, substitute—

"3. (1) For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists, having regard to the conditions of the working journalists and the capacity of the various categories of newspapers as classified in the Wage Board decision and in the light of all other relevant circumstances, the Central Government shall, as soon as may be after the commencement of this Act, by notification in the Official Gazette, constitute a Committee consisting of an equal number of persons nominated by the Central Government to represent employers in relation to newspaper establishments and working journalists, a chartered accountant nominated by the Central Government and a judicial officer not below the rank of a High Court Judge, who shall act as the Chairman thereof."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 11 and 12,—

omit "as soon as may be after the commencement of this Act".

The motion was adopted.

Mr. Deputy-Speaker: 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. — (Functions of Committee)

Shri Nanshir Bharucha: Sir, I beg to move my amendments Nos 9, 10 and 11.

(1) Page 2, line 39,—

after "wages" insert—

"or any other matter relevant to the subject matter of inquiry"

(2) Page 3, line 2,—

after "thirty days" insert—

"or such further time as the Committee may grant."

(3) Page 3, line 3,—

after "shall" insert "inter alia".

Shri Bhakt Darshan: Sir, I beg to move:

Page 3, line 21,—

for "whether prospectively or" substitute "even".

Mr. Deputy-Speaker: Are there any other amendments? None. So, clause 4 along with amendments Nos. 9, 10, 11 and 32 is before the House.

Shri Nanshir Bharucha: Sir, my amendment seeks to enlarge the scope of the representation which the newspaper proprietors and working journalists are called upon to make. The scheme of the Bill is this. After this particular committee is formed, a notice is issued to the parties and in the notice is prescribed the extent to which they can make representations. The newspaper proprietors have not

got the fullest freedom to make representations of the capacity to pay or any other subject matter. The words are:

"The committee shall by notice published in such manner as it thinks fit call upon newspaper establishments and working journalists and other persons interested in the Wage Board decision to make such representations as they may think fit as respects the Wage Board decisions . . ."

The Supreme Court has already held that the Wage Board decision does not take into account the capacity to pay. So, on a strict interpretation of the Wage Board decision as it stands, what will happen? Two things have been mentioned: Wage Board decision and rates of wages.

Clause 4(1) should be taken along with clause 4(2) which further restricts the nature. It says:

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

They have been enumerated under (a), (b) and (c). Clause 4(2) (c) says:

"the alterations or modifications, if any, which, in the opinion of the person making the representation, should be made in the Wage Board decision and the reasons therefor."

This does not mean necessarily that it is open to the newspaper proprietors to say that the whole thing must be scrapped because the representation to alteration and modification does not include the representation about its rejection. Therefore, a plea may be raised later on that from the very start, they were handicapped because they did not have full freedom to make representation.

[Shri Naushir Bharucha]

The hon. Minister may point out to the fact that clause 4(2)(a) says: "specific grounds of objection, if any, to the Wage Board decision" and that it covers that. It is not so. When the general words are used in one sub-clause and they are followed by certain other restricted words, the clause as a whole has to be interpreted and the general words are given a narrower meaning. Suppose, the Supreme Court holds that clause (a) has got a narrower meaning or clause 4(1) has got a narrower meaning in the light of clause 4(2)(c), then the newspaper proprietors can very well contend that at the very start, they were handicapped because they were not permitted to make the fullest representation that they wanted. I submit that it may turn out to be a flaw. So, as a matter of extraordinary caution, *ex majore cautela* I suggest that after the words "wages", the words "or any other matter relevant to the subject matter of inquiry" may be inserted. It would mean the fullest freedom given to anybody to make any representation.

Secondly, I have used the words 'inter alia'. The parties must state these specific things; over and above that they may say anything else. If these words were included, it would enlarge the scope of the representations that they want to make.

Thirdly, I have said: "thirty days or such further time as the Committee may grant". If you enlarge the scope of representation, naturally you must also enlarge the time for making that representation. The idea is this. The Government will ultimately base its decision on these recommendations. If it is made to appear to the Supreme Court that the recommendations themselves were arrived at on restricted representations which only the newspapers could make on account of this section, the whole Act will collapse again. Nothing is lost by accepting these amendments and everything is

likely to be endangered by not accepting it. Therefore, I appeal to the hon. Minister to accept this amendment by way of abundant caution.

Shri Sadhan Gupta (Calcutta—East): Sir, I want to draw the attention of the hon. Minister to a particular lacuna in clause 4(1). The representations which may be made are confined to working journalists, newspaper establishments and other persons interested in the Wage Board decisions. Now, the question would come up whether associations of journalists and trade unions of journalists would be entitled to make representations in regard to the Wage Board decision. I am quite aware of the fact that under the General Clauses Act, persons would include bodies corporate or even incorporate so that 'persons' may cover all of them. But the General Clauses Act applies unless there is anything repugnant in the context and lawyers' ingenuity may be brought into play in trying to convince the court that there is something repugnant in the context which should make it confine it to natural persons only and not to artificial persons. If I were inclined to accept a brief on behalf of the employers which I will never, I could have easily built up a plausible argument on that basis but personally my view is, as the sub-clause is drafted, artificial persons in the shape of associations would be entitled to make representations. But I am concerned about the possibility of the other point being raised and, even if it does not ultimately succeed, it is quite conceivable that a rule may be obtained from a High Court to stop further proceedings of the committee of officials investigating into the affairs of a certain paper or a group of papers on the ground that it was considering representations made by an association which was not entitled to make it.

Therefore, I would suggest that even at this stage the hon. Minister might make an amendment by which associations or trade unions of journa-

lists would be specifically mentioned as bodies which were enabled to make representations. Obviously, they are the most interested in the Wage Board's decision and I think, for the purpose of avoiding future litigations or future delays on the score of litigations, whatever its ultimate results may be, a specific inclusion should be made that associations or trade unions of journalists or federations of journalists should be entitled to make representations.

श्री भक्त बर्बन : उपाध्यक्ष महोदय, मैंने धारा ४(३) के सम्बन्ध में जो सलाह प्रस्तुत किया है, उस के विषय में कुछ शब्द कहना चाहता हूँ। माननीय श्रम मंत्री महोदय ने अपने प्रारम्भिक वक्तव्य में यह स्वीकार किया था कि करीब सात आठ वर्षों में श्रमजीवी पत्रकार इस बात की माग करते रहे हैं कि उन के वेतन-स्तर निर्धारित किये जाने चाहियें और लागू किये जाने चाहियें। यह कार्यवाही किमी न किमी प्रकार अब तक टलती आई है। अब इस बिल में उपधारा (३) के अन्तर्गत समिति को यह अधिकार दिया गया है कि

any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect."

मैं चाहता हूँ कि समिति को यह अधिकार नहीं दिया जाना चाहिये कि वह कोई प्रागे की तारीख निश्चित कर सके। मैं यह निवेदन करना चाहता हूँ कि इस मामले में पहले ही कितनी देर हो चुकी है। माननीय मंत्री जी जानते हैं कि जिस समय वेज बोर्ड ने अपना निर्णय दिया था, तो कई समाचार-पत्रों और समाचार-एजेंसियों ने अपनी उदारता के कारण उस निर्णय को लागू कर दिया था, लेकिन कई समाचारपत्रों और समाचार-एजेंसियों ने ऐसा नहीं किया। और वह प्रतिरिक्त वेतन भी वापस ले लिया

गया है। समिति को यह अधिकार होना चाहिये कि वह यह सिफारिश कर सके कि उस के निर्णय को किसी पिछली तारीख से—रीट्रोस्पेक्टिवली—लागू किया जाये, लेकिन मैं उस को यह अधिकार देने के पक्ष में नहीं हूँ कि वह कोई प्रीस्पेक्टिव तारीख भी निश्चित कर सके। इस का मतलब तो यह है कि समिति जनवरी में अपनी रिपोर्ट देती है और आप कहेंगे कि हम एक, दो, पांच या दस वर्षों के बाद इसे लागू करेंगे। मैं यह जानना चाहता हूँ कि उस को यह अधिकार देने का मतलब क्या है? जब सरकार और श्रम मंत्री महोदय स्वयं यह चाहते हैं कि इस को जल्दी से जल्दी लागू किया जाये, तो फिर प्रागे की तारीख निश्चित करने का अधिकार देने का मन्ना मेरी समझ में तो नहीं आता। अगर मुझे कोई उचित कारण बताया जा सके, जिस के आधार पर यह अधिकार दिया जा रहा है, तब तो मैं इस को स्वीकार करने के लिये तैयार हूँ। लेकिन मेरी धकल के मुताबिक जब इसमें पहले ही बहुत देर हो चुकी है, तो यह अधिकार देना कि इस को बहुत प्रागे जा कर—प्रीस्पेक्टिवली—लागू किया जा सकता है, उचित नहीं है और इस लिये मैं अपना यह सलाह पेश करना चाहता हूँ।

Shri Nanda: Sir, the hon. Member Shri Bharucha's point and also the other points raised must be considered very seriously, because we all want that there should be no loophole left, no possibility of anything coming in which would further prolong this agony and suspense. But there are certain standards of legal drafting, and just as there should be no deficiency, nothing omitted, so also, things which are superfluous, possibly, will be as distasteful from the point of view of proper drafting.

As I read the Working Journalists Act, I find that the powers of the Wage Board were restricted to this question of fixation of rates of wages. That limits the scope and, therefore, what-

[Shri Nanda]

ever further has been said here, it brings the functions of this committee within the same limits, it secures that position. Therefore, his amendment seeking to insert the words "or any other matter relevant to the subject matter of inquiry" possibly would not be needed, would be out of place.

Then there was an argument that "modification and alteration" is not sufficient because it would be open to a committee, to a court, to a body entrusted with this task to scrap it altogether. To scrap what? There is a certain scale of wages. The Wage Board gives something more here and there. It is open to the parties to say that whatever has been given more should be taken away or that it should be further increased. But, Sir, I have got profound respect for courts, and for the Supreme Court. Certainly it is inconceivable that anybody will say that there should be no wage scale at all. What is it that is going to be scrapped altogether? A Wage Board decision being modified means, that anything that has been given over and above what was prevailing can be modified or altered. Well, a committee could say that no increase is justified. That would come within the phrase "alterations or modifications". Therefore, although we should exercise very great caution in regard to these things, there is certainly a limit to that also. And I believe, Sir, that the working journalists are not so fated that they should never come to an end of this trouble, and that we may have to think of things where in the exercise of natural circumspection and caution we should go on thinking of all kinds of fears and possibilities and introduce phrases which on the face of it do not appear necessary. Although I do not claim any special legal knowledge in these things, I am advised, and on a plain reading of the words and also the explanation that I have given, I feel that it is really not necessary to further reinforce and fortify the language of this clause in order to make sure of the position that is intended.

Regarding the word 'persons' the word are: "newspaper establishments, working journalists and other persons". It is very clear that this should normally include those federations also, and the words "other persons" would cover any extension that is necessary, and all those who are entitled to make representations can come in.

There was one point raised about 'retrospective' and 'prospective'. About 'retrospective', of course, there is no objection. 'Prospective' means, it was said, that they could fix the scale three or four years ahead of the date of decision. That is not certainly any common sense rendering of this word. It may be that the decision is given today and the application may be a day or two later. If it is not to be retrospective, it is just put in as a precautionary word and, at any rate, the discretion of the committee is there. I do not think it is capable of that kind of interpretation. I do not think there is any ground for that kind of apprehension that a committee will say that whereas the Wage Board said that a scale should come into effect from May, 1956, it will come into effect from May, 1964.

I do not think there is any such possibility. I think the hon. Member need not have any such fears.

Mr. Deputy-Speaker: Then ultimately the decision would be with the Government.

Shri Nanda: That also answers the point. The Government can rectify any such omission.

Mr. Deputy-Speaker: Should I put any amendments separately to the vote?

Shri Nanshir Bhargava: Amendments 9, 10 and 11 may be put first

Mr. Deputy-Speaker: The question is:

Page 2, line 39 after "wages" insert:—

"or any other matter relevant to the subject matter of enquiry"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 2, after "thirty days" insert—

"or such further time as the Committee may grant"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 3, after "shall" insert "inter alia"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, line 21, for "whether prospectively or" substitute "even"

श्री अमल बर्लन : माननीय मंत्री जी ने जो आश्वासन दिया है, उसके कारण मैं अपना संशोधन नहीं रखना चाहता हूँ।

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill"

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5— (Powers of Committee)

Shri Sadhan Gupta: Mr. Deputy-Speaker Sir, in connection with clause 5, I want to draw the attention of the hon. Minister to a very serious lacuna. It is undoubtedly a very good clause; under sub-clause (3) of clause

5 an authorised official is empowered to examine the accounts of the newspaper establishments. That is very necessary because the balance-sheet of the profit and loss account cannot be taken at its face-value for obvious reasons. There are many ways of manipulating the balance-sheet and there are many items which go to reduce the profits and which, though they go to reduce the profits really ensure to the profits of the proprietors. For instance, the example has been given of high salaries paid to near relations of proprietors which really is a profit to the proprietors' family although it goes to reduce the profits. Similarly, there may be other and more shady manipulations. Therefore, to unravel the mystery of the balance-sheet it may be necessary and it will often be necessary, if the Press Commission's views are correct, to examine the accounts very thoroughly.

What would happen if the newspaper proprietors start secreting their account-books? What would happen if they start manufacturing new accounts even pending the examination of their account-books? Normally, the precautions that are provided in these cases are that the account-books in improper cases may be ordered to be seized or impounded in the office of the authority which is examining them. Or, it may be necessary to mark the pages of the account-books to keep their identity so that the figures cannot be changed. These provisions are not there in the Bill. If we started examination of the account-books of the establishments and leave them in the hands of the proprietors to deal with them as they liked, many things might happen.

It happened in the case of a leading Calcutta newspaper. This case had come up before the industrial tribunal. The workers had challenged the plea of incapacity to pay, and the account-books were called. The next day a big fire broke out and the account-books were destroyed. All these things must be avoided, and for this purpose, some powers should be given to the authorised official either to impound the

[Shri Sadhan Gupta]

account-books or to mark the account-books for the purpose of preserving their identity or to seize the account-books in certain cases when they are being deliberately secreted. Without these powers, the power given under sub-clause (3) of clause 5, which is undoubtedly very desirable and necessary, will be absolutely useless, and the newspaper proprietors will find a way to escape liability.

The House should remember that unless we get at their accounts we cannot ever ascertain their capacity to pay. In fact, before the Wage Board, they persistently refused to divulge their accounts. They did so before the Press Commission, and there is no reason to suppose that they will readily comply, in the case of the authorised official.

Therefore, I would earnestly request the hon. Minister to keep this aspect in view and introduce some amendment even at this stage or in the third reading stage, or, if he does not want to proceed in a hurry, let him do it before the Rajya Sabha and bring the Bill back here. But this particular provision must be there. Otherwise, perhaps the whole object of this Bill will be defeated through this lacuna.

Shri Nanda: Sir, I beg to move:

Page 4, after line 9, insert—

“(4A) Nothing in sub-section (1) of section 54 of the Indian Income-tax Act, 1922, or in any corresponding provision in any other law for the time being in force relating to the levy of any tax shall apply, to the disclosure of any of the particulars referred to therein in any report made to the Committee by an authorised officer

(4B) Any information obtained by an authorised officer in the exercise of any of his powers and any report made by him shall notwithstanding anything con-

tained in this Act, be treated as confidential, but nothing in this sub-section shall apply to the disclosure of any such information or report to the Central Government or to a court in relation to any matter concerning the execution of this Act.”

Mr. Deputy-Speaker: This amendment is before the House.

Shri Nanda: The hon. Member, Shri Sadhan Gupta, has pointed out the need for taking care that this Committee and the Government are placing themselves in a position to get at the facts. He has made certain suggestions I am sure that the hon. Member knows the provisions that are being made.

“The authorised officer may, subject to the directions of the Committee, if any, exercise all or any of the powers which an industrial tribunal may exercise under sub-section (2) or sub-section (3) of section 11 of the Industrial Disputes Act, 1947”.

That is, whatever purposes are available to tribunals in all other cases, they are all available to this Committee. We are going much further than that through this amendment. Possibly, it has not been brought to the notice of the hon. Member, Shri Sadhan Gupta. The amendment says:

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

This is a very special departure being made. The information which was otherwise not available—the in-

formation revealed in the course of these income-tax enquiries,—will be available to this Committee. This goes further than anything done so far at any time on such matters. So, this Committee is going to be placed in a position to secure the information that is needed much better than any other tribunal ever was.

The provisions which exist in the Industrial Dispute Act to which reference has been made here, enable the tribunal to compel the production of documents and material objects, etc., and there are various other provisions which have the same effect. So, it is not necessary to do anything more.

Mr. Deputy-Speaker: The question is:

Page 4, after line 9, insert—

“(4A) Nothing in sub-section (1) of section 54 of the Indian Income-tax Act, 1922, or in any corresponding provision in any other law for the time being in force relating to the levy of any tax shall apply to the disclosure of any of the particulars referred to therein in any report made to the Committee by an authorised officer.

(4B) Any information obtained by an authorised officer in the exercise of any of his powers and any report made by him shall, notwithstanding anything contained in this Act, be treated as confidential, but nothing in this sub-section shall apply to the disclosure of any such information or report to the Central Government or to a court in relation to any matter concerning the execution of this Act.”

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That clause 5, as amended, stand part of the Bill.”

The motion was adopted.

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

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

Shri Nanda: Sir, I beg to move:

Page 4, line 32, add at the end
“as it thinks fit”

Shri Naushir Bharucha: I beg to move:

Page 4, for lines 12 to 17, substitute—

“6. (1) As soon as may be after the receipt of the recommendations of the Committee the Central Government shall make an order as it thinks fit.

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

(2) Page 4, omit lines 18 to 32.

(3) Page 4, after line 37, add—

Provided that in no circumstances whatsoever a working journalist shall be required to make a refund of any part of his emoluments to the employer as a result of retrospective application, if any, of such order.”

Shri Bhakt Darshan: Sir, I want to move my amendment No. 33.

Mr. Deputy-Speaker: It is the same as 14 and 5. Amendment No. 5 is not being moved. Amendment No. 33 cannot be moved because it is the same as 14. The hon. Member may speak on it but his amendment cannot be moved. All these amendments are before the House.

Shri Naushir Bharucha: Clause 6 of the Bill is really the operative clause. What happens under the

[Shri Naushir Bharucha]

scheme of this Bill is, after the recommendations are made by the Committee, the Government has to do certain things. The Government will make an order in terms of the recommendation, accept it or they may make such modifications as they fit, and they may make any other order that they think fit.

Then the procedure is provided, that is, if the modifications in the recommendations of the Committee are of a substantial character, then only the Government will invite the other parties to say what they have got to say before making an order to their prejudice.

But, as the language of the Bill stands, if the modifications, in the opinion of the Government, are of a minor character, then in that case, the Government under the Bill say: we are not bound to hear any parties. My submission is that when the normal rule of law is that before any order is made, minor or major, a party has got to be heard, if that order is to be made against that particular party. Government cannot get away with it by changing the course of natural justice; once it has accepted the responsibility as a judicial body, it cannot alter by the Bill the course of natural justice. Therefore, my amendment says that, in the first place:

"As soon as may be after the receipt of the recommendations of the Committee the Central Government shall make an order as it thinks fit."

The proviso says:

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

The idea is whether the modifications are of a minor character or a major character, so long as an order affecting one side or the other is made, then the Government is bound to hear the party. Otherwise, the High Court might again declare it bad.

My amendment No. 14 is only consequential.

In my amendment No. 15 I have said that when the Government makes such an order, the Government may make that order with retrospective effect. The retrospective effect might favour certain journalists. But the retrospective effect may result in compelling a few of the journalists to refund to the proprietors a part of what they have already secured. A situation like that may arise. Therefore, I have provided:

"Provided that in no circumstances whatsoever a working journalist shall be required to make a refund of any part of his emoluments to the employer as a result of retrospective effect, if any, of such order."

Let it not be understood that retrospective effect is made always to the benefit of the journalists. In some cases, where the journalists are better paid, they may have to refund the difference. Therefore, whatever may be the retrospective character of that order, that should not be to the disadvantage of the journalist. These are my three amendments.

श्री भक्त हसन : उपाध्यक्ष महोदय, येने जिस संशोधन की सूचना दी है, उसका मुख्य उद्देश्य, मूजे दुःख के साथ कहना पड़ता है कि माननीय नौशीर भरूचा के उद्देश्य से बिल्कुल विपरीत है। नरूचा साहब के संशोधन का मन्तव्य यह है कि जो भी संशोधन किये जायें, चाहे वे बहुत ही साधारण प्रकार के हों, दोनों बगों के लोगों की राय जान कर किये जायें, अर्थात् जिन हितों पर उनका प्रभाव पड़ता है, उनको भी ध्यान दिया जाए कि वे अपनी बात कह सकें और वह कर लें।

के बाद ही उन छोटे-मोटे संघों को लागू किया जाए। जहाँ तक छोटे-मोटे संघों के करण के अधिकार की बात है, मैं स्वीकार करता हूँ कि गवर्नमेंट को पूरा अधिकार होना चाहिए कि वह समिति की सिफारिशों में उन संघों को करके सिफारिशें लागू कर सके।

लेकिन धागे चल कर लंड २ में जो व्यवस्था रखी गई है मैं उसको बहुत ही 'हायलेटरी' चीज मानता हूँ, क्योंकि इसका मतलब यह होगा कि नये सिरे से जो गड़े हुए मुर्दे हैं, उनको उल्लाड़ जाय। एक बार बेज बोर्ड ने बड़ी भारी जांच-पड़ताल करके फैसला किया, जिसको सुप्रीम कोर्ट ने इस आधार पर रद्द कर दिया कि उसमें 'कैपसिटी टू पे' की बात को ध्यान में नहीं रखा गया। इसके बाद नये सिरे से यह कमेटी बनाई गई है और उसको तीन महीने का समय दिया गया था और अब इस समय को दो महीने के लिए और बढ़ा दिया गया है। इस तरह से इस कमेटी को अपनी सिफारिशें करने में छः-सात महीने लग सकते हैं। इसके बाद भी गवर्नमेंट अगर उसकी सिफारिशों में परिवर्तन करना चाहें और उसके पास इस तरह के स्मृतिपत्र धाये या उससे मांग की जाय तो फिर नये सिरे से उस पर विवाद शुरू होगा और दोनों पक्षों की बातें सुनी जायेंगी। इसी लंड के भाग "ब" में यह भी लिखा है कि अगर गवर्नमेंट उचित समझे तो वह फिर से किसी मामले को इस समिति के सुपुंर कर सकती है। इस प्रकार इस लण्ड के द्वारा एक ऐसा सिगसिला जारी हो रहा है कि इसका कभी अन्त होने वाला नहीं है और यह मामला हमेशा उल्लाड़ ही रहेगा। इस बास्ते मैं माननीय मन्त्री जी से अनुरोध करता हूँ कि यह जो जाल-जंजाल है, इसको बेसमाप्त करें। अब यह मामला बहुत पुराना हो चुका है। पहले आपने बेज बोर्ड बिठाया। जो फैसला उसने दिया उसको केवल एक नुकते की जिला पर सुप्रीम कोर्ट ने रद्द कर दिया। अब जो स्थिति रह गई थी बा जो

कमी रह गई थी, उसको आप इस विधेयक द्वारा पूरा कर रहे हैं। इसके बाद भी अब कौन सी कमी रह गई है जिसको आप पूरा करना चाहते हैं और जिसको पूरा करण में वर्षों लग सकते हैं? इस बास्ते मैं अनुरोध करना चाहता हूँ कि इस देरी को मिटाने के लिए कदम उठाये जायें और यह जो प्रोसीजोर जाल-जंजाल भरा इसमें रखा गया है, इसको समाप्त कर दिया जाए।

Shri Nanda: On the one side, the hon. Member, Shri Bharucha feels that sufficient opportunity is not being given to the parties to know beforehand as to what is in store for them, so that they may be able to make representations and make known the merits of their own stand. On the other side, the hon. Member says that the procedure, as laid down here, is dilatory and too lengthy and involves delays, which should be avoided. I think the position, as it is in the Bill, creates a proper balance between the interests on the one side and on the other

So far as the need for making known to the parties the proposals which are being considered are concerned, there can be no two opinions; there can be no question. In fact the judgement of the Supreme Court was on the essential point whether the demands of the natural justice have been satisfied. Therefore, the Supreme Court pointed out that if the Wage Board had made known and declared what was in their mind, what kind of proposals they were going to consider, if they had applied their mind to any representation that had been made, then, the Wage Board's decisions could not have been challenged. Now, that is exactly what has been done. The Wage Board decision has been taken as the basis. There is something which we are going to consider. What have the parties to say? These proposals have been made known to the parties as a basis. If changes are made, then again we put them for

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further examination, consideration, representation, petition etc. Then we make certain changes. Then they should be made known. In that case, there is no end to it. At some stage, the proposals which have been suggested are going to be changed. If those changes are also to be made known, there will be no end to these series. At one time or the other, the parties are apprised of the position, that is, what is the specific proposal under consideration.

Shri Naushir Bharncha: After the Supreme Court judgement, the Wage Board decision has gone overboard. Therefore, that cannot constitute the proposal. Hence my amendment.

Shri Nanda: That is true. Their decision (the Wage Board's decision) has been struck off. Otherwise, there would have been no need for a Bill. Though it is not part of the Bill, it cannot be destroyed. That is used as the basis, the starting point. Whatever they have stated, that is offered to the parties as a matter which is being considered. We will say: these scales, these rates we are going to consider and, maybe, these will be the rates in future. But we will take into consideration everything that has been stated by every party.

Then representations are made on that basis. The Committee, having applied its mind to the material that is furnished, through representations or otherwise, reaches certain conclusions. Those conclusions, if they are adopted as such by the Government with any very minor modifications then, under the scheme of the Bill, there is no further need again to invite the parties to give another series of representations, petitions and so on. If the Government chooses to make some modifications, then again these modified proposals should again be placed before the parties, they should be able to have their say, then Government takes into consideration all those materials, objections and whatever has been urged on behalf

of the party, and then takes a decision. I think it is quite fair, and it conforms to the requirements of natural justice.

16 hrs.

Mr. Deputy-Speaker: May I put amendments No. 13, 14 and 15?

The question is:

Page 4,—

for lines 12 to 17, substitute—

"6. (1) As soon as may be after the receipt of the recommendations of the Committee the Central Government shall make an order as it thinks fit:

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

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4,—

Omit lines 18 to 32.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4,—

after line 37, add—

"Provided that in no circumstances whatsoever a working journalist shall be required to make a refund of any part of his emoluments to the employer as a result of retrospective application, if any, of such order."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 32—

add at the end "as it thinks fit".

The motion was adopted.

Mr. Deputy-Speaker: 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.—(Working journalists entitled to wages at rates not less than those specified in the order)

Mr. Deputy-Speaker: Are there any amendments to be moved?

Shri Mahanty: Sir, I beg to move:
Page 5, after line 2, add—

"Provided that this shall not apply to newspapers not owned either by Companies or Chains, who have not completed the fifth year of their publication on the date the Act is published in the Official Gazette and who have consistently declared loss during the period:

Provided further that if any such newspaper represents to the Central Government in writing that as a result of implementing the provisions contained in Section 7, the establishment is threatened with closure, the Government should after proper enquiry come to the aid of such papers by issuing advertisements."

Shri Ansar Harvani (Fatehpur):
Sir, I beg to move:

That on page 5, after line 2, add—

"(2) Any employer who fails to comply with the provisions of this section shall be guilty of an offence punishable with a fine of one thousand rupees at the first instance and for any subsequent offence with a fine not exceeding

one thousand rupees for every day of the commission of such offence:

Provided that any proceeding under this section shall lie only court of a magistrate of the first class having jurisdiction over the area and no court shall take cognisance of an offence under this section except on a complaint in writing by the Commissioner of labour."

Mr. Deputy-Speaker: These amendments are now before the House.

Shri Ansar Harvani: Mr. Deputy-Speaker, Sir, my amendment is a very innocent one. Clause 7 is a protective clause which calls upon the employers to pay the specified salary to the journalists. But we have appealed only to their good sense and we must remember the class which we are going to deal with. We have seen the way in which they have evaded income-tax. We have seen the way in which they evade the sales-tax. We have seen the way in which they have cheated even in their death, particularly in paying the duty. Therefore, unless the penalty clause is inserted, we are afraid that the working journalists will not get a fair deal from them. I would, therefore, appeal to the Government to accept my amendment which lays down that if a proper deal is not given to the journalists, the employers will be penalised. We have not given the power to the Government to do it. We have provided for the magistracy and judicial proceedings. Therefore Government should have no difficulty in accepting this amendment.

Shri Mahanty: Sir, I have two objectives in moving this amendment. In the first place, I would like to ensure that, the working journalists working in small and medium newspapers are assured of their minimum wage which will be recommended by this committee and which will be approved by the Central Government.

[Shri Mahanty]

In the second place, I would also like to see that the small and medium newspapers are not closed down on account of the implementation of these recommendations. With these objectives, I propose this proviso that—

"Provided that this shall not apply to newspapers not owned either by Companies or Chains, who have not completed the fifth year of their publication on the date the Act is published in the Official Gazette and who have consistently declared loss during the period:

Provided further that if any such newspaper represents to the Central Government in writing that as a result of implementing the provisions contained in Section 7, the establishment is threatened with closure, the Government should after proper enquiry come to the aid of such papers by issuing advertisements"

It will be remembered that the Press Commission had made three important recommendations. In the first place, the price-page schedule about which the Government have been very slow to move. The hon. Minister stated that the Government have been contemplating speedy steps to implement the price-page schedule. This House has been hearing off and on about the Government's intentions but nothing is moving. We are aware that very powerful interests are working who do not want that this recommendation of the Press Commission should be implemented. Unless the price-page schedule is implemented, how the small and medium newspapers are going to survive?

In the second place, the telescopic rate of Government advertisements and their distribution was a principle which was accepted by the Government. I would like to know from the hon. Minister whether it is being

implemented both at the Centre and in the States. I have not the intention to cite individual cases, otherwise I could have cited any number of cases before the House. This is not being implemented. The Government might assure us that it is being implemented, but that is not so in fact.

Thirdly, the Press Commission had also recommended the fixation of news agency tariff. None of these three important recommendations of the Press Commission have been implemented which would have injected some more paying capacity to the small and medium newspapers for whom I am glad to note that the hon. Minister has no less concern. Therefore, I would urge that since it is not going to stand in the way of the working journalists, and since it is not going to save the big newspaper "Barons" in any way, I do not think any harm will be done if this is implemented

Then, I consider it my painful duty to point out here a concrete case as to how, unless this amendment is accepted, the small newspapers will be affected. A newspaper of Orissa had been receiving Government advertisements for the last one year. It is a paper which is not owned by any of the Ministers. The Ministers in Orissa are connected with some papers. The Chief Minister is connected with two newspapers. Another Minister is connected with another paper and they get full pages of advertisements at the rate which is much higher than the rate of other newspapers. Now, this particular newspaper had to challenge many of the acts of omission and commission of the State Government. That paper has implemented the Wage Board's decisions to the best of its capacity and ability; even though there were murmurs and discontent in newspaper establishments owned by Ministers, in this establishment there was nothing of the kind. Now

the Government has stopped advertisement simply on account of the partisan principle. We are asked to implement the Wage Board's decisions, we have done it, and it is Government's moral duty to see that such newspaper establishments are not closed down unless their intention is to throttle the freedom of publication and the freedom to express one's views. I do not wish to make any broadsides against anyone, but with all humility I plead once again, in view of the fact that the hon. Minister has stated that his concern for the small and medium newspapers is no less, that it is made a both-way traffic and that some paying capacity is injected into these newspapers, who for implementing the Wage Board decisions are threatened with closure. My amendment is an innocuous amendment and I feel that it does not stand in the way of the basic objective that the Government has at heart.

Shri Sadhan Gupta: Mr. Deputy-Speaker, Sir, I of course welcome clause 7 as far as it goes, but here again, I find another difficulty which I would bring to the attention of the hon. Minister. I would request him to give serious attention to it.

It is all very well to say that working journalists would be entitled to wages as fixed by the notification of the Government. Then, the question will arise: who are the journalists who would be entitled to those wages? There are certain working journalists in certain papers. It may be that everyone of them will not make a representation before the Wage Board, that is to say, everyone of them individually will not make a representation although they have the power to do so under sub-section 1 of section 4. Now, will those who do not make a representation be entitled to the wages? That is the first question that arises.

Secondly, many would be employed after the notification is issued fixing the wage scales. Will those who come afterwards be entitled to those wages?

These questions are important because, normally, the rule is that when you provide for deciding a certain matter after hearing different parties, that is to say, in any litigation, the normal binding force of the decision is on the parties themselves. If that rule were to prevail, it will bind those who had made representations before the Wage Board, who are working journalists or newspaper establishments and it would not bind any one else who did not make a representation. It is inconceivable that the entire body of staff of every paper would submit representation, or would even join in a representation submitted. A serious question arises whether, in these circumstances, those who did not make representation would be entitled to derive the benefit of the award. In the Civil Procedure Code, the normal rule of litigation is that only the parties are bound by the judgment. When a departure is made, it is expressly made. The Civil Procedure Code, in Order Rule 8, provides for representative suits in which certain persons and also others are bound by the decision and it becomes a sort of a judgment *in rem*. Similarly, in the Industrial Disputes Act, there is a provision that the award will bind not only the parties to the proceedings, but all employees and employers who may come after these proceedings, future employers or future employees. There is no such provision in this particular Act. I take it, the normal construction of this Act would be that the award would bind only those who were parties before the Committee of officials who had made representations and counter-representations before the Committee of officials. If that were so, it would totally defeat the purpose of this Act. We need some provision either in this particular clause or an independent clause, preferably as an independent clause to provide that the decisions and recommendations of the Committee of officials which are enforced by the Central Government would bind not only the parties to the proceedings before the Committee of officials, but also all other parties who

[Shri Sadhan Gupta]

may be deemed to be successors of the employers and the employees. If the company changes hands, if the newspaper establishment is brought by some one else, it should bind the new company. It would impose an obligation on it to pay wages according to the notification which the Central Government has issued. Similarly, if new working journalists are appointed to that establishment, then also provision should be made that the new employees would be entitled to the same wage rates. This should be specifically provided for as in the Industrial Dispute Act and as in the case of representative suits in the Civil Procedure Code. I hope the hon. Minister will take this into serious consideration and make the necessary amendments. It is not very difficult to make, I think. A clause may be thought of modelled on the section of the Industrial Disputes Act—I think it is clause 18, if I am not mistaken—on that particular section of the Industrial Disputes Act and proviso may be made to supply the lacuna.

Shri Nanda: I will first deal with the amendment moved by the hon. Member Shri Mahanty. I appreciate his anxiety on behalf of the small newspapers and we have all concern on behalf of these papers. But, the position is that this thing cannot be dealt with through this legislation. It has been brought in for a specific purpose. This goes beyond that purpose very much. For example, so far as that part of his amendment is concerned which seeks to give some special protection or provide for some special safeguards in respect of a certain class of newspapers, it is a matter which lies within the province of the Committee, in the first instance. It is not bound to make recommendations which are uniform for all classes of papers. In fact, the existing decision or what was the decision of the Wage Board, that also does not apply uniformly to all classes of papers; in those cases, it can certainly take into

consideration special claims of different classes of newspaper establishments.

Regarding the question of aid, this, as I said, really is not relevant to the purpose of this legislation. It lies in another sphere and certainly will properly be dealt with there. He has mentioned the question of advertisements. He has made certain remarks which I do not think it necessary to deal with. All I can say is, as I pointed out earlier, the Minister for Information and Broadcasting had at some time—it is on 7th May, 1958; I have got the record of the proceedings—specially dealt with this question of advertisements. I find in the course of these proceedings, he has remarked,

“I would like to put it before the House, we have a very carefully evolved policy as to on what basis we should give advertisements”

I need not take the time of the House to read what the policy is. But, I may say that that is a policy which takes into account all the factors which must be considered in regard to this matter of advertisements.

With regard to the other amendment, I can well appreciate the anxiety of the hon. Member that there should be certain sanction behind the provisions of the legislation. There was this experience that we were handicapped in the absence of this sanction in enforcing some of the provisions of the Working Journalists Act. This deficiency can only be met by an amendment of that Act. It cannot be brought in here indirectly or in a legislation which has a particular purpose before it. This matter of powers and penalties will be taken up as soon as possible while we bring in an amendment to the Working Journalists Act.

As regards the other question raised by Shri Sadhan Gupta, there is a whole history now of wage determination and awards by tribunals. No such difficulty has been experienced although the language has been really the same. In this particular case, I may add . . .

Shri Sadhan Gupta: May I point out . . .

Shri Nanda: I am finishing; then he may say.

In this case, it has been said:

"words and expressions used but not defined in this Act, and defined in the Working Journalists Act, shall have the meanings respectively assigned to them in that Act."

When we mention the word 'working journalist' here, it is not the working journalist who has made the representation only, but the working journalist as defined in this Act, that is the whole class.

Shri Sadhan Gupta: I may point out that so far, there has been no difficulty because section 18 of the Industrial Disputes Act had specifically provided that the award should bind not only the parties, but also others who might come after them. This kind of provision is not there. The definition of working journalists there does not improve matters because working journalists are defined as certain sections. It does not say here in this particular Bill whether future working journalists would be governed. As I said, the normal rule is that only the parties are bound: not those who were not parties. Therefore, I would request you not to dismiss it so lightly, but have it considered and see if something can be done either here or later.

Shri Mahanty: I wish to withdraw my amendment in the hon. Minister's assurance.

Shri Nanda: Though my view is as I have expressed it, there is no harm in giving further thought to the matter. If that safeguards the position better, we shall look into it.

Mr. Deputy-Speaker: There is no specific amendment. The hon. Minister can consider it.

श्री भक्त वर्गन : मैं एक बात पूछना चाहता हूँ । सभी माननीय मन्त्री जी ने बतलाया कि दण्ड देने की व्यवस्था इस विधेयक के अन्तर्गत नहीं की जा सकती । और जो दूसरा विधेयक इन्फार्मेशन एण्ड ब्राडकास्टिंग मिनिस्ट्री के अन्तर्गत आयेगा इसको उसमें रक्खा जायेगा तो मैं जानना चाहता हूँ कि उस विधेयक का संशोधन कब लाया जायेगा ?

Shri Nanda: The first thing is, it is within the purview of the Labour Ministry and it is being administered by Labour Ministry. Therefore, this Ministry will bring it. As I said, I cannot specify a date. But, our effort will be to bring it as soon as possible.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: What about 28 ?

Shri Ansar Harvani: In view of the assurance given by the hon. Minister, I would like to withdrawn my amendment.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

Mr. Deputy-Speaker: Amendment proposing new clause 7A. Is it going to be moved? No.

Clause 8.— (Review of order of Central Government)

Mr. Deputy-Speaker: Any amendments?

Shri Ansar Harvani: 29.

Mr. Deputy-Speaker: 16 is not moved.

Shri Ansar Harvani: I beg to move:

Page 5, after line 9, add—

"Provided, however, that even within the period of three years on an application made by either party, if the Central Government be of opinion that circumstances require a modification of the rates of wages fixed under section 6 it may pass an order modifying the rates of wages fixed under section 6.

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

The Government has tied its hands to three years. We should realise that the newspaper industry is such that its complexion changes from month to month and even week to week. A paper may improve within the course of a year its financial position, but according to this clause for three years the Government cannot revise its orders. It is quite possible that today a paper may be quite prosperous and within a year its financial position may go down. Therefore, the Government should not tie itself and the hands of the newspaper proprietors and journalists, but keep the thing open so that any party may make a representation. That is all that I want to be made by this amendment.

Shri Nanda: Whatever is settled after a long period, many years of enquiry and discussion and legislation and references to the courts, should have a certain amount of dependability, some steadiness about it. Therefore, it will not be really very proper to disturb an arrangement which has been made after such scrutiny and enquiry repeatedly and frequently. The period of three years is not at all too long considering all the background and history of a case like this.

Mr. Deputy-Speaker: Need I put it to the vote of the House?

Shri Ansar Harvani: No, Sir. I withdraw.

Mr. Deputy-Speaker: Has the hon. Member permission of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 8 stand part of the Bill".

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9.— (Recovery of money due to working journalists).

Shri Naushir Bharucha: I beg to move:

Page 5, line 21,

after "made to it" insert "shall".

Shri Bhakt Darshan: I beg to move:

Page 5, for lines 20 and 21, substitute—

"a working journalist from an employer, the State Government may on its own and shall invariably upon application made to it, refer the question to."

Mr. Deputy-Speaker: These amendments are before the House.

Shri Naushir Bharucha: This clause 9 has a separate history. In fact, it has got nothing to do with the main scheme of the Bill, and this amendment is also now coming in this Bill as the result of another Supreme Court judgment which was delivered about the same day when the working journalists judgment was delivered.

This was a case in which *The Hindu* of Madras appealed against a decision of Mr. Mehr where a working journalist sought to recover what he said was due to him and sought the particular and special mode of recovery provided in the Act, namely that as soon it is determined that a particular amount is due to a working journalist, then the State Government can forward a certificate to the Collector and ask the Collector to recover the same as if it were arrears of land revenue. A special procedure is being provided for recovery of working journalists' dues.

Then the question arose as to what would happen in a case where the amount itself was disputed, and there the Supreme Court held that the

existing law as it stood did not entitle the working journalist to the issue of a certificate. Therefore, the Government have come and amended this section.

The scheme of the amendment is all right except for one thing. Sub-clause (2) reads:

"If any question arises as to the amount due under this Act to a working journalist from an employer, the State Government may, on its own motion or upon application made to it; refer the question to any Labour Court..."

Therefore, the discretion is left to the Government to refer or not to refer. If it is the intention of the Government to give a special mode of recovery to the working journalist, then at least on the application of the working journalist a duty must be cast that the Government shall refer such dispute to Labour Court. Otherwise, what is the special remedy that is being provided? Therefore, I have stated that the thing should read this way:

"If any question arises as to the amount due under this Act to a working journalist from an employer, the State Government may, on its motion or upon application made to it, shall refer..."

The intention is this, that if we want to provide a special mode of recovery for the working journalist, then it should not be left to the discretion of the Government whether to let him have that mode or not. If the working journalist says this is what he claims from a newspaper proprietors, then the Government shall refer it to a Labour Court. Otherwise, the result of it will be that in some cases the Government may favour journalists of a particular trade union etc., in which case they will give the benefit of special recovery, in other cases

[Shri Naushir Bharucha]

they will say: "No, you go the ordinary law" which means pay the stamp fees and go through the whole procedure which may be result in a delay of two to three years.

Therefore, I submit that all working journalists shall be treated on the same level, and therefore this change is suggested by the amendment.

श्री भक्त बर्मन : उपाध्यक्ष महोदय, मेरे संशोधन का उद्देश्य श्री भरूचा साहब ने जो संशोधन रक्खा है उसी की पुष्टि करना है। मैंने जैसा कि अपने वक्तव्य में पहले बतलाया था, बम्बई राज्य में और उत्तर प्रदेश राज्य में इस बीच में जितने भी मामले, अमजबी पत्रकारों के, राज्य सरकारों के ध्यान में लाये गये, जहाँ तक मुझे मान्नुम है, उन में से एक भी औद्योगिक न्यायालय के सुपुर्द नहीं किया गया। मैं बालनीय मन्त्री जी से जानना चाहता हूँ कि पिछले दो-तीन वर्षों में क्या उन के सामने ऐसी शिकायतें आई हैं कि राज्य सरकारों ने स्वच्छा से उन्हें औद्योगिक न्यायालयों के सामने नहीं जाने दिया, जिससे कि अमजबी पत्रकारों को कठिनाई उठानी पड़ी ?

इस लिये जैसा कि श्री भरूचा साहब ने कहा है, मैं उनके उस संशोधन को और पुष्ट करता हूँ और अभीम कक्षंगा कि इस विषयक में कुछ स्पष्टीकरण होना चाहिय, ताकि अनिवायतः ऐसे मामले न्यायालय को जाँसकें।

Shri Tangamani (Madurai): I rise to support the amendment of Shri Naushir Bharucha as also my amendment No. 24 which is the same as his amendment.

Mr. Deputy-Speaker: 24 was not moved.

Shri Tangamani: Not moved, but they are the same.

Mr. Deputy-Speaker: That is all right. Then he may speak on that.

Shri Tangamani: So far as clause 7 is concerned, it is good so far as it goes, viz., that the working journalist is entitled to be paid the wages at the rates prescribed by the wage board or the new committee. The lacuna that I would like to point out is that there is no penalty clause where the employer has failed to pay the wages. Where the employer has failed to pay the wages, there is a provision under the Industrial Disputes Act. Under the Industrial Disputes Act originally there was the appointment of an industrial tribunal, and industrial tribunals being more in the nature of settling industrial disputes, now industrial courts or labour courts have been set up by the recent amendments. Even where the issue has got to be referred to the labour court, it was left to the discretion of the appropriate Government to refer or not to refer. Now, where the question of the total emoluments to be paid to the working journalist is to be left to the discretion of the Government, it may look as though a new dispute has arisen.

Here, to resolve certain disputes, we had a wage board, and after the wage board's decision was overruen by the Supreme Court, we are coming forward with a new legislation which gives a committee; the committee fixes the wages and we know what the wages of working journalists are. After the wages have been fixed, if the employer refuses to pay, there is no penalty clause which says he will be prosecuted. There must be a guarantee at least that the employee will get his wages. Clause 9 seeks to provide for that, but in seeking to provide for that, it is again leaving it to the discretion of the Government.

Where a dispute is as to how much amount is to be paid, machinery has been set up so far as the Industrial Disputes Act is concerned for referring it to the labour court. Here the Government must provide a mandatory provision for the matter to be referred to the labour court.

I will give a concrete instance. An employee says that he is entitled to Rs. 200 per mensem, that the employer was paying him only Rs. 150. So, in the course of 12 months he says he is entitled to Rs. 600 more. He says that Rs. 600 is the amount that is payable to him. And he refers it to Government. Government may not be in a position to straightway say that he is entitled to Rs. 600. This clause says that Government may refer it to the labour court. But the amendment seeks to provide that as soon as the matter is referred to Government. Government should refer it immediately to the labour court, and the labour court will decide the amount which is in dispute and say that it is Rs. 600 or Rs. 500 only as soon as that amount is fixed by the labour court, in the light of the other clauses put together, the man becomes entitled to the amount. Otherwise, the matter is again left to the discretion of Government, and Government may or may not exercise discretion. So, the effect of this clause will go, if the word 'may' is allowed to be retained. Hence I suggest that the word 'may' should be replaced by 'shall'.

Shri Nanda: what is more important from the point of view of the working journalist is what is provided for in the earlier sub-clause, namely sub-clause (2) of clause 9. There, there is a sure method provided for recovery of an amount due to a working journalist, and that will be by virtue of a certificate which will be granted; and then, the collector shall proceed to recover that amount in the same manner as arrears of land revenue. That is the real new right which is being conferred on the working journalist. In this clause, it would be found that this sort of thing arises

only after the State Government is satisfied that the money is so due. So, if the discretion of the Government were to be questioned, it is really in the earlier part. That is how it begins. Whether any amount is due to the working journalist or not is to be decided by Government after such inquiry as it chooses to make, and if it is satisfied that any money is so due, then these other procedures follow.

Now, what we need to know is what the amount is. In some cases, the amount may be obvious, and it is well known and it is easily understood, and it can be easily ascertained. Then, there is no need for any inquiry, and no necessity to go to a labour court; for, why should there be further delays regarding the steps that we have taken to secure payment for the working journalists? If, however, Government finds that it is necessary to decide the amount that is to be paid, then it may refer the matter to the labour court? Why fetter the discretion of Government in deciding these matters straightway, if it is in a position to do so? If it is not in a position to do so, then it refers the matter to the labour court; otherwise, it does it itself. There could be also other procedures available to it. Therefore, it could easily be realised that Government, when it itself is satisfied that the amount is due, would certainly like to be enlightened or be assured of what precisely the amount is. If it has not the means of ascertaining it itself, then it will certainly send it on to the labour court. Therefore, there is no necessity to bind and fetter the discretion of Government in this matter.

श्री जयलक्ष्मी : मैं एक स्पष्टीकरण चाहता हूँ। मैंने एक प्रश्न किया था कि क्या माननीय मंत्री जी के ध्यान में यह बात आई है कि कई राज्य सरकारों ने इन नियमों पर पूरी तरह से अमल नहीं किया और क्या प्रागे के लिये माननीय मंत्री यह प्रावधान देने के लिये तैयार हैं कि उनका पालन दृढ़ता से किया जायेगा ?

Shri Nanda: Actually, at that time, the position was a little obscure. Even then, some of the States would refer matters which were brought to their notice to adjudication. And as I have said, some of the lacunae in the Act itself have to be removed, and it was at that time that these clauses were brought forward.

Mr. Deputy-Speaker: Need I put the amendments to vote?

Shri Bhakt Darshan: I want to withdraw my amendment No 34.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: I shall now put amendment No 17 to vote.

The question is

Page 5, line 21,—

after "made to it" insert "shall"

The motion was negatived.

Mr. Deputy-Speaker: The question is

"That clause 9 stand part of the Bill"

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 12 were added to the Bill.

Clause 13—(Power to make rules)

Shri Tangamani: I beg to move

Page 5, after line 31, add

"(e) appointment of inspectors, mode of keeping registers etc."

Shri Ansar Harvani: I beg to move:

Page 6, after line 31, add:

"(e) the manner in which records of payment of wages be kept by employers, the powers and duties of inspectors appointed under the Working Journalists Act to inspect the records maintained by any newspaper establishment"

Mr. Deputy-Speaker: These amendments are now before the House.

Shri Tangamani: I should like that in the rule-making power, the appointment of inspectors, the mode of keeping registers etc may also be included. My purpose in adding these is this. This Bill is a very short one, and it is not comprehensive, and certain things are left more or less to the imagination of the people who will administer this.

For instance, under the Shops and Establishments Act, whenever any question arises, there is an inspector to go into the matter. Even under the Industrial Disputes Act, there is an inspector who has to see that the accounts are maintained properly, and where any particular provision of the Act has not been carried out, he has to launch a prosecution, and he has to advise Government as to what should be done. But I find no similar provision here for the appointment of an inspector or for fixing the mode of keeping the accounts and other things. So, by way of abundant caution, to give powers to the Central Government to provide for appointment of inspectors, mode of keeping registers etc in the rules, I have moved this amendment.

Shri Ansar Harvani: In this clause, Government has not assumed any powers in regard to the manner in which the records should be kept by the employers, about the payment of

wages, and about the duties of inspectors. we have nothing to verify the manner in which the records are manipulated by this class of people with whom we are going to deal. We know the story very well that once a person was employed as a book-keeper, and that poor fellow said that he knew double entry, and the employer immediately said, "We want a person who knows three entries. one for me, one for my partner and one for the Income-tax Department". So, Government should have drastic powers to decide the manner in which the records should be kept. Otherwise, we are afraid that at every step, this class of people will cheat their employees as they have been doing in the past. To safeguard against that, it is very necessary that Government should have full powers to give authority to the inspectorate to look into the matter.

So, I hope and trust that the Minister will accept my amendment.

Shri Nanda: What is sought to be done by these amendments regarding the appointment of inspectors. regarding registers etc. is something which I do not resist; it is perfectly all right, and it will be necessary to do that. I accept the principle. But this is not the proper place in the rules here. These have to be, in the first place, put into the body of the Act before rules can be framed thereunder. As I said earlier regarding other similar suggestions made before, for penalties etc. this is not the proper place for this suggestion also. This, along with the other suggestions in regard to which I have given my reply, belong to the main Act, and it is there that they will be given a place.

Mr. Deputy-Speaker: I shall now put amendments Nos. 25 and 31 to vote.

Shri Ansar Harvani: I do not press amendment No. 31.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

Page 6,—

after line 31, add—

"(e) appointment of inspectors, mode of keeping registers etc."

The motion was negatived.

Mr. Deputy-Speaker: The question is

"That clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

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

Shri Abid Ali: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

Shri Vasudevan Nair (Thiruvella): I consider this occasion to be a very happy one, because this House is almost unanimously offering support to this piece of legislation. Government are adopting a measure which is intended to do justice to a certain section of our working people. But I wish to submit that certain remarks made by the Minister in his opening speech have given room for misunderstanding.

We all know that the newspaper magnates are carrying on a regular cold war. According to me, their tactics is one of intimidation. The speeches made in their conference, the resolutions passed thereon all go to

[Shri Vasudevan Nair]

indicate that they are not going to accept this lying down. We should take into consideration their criticism of the statement made by the hon. Labour Minister some months back at a Press conference. They have criticised the Minister for giving out a statement that this Committee of officials may finish their work within three months. They have taken serious objection to this statement of the Minister's. Perhaps the Minister wanted to discount the fears expressed by the newspaper proprietors. That may be the reason why in this House in his opening remarks he said that he does not stick to that; the Committee can take its own time, as much time as it liked.

Of course, we all agree that we do not want to hustle the Committee into some hasty decisions. But the remark of the hon. Minister that it can take its own time, it can take as much time as it liked, should not be made use of. That should not create the impression that this can go on. As the Minister himself has stated before us, there is a history of six years for this dispute. I need not go back into the entire story of these 6 years. The working journalists have waited and waited with patience and again this Committee is also going to sit for months and months and is not going to come to some conclusions within a reasonable period, I think it is not going to do good to the future of this industry. I would like the Minister to clarify the position. I hope the entire House is anxious to see that the Committee of officials comes to some definite decisions within a reasonable period, within as short a period as possible.

16.43 hrs.

[MR. SPEAKER in the Chair]

So I would like the Minister to clarify his position and to clear the misunderstanding which may arise as a result of his statement in his opening remarks.

I would like to stress another point. If there is not going to be some decision very soon, things are going to get worse because we know that victimisation has taken place. I have before me a list of 24 cases of victimisation in almost all States—Rajasthan, Madras, Mysore, Orissa, Bihar and so on. I hope this may have come to the notice of the hon. Minister already. The amounts which have already been paid to working journalists are being recovered. All these things are taking place. There is unrest prevalent among the working journalists.

So taking into consideration this situation, the Minister should clarify his position and clear up the misunderstanding that may arise because of his statement.

I would like to bring to his notice another issue which was raised by many Members in their speeches, to which the Minister has failed to give any explanation in his concluding speech. That is the question of the Supreme Court interfering on questions of labour legislation. I would like to point out that in February 1950, the then Supreme Court gave a judgment in a case that was before them, the Bharat Bank Ltd. vs. its employees. In that judgment eminent judges like Shri Patanjali Sastri and Shri Mukherji came to the conclusion and gave a verdict that labour legislation should, as far as possible, be precluded from the purview of the Supreme Court. The then Chief Justice and Justice Fazl Ali commented that if at all the Supreme Court is going into such cases of labour legislation, then, they should only consider substantial points of law. But, we all know that of late there is a departure as far as the Supreme Court is concerned. They are going into facts and figures and they are taking into consideration other factors. So it is high time, according to me, for the Central Government to consider whether there

should not be an amendment to article 136 of the Constitution. And, there is already a Bill introduced by some hon. Member before this House that this article 136 should be amended. I think this is an occasion for Government to consider this question and bring forward some suitable amendment so that labour legislation is taken away from the purview of the Supreme Court. On these two issues I would like the Labour Minister to clarify his position.

Mr. Speaker: Shri Sadhan Gupta.

Shri Mahanty: rose—

Mr. Speaker: Shri Mahanty has spoken at length for about half an hour.

Shri Sadhan Gupta: In very pleasant contrast to the furore raised by the newspaper magnates there is a mere unanimity in this in supporting this Bill. I say mere unanimity because some objections have been raised on the score of small newspapers and I shall try to deal with those objections. But, even in spite of those objections, even those who have objected to this Bill on the ground of protection to smaller newspapers do not agree with the storm that is being raised by the newspaper magnates.

The furore that is being raised is amazing; it is incomprehensible to a normal man with normal common sense. What is wrong with this Bill? There is a committee of officials appointed to go into the capacity of the establishments to pay their reporters. It is not an irresponsible committee. It consists of government officials who are normally conservative and are not too meddling as far as individual business is concerned. It is they who go into the whole thing and arrive at an opinion about the capacity of the concerns to pay their employees.

This is very necessary in view of the fact that repeated attempts at conciliation have failed and something must be done, something cries to be done for bettering the lot of the journalists. This is nothing which a normal, honest man should be afraid of. Yet a furore has been raised on that ground. Why this furore? Apparently, Sir, they are afraid of the probe into their capacity. They have good reasons to be. I shall come to that. But they are afraid of that probe.

Obviously, their capacity is a weak point. Why? Because most of the concerns either show losses or very small profits. They have manipulations of accounts. They have all sorts of other devices which have been pointed out repeatedly on the floor of this House like setting up their own relations in highly paid posts, creating high paid posts for them and in other ways by showing loss where no loss really occurs. It is this aspect which they want to preserve inviolate and which they cannot bear a probe into.

In this context, I would again remind the hon. Minister about the necessity to give further powers to the authorised official of the committee. It is true they have the powers of the industrial tribunal but that only relates to discovery. You can only ask the concerns to produce their account books; you cannot compel the production of these. If they do not produce them, you can proceed on certain basis. But if they produce the balance sheet which reveals certain things and if the workers are unable to produce enough evidence to refute the balance sheet which can only be offered from the books themselves, then there is no way of refuting the balance sheet and the board will have to pronounce in favour of the employers. This may be all right in a civil suit as between private litigants. That is why it was enacted in the Civil Procedure Code but here we are dealing with the question of paramount public importance where the

[Shri Sadhan Gupta]

decision of the committee should not be left to the whims of private individuals. The committee should have compulsory access to certain documents and books which are necessary for the purpose of arriving at that position. That compulsory power vests neither in our civil courts nor in our industrial tribunals; it vests only in the criminal courts and it has recently been given to the Income-tax Investigation Commission. Therefore, some similar power which would enable the committee or the authorised official to direct the seizure of the account books in extreme cases where it is clear that they are trying to secrete all the books is necessary. In such cases, public interest demands that these compulsory powers on the model of the powers conferred on the authorities of the Income-tax Investigation Commission should be available to this committee and the authorised officials.

I do not want to deal with other matters at great length but I should request the Minister to keep in view this particular lacuna with a view to remedying it. I would also briefly refer once more to the question of representation which I had raised and as I had myself said there was nothing in the interpretation of the section; it would probably be that associations of journalists would be entitled to make representations. But then the other argument is plausible and if a rule is issued by the High Court the whole proceedings would be held up. There is no harm in mentioning journalists' associations.

The hon Minister has said that legislation does not include superfluties. He is mistaken there. If he will consult his law officers they will tell him that *ex abunda cautela*, out of abundant caution, even superfluties occur. What has already been stated by implication is expressly stated and I want precisely that thing should be done.

Lastly, I should like to advert to the challenge that has been thrown by the newspaper industry and the newspaper magnates. Of course, I am not speaking of the smaller newspapers. Some objection has been raised on their score but I submit they have nothing to fear. What is being sought to be taken into account is the capacity of the concerns to pay. It has been held by the Supreme Court and by many industrial tribunals that the capacity to pay is a very relevant factor except in the case of those concerns which are not able to pay minimum subsistence wages. Those concerns have no right to live, those concerns have no right to exist. Whatever they are doing, if they can't pay the minimum subsistence level they have no right to exist. Therefore, I am omitting out of account those small papers which cannot pay the bare subsistence level. Instances of a Praja Socialist paper or a Communist paper have been given. If they want to survive and are not able to pay the minimum subsistence wages, they will have to survive on the work of party volunteers. That is the only way in which they can survive, and I think we have altruists enough among our party workers to serve the party and the public by way of journalism even on a very small pittance. That is a voluntary affair. But you cannot compel others to serve on anything below subsistence level. Therefore, small newspapers need not have any fear.

Mr. Speaker: What is the difference between voluntary and compulsory work here? Nobody forces a man to go and serve. It is open to him to go and work if he wants.

Shri Sadhan Gupta: For instance, in our Party the Newspaper Editor agrees to serve for a paltry wage of Rs 35 or Rs. 40.

Mr. Speaker: That is due to loyalty.

Shri Sadhan Gupta: That is on account of loyalty.

Mr. Speaker: And the other man goes to work on a small wage on account of bread. That is also voluntary.

Shri Sadhan Gupta: That is compulsion and not voluntary.

Mr. Speaker: As a matter of fact, his mind compels him to work.

Shri Sadhan Gupta: That is because he cannot earn elsewhere.

Mr. Speaker: What can be done? The alternative is starvation.

Shri Sadhan Gupta: Under those circumstances, he cannot be compelled. Sir, the big newspaper magnates have been dared to throw a challenge at us that if we do it...

Mr. Speaker: What I am driving at is, even party papers should not depend purely on loyalty....

Shri Sadhan Gupta: That is true. If they do not depend on loyalty, if they want to employ someone, they have no right to pay them below subsistence level.

Sardar Hukam Singh (Bhatinda): Loyalty should not be exploited.

Shri Sadhan Gupta: Loyalty is never exploited.

Sir, the real threat comes from the bigger newspapers, that if we proceed with this kind of thing the newspaper industry will go out of existence. Now, Sir, we can tell them that although we do not believe their word, we wish it was so as far as they are concerned, because the big magnates have done nothing, done no glorious work for the newspaper industry. They have brought journalism from the heights of idealism with which it started in India and brought it to the gutters. They have completely destroyed the objectivity. They have indulged in the most hideous exploitation, in the most unconscionable exploitation of their employees. And, therefore, if they

disappear, I do not think the country will lack newspapers to fill their place. We can, on the other hand, as spokesmen of the people, fling back the counter challenge that if they did really go out of existence—which is, unfortunately, very unlikely or, I should say, which is highly improbable—we can assure them that other journalists would supply the void with much healthier journalism than they are providing today.

Shri Nanda: Sir, it remains for me only to express the deep sense of gratification that we are concluding now a stage towards the Bill becoming a statute of this country. I have been asked to clarify one or two points which I will try to do briefly. In a press conference, I was asked about the time that will be taken for completion of inquiry by this committee. I said it was my own case and that it was likely to take about three months or so. Then, in the course of my speech here, I tried to clarify my position. That is, it was never intended that it was in my mind that they must complete their work within a certain period, even if they find that they have not been able to secure all the information that they require or have not been able to take such steps as they found necessary for them. So, I made it clear here that this was not a kind of obligation I had created for the Committee. I was in no position to do, and I further amplified those remarks by pointing out to the fact that actually this Committee had asked and secured a further period of two months or so for completing its work. That was a clarification which was necessary from a certain point of view.

17 hours.

I do not want to give a further clarification which will destroy the purpose of my earlier clarification, that is, to be called upon now to say that "No, they must do their work within a certain time". I do not want to say that, but I wanted to make it clear. They may take the time they

[Shri Nanda]

may like. They would not like to take a single day more. I am sure of that fact. It is a very highly responsible body of officers who have been entrusted with the task. They will be keen, very earnest, and they will be anxious to complete it in the quickest time possible. I am absolutely sure of that fact and, therefore, I do not think I need say anything more on that subject. I myself am keener than anybody else that not a day more should be taken over it than can be helped.

Some other suggestions were made about the scope of certain words and the need to clarify certain provisions in order to make the legal validity absolutely sure and clear. I do not choose to pit myself against the hon. Member who knows very much more of law than I do. I had already indicated earlier also that although on a plain reading of these provisions, I do not think it will be necessary to do anything more, I have already offered—I repeat that offer—that for safeguarding what we are intending to provide through this legislation, we will certainly examine all those risks which have been pointed out by the hon. Member, and we will see that we will do our best to avoid any loopholes remaining in the context of this legislation.

Just one more point about my being very moderate and restrained in dealing with the employers. That is, I have not attacked them, and I have not said nasty things about them, whatever the feelings may be. The question is that I have to be helpful to the employers and the working journalists at various stages, and I have a straight business before me to see that they secure justice as quickly as possible. Ultimately, they have again to live together, work together, and at least on my part, I do not want to make any contribution which will lead to a greater estrangement and bad feelings among the parties. I feel that I have tried to do my part in a manner which will not only be calculated to promote justice but also to

secure better relations between the various sections of the industry later on.

Sir, I have done.

Shri C. K. Bhattacharyya (West Dinajpur): I hope no loophole will be left for party volunteers to come in and oust the working journalists.

Shri Sadhan Gupta: Would it be possible to make a provision so that the Committee can pronounce its recommendation in individual cases, without waiting for the decision on the class or group? Otherwise, if every account has to be gone through before the opinion is pronounced, it may take a long time, because there are a large number of newspapers. Everyone need not wait till everyone else's account has been looked into.

Mr. Speaker: I find that the Minister has no comments to make. Now the question is:

"That the Bill, as amended, be passed"

The motion was adopted.

17.06 hrs.

BUSINESS OF THE HOUSE

Mr. Speaker: The Minister of Parliamentary Affairs has informed me that the hon. Finance Minister is leaving for England. As such, he wants the Estate Duty (Amendment) Bill, 1958, which stands in his name and which is the first Bill to be taken up next to be put off till the end of the week, when others will take it up. So, the next Bill in the Order Paper will be taken up. I suppose the House agrees with this.

Some Hon. Members: Yes

17.07 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 26th August, 1958.