

[Mr. Deputy-Speaker]

The hon. Member may continue tomorrow. He will have two minutes tomorrow.

श्री रामसेवक यादव (बाराबंकी) :
उपाध्यक्ष महोदय, मैं एक सूचना देना चाहता हूँ। उत्तर प्रदेश की विधान सभा को वहाँ की पुलिस ने बेर लिया है। ५० विधायकों को निकाल कर बाहर फेंक दिया गया है। वहाँ कास्टीट्यूशन टूट गया है, जनतंत्र मिट सा गया है। इस गम्भीर स्थिति पर सदन को विचार करना चाहिए।

उपाध्यक्ष महोदय : यह उत्तर प्रदेश का सदन नहीं है।

Shri Sonavane: His remarks are irrelevant.

15.31 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTEENTH REPORT

Shri Hem Raj (Kangra): I beg to move:

"That this House agrees with the Sixteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 20th March 1963".

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Sixteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 20th March 1963".

The motion was adopted.

WORKING JOURNALISTS CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL—(Insertion of new Section 7A) by Shri C. K. Bhattacharyya—contd.

Mr. Deputy-Speaker: The House will proceed with further consideration of the following motion moved by Shri C.K. Bhattacharyya on the 8th March 1963:—

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

The time allotted is 2 hours, out of which one minute has been taken, leaving 1 hour and 59 minutes. Shri C. K. Bhattacharyya may continue his speech.

Shri C. K. Bhattacharyya (Raiganj): Mr. Deputy-Speaker, Sir, let me make my position clear at the very outset. It is not my intention to impose or inflict anything upon the Government. What I want to do by giving notice of this Bill is to draw their attention to something which has been left undone and which they should do. That is the whole purpose of my giving notice of this Bill.

Shri D. C. Sharma (Gurdaspur): Where is the Bill? Let me have a copy.

Shri C. K. Bhattacharyya: In fact, I want to carry the Government with me. I want the age of retirement to be fixed. That is all. I shall be happy if Government come forward with their own proposal or if they suggest any other way or form in which they are prepared to accept or agree to it. That is the whole purpose behind the Bill.

I only remind them at the beginning that if they agree to have the age of working journalists statutorily fixed under the Working Journalists Act of 1955, that would settle an all-

India problem which is agitating most of the States and different newspaper establishments. In fact, the Bill I have given notice of is an offshoot of the main Act. In section 5 of the Act, it is stated that one of the conditions for payment of gratuity is "his retiring from service on reaching the age of superannuation." When the Act provided that gratuity should be paid when the journalist reached the age of superannuation, it became incumbent upon Government to prescribe the age itself. But that has been left undone. I believe that is a lacuna in the Act.

As I have stated in my statement of objects and reasons:

"There is no provision for age of superannuation for the working journalists in the Working Journalists Act of 1955 and rules made thereunder.

There is no uniform age of retirement for the working journalists employed in newspaper establishments in India, though their service conditions have been made uniform by statutes. As a result, the services of working journalists are liable to termination by their employers arbitrarily at any time without assigning any reason therefor. A number of journalists have been retired even before they attained the age of 55. Further, a large number of cases alleging premature and arbitrary retirement of journalists by the employers are pending before different courts. The object of the Bill is to remove this lacuna in the Act and to prescribe statutorily a uniform age of retirement for the working journalists in newspaper establishments in India."

What the Bill proposes is the insertion of a section in the Act itself to the following effect:

"No working journalist shall be required to retire from service till

he has completed the age of sixty five years, unless he is proved guilty of gross misconduct or of any offence involving moral turpitude:

"Provided that notwithstanding anything contained in this section, where there is any agreement or contract of service more favourable to the working journalists, the terms of that agreement shall prevail".

This is the whole purpose of the Bill. It was necessary after the passing of the Act of 1955 that the age of superannuation should have been fixed. It has not been done uptil now. In fact, Government have not acted up to the requirements of the Act itself. This should have been done during the last amendment of the Act, but somehow this was left out then. As I have stated, in section 5, there is a provision that there should be an age of superannuation. It could have also been done under section 20. Under this section, the Central Government may by notification in the official gazette make rules to carry out the purposes of the Act. One of the purposes of the Act was certainly the fixation of the age of superannuation. That purpose has not been fulfilled by the rules made by Government under section 20. My humble attempt is only to help Government to fulfil that purpose not fulfilled uptil now.

My entire say on this matter is divided into two groups. First, there should be a retiring age and it should be statutorily fixed. The second is that the retiring age should be fixed at 65 years. I shall divide my entire arguments and facts in my support under these two groups.

The Working Journalists Act of 1955 made a statutory provision for fixing the wages of working journalists. Why was it done? It was done because these workers were not in a position to get a fair wage by collective bargaining. They were working in small numbers in a large number of

[Shri C. K. Bhattacharyya]

private establishments spread all over India. That was why they could not have their wages decided by collective bargaining, and Government very kindly took up the matter and had a law enacted. If I may be allowed to remind the Ministry, by the 1955 Act, the following Acts were made applicable to working journalists: The Industrial Disputes Act, the Employees Provident Fund Act and the Standing Orders Act. The object was to ensure a certain amount of security to this category of workers who, as I have already stated, are not in a position to have their interests gained and protected by collective bargaining. But the intention of the Act and the intention of making all these Acts applicable to the working journalists will remain unfulfilled if the employers are in a position to terminate their services at any time in the name of retiring them from service, even when the journalists are quite fit and capable of rendering efficient work in their profession. The protection given by the law becomes nullified if the employer is within his rights to retire the employee at any stage of the latter's service. That is one of the points I want to urge in support of my contention that there should be an age of retirement statutorily fixed.

The Working Journalists Act, as I have stated, mentions the need of fixing the age of superannuation. The Labour Appellate Court of West Bengal has held that the expression "termination of service" used in the Standing Orders Act also includes termination by retirement. In the absence of any legal direction as to how this retirement is to take place, the determination of the terms and conditions of retirement have been left to the sweet will of the employers, and as a result, the terms and conditions differ in different States in India.

Not only that. They differ in different newspaper establishments in the same State, and they differ in the same newspaper establishment in regard to

different categories of workers who have been taken in at different times.

In Calcutta, there are ten newspaper establishments which have framed standing orders fixing the age of retirement of the working journalists working in these establishments at 60. But there is another newspaper establishment controlling a group of newspapers which has created three categories of working journalists in the matter of retirement: working journalists who entered service before 1949 are to retire at the age of 60, irrespective of the period of service they have rendered; working journalists who have come in after 1949 and before 1960 are to be guided by the rule that they will retire after 25 years of service or at 60 years of age, whichever is earlier; working journalists who came after 1960 are to be guided by another rule that their retirement will be at the age of 55. In the same newspaper establishment there are three categories of working journalists controlled by three different sets of rules of retirement.

In another newspaper, also a very important newspaper, there are two rules: working journalists who entered service before 1953-54 are to retire at 60 years of age, irrespective of the period of service, but working journalists who entered service after that year will have to retire at 55 years. Of course, after certain disputes, this has been raised to 58 years. In any case, in the same newspaper establishment three different rules come in: 60 years for those who came in before 1953-54; then 55 years; then 58 years.

So, the age of retirement varies according to the time of entry in service, and the variation, if I may point out, is to the growing disadvantage of the working journalists. The later the time of working journalists have entered service, the retiring age becomes lower and lower. It was 60 in the beginning, then it became 60 years or 25 years of service, then it became 55. This is the difficulty in which the

working journalists find themselves. So, inasmuch as the Government felt the need of passing the Working Journalists Act of 1955 to safeguard their interests, the Government should also feel the need of clarifying what they mean by the age of superannuation in section 5 of the Working Journalists Act, 1955.

Apart from what I have stated, a certain number of newspapers have developed a novel practice. They re-employ the working journalists in the midst of their service, and then re-employ them in the same service, in the same post, on a contract basis from year to year. I know of some cases in which working journalists have been retired even before they reached the age of 55. Since the retiring age has been left to be determined by the employers, they determine it in their own favour, and so they retire the working journalists even before they have reached 55, and then re-employ them in the same post on a year to year contract. This creates a class of working journalists who will not have the protection of the law. By this process, the working journalists who accept service under a contract go beyond the protection given by the Working Journalists Act, 1955.

There are cases also in which journalists, after having attained the age of 60 have been retired and then re-employed in the same post. What does it prove? It proves that the employers know that the workers retain capacity for efficient work in spite of the age they have reached. That is why they retain them on the same pay, in the same service, but on a contract basis. But the result is that these journalists go beyond the pale of the protection given by the Working Journalists Act, 1955.

As a result of all this, there is uncertainty in the services all over India, and as a result of this uncertainty, there are disputes all round. In almost every State there are disputes before the tribunals and the High Courts, as also before the Supreme Court. This is what I want

to stop. If the Government agrees to prescribe the age of retirement of the working journalists as required by the Act of 1955, all these disputes will come to an end. If the decisions of the different tribunals, High Courts and the Supreme Court are collected, they will disclose an amount of conflict which I believe will lead the Government to think in the same way in which I am thinking now. I hope I have made out a strong case for fixing the age of retirement.

In the matter of fixing the age of retirement, the Supreme Court has made certain suggestions. I want to quote some of those suggestions. They are with regard to the nature of work assigned to the employees, the nature of the wage structure obtaining, retirement benefits and other amenities that are available.

Mr. Deputy-Speaker: There are other Members also to speak.

Shri C. K. Bhattacharyya: This is a very important matter. Unless I am able to build up my case with these arguments and facts, how can the Government reply?

Mr. Deputy-Speaker: He has taken 20 minutes already.

Shri C. K. Bhattacharyya: I have taken only a short time. I have got to put all these facts. These facts must be recorded so that the Government can come to a decision. In any case, I request you to increase the time and give me some more time; I crave your indulgence.

An Hon. Member: The Government must have already made up their minds.

Shri C. K. Bhattacharyya: I take it that the Government always keep an open mind in fairness to the House and in fairness to the working journalists themselves. What I was saying was this. The Supreme Court has suggested certain factors for fixing the retirement age. One of the factors is the character of the climate where the employees work and the age of super-

[Shri C. K. Bhattacharyya]

annuation fixed in comparable industries in the same region, and the general practice prevailing in the industry in the past in the matter of retiring the employees. I lay special emphasis on the last suggestion of the Supreme Court, namely, the general practice in the industry in the past in the matter of retirement. The Parliament can go into the past practice in the industry and consider the suggestions of the Supreme Court. It can study the practice that was obtaining in the newspaper industry so long, and after going through it, the Parliament may suggest what the age should be.

But so far as the need for fixing the age of retirement by statute is concerned, I believe that goes beyond any question, and to that at least the Government should agree in deference to the Act that the House had passed.

The next group of my arguments will be this, namely, why I have suggested that the age of 65 should be fixed. My arguments are divided into two groups. The need of fixing the retirement age by statute, and the need of fixing the age at 65. Why have I suggested the age of 65? These are some of the facts which have to be noted. The Act itself does not mention any period of service. It only mentions the age for retirement, and has not mentioned the age of retirement as reckoned by any period of service.

As I have stated, the suggestions of the Supreme Court,—the nature of the work that the working journalist has to do,—have got to be taken into consideration. In regard to that, I will quote from the Press Commission. What is the nature of the work that the working journalists does?

The Press Commission says, at page 193, para 512, as follows:

"It is essential to realise in this connection that the work of a journalist demands a high degree of general education and some kind of specialised training."

Then, it goes on to say:

"His wages and his conditions of service should therefore be such as to attract talents. He has to keep himself abreast of the developments in different fields of human activity—even in such technical subjects as law, and medicine. This must involve constant study, contact with personalities and a general acquaintance with world's problems."

Then, they say—and this is important:

"We think that the working journalists should not be equated in point of intellectual equipment and educational attainments to a person who enters the service of banks. His position is more analogous to a lecturer in a college."

That is how the Press Commission has defined the nature of work that the working journalists have to do.

Since the nature of the duties of the working journalist has been defined thus, I come to the university service. This is what I have taken from the Calcutta university:

"Every wholetime university teacher shall retire at the age of 62, provided . . . in exceptional cases the Vice-Chancellor and the Dean of the appropriate faculty . . . may extend the term up to 65"

So, the Press Commission suggests that the journalists should be of the category of lecturers, and one of the biggest universities in India—I believe the same is the rule in other universities also—has fixed that the age of retirement for university teachers should be 65. That is for the whole-time teachers. In the case of part-time teachers, the rule of the Calcutta university is the teachers are allowed to go beyond 65. I do not quote the wordings of the rule.

Then, I come to the higher secondary school teachers. In the case of

the teachers of higher secondary schools, the rule of the Board of Secondary Education is that the teacher should fulfil the following two conditions: "The teacher does not exceed the age of 65 years, and the teacher remains mentally alert and physically fit." I ask for the working journalists nothing more than what has been accepted for the university teachers and the teachers of higher secondary schools.

Then, I shall mention the age of Supreme Court judges. They are allowed to continue up to 65. That is known to the whole House. It is mentioned in the Constitution itself. To be in keeping with the age of retirement of Supreme Court judges, we are now considering an amendment to the Constitution—the 15th amendment—to the effect that the age of high court judges is to be raised from 60 to 62. That is under consideration.

Then, I take the Industrial Disputes Act. Under section 7(c) of the Industrial Disputes Act, one of the requirements that are to be fulfilled by a presiding officer of a labour court or a tribunal or the national tribunal are that he should not be above the age of 65. That is, up to 65 years of age, the presiding officers of the tribunals are allowed to continue in work. That is why I would like the age-limit of 65 to be fixed in respect of retirement of working journalists—from considerations of the Supreme Court Judges' age, the high court judges' age which is going to be raised, the university teachers' age and the higher secondary school teachers' age and also the age of the presiding officers of industrial tribunals.

Now, I should like to refer to one more thing. I was just studying the ILO publication, and I believe that will be acceptable to the Labour Ministry. I am referring to the ILO publication—*Social Security*—pages 58-59. Data were collected on pensionable age prescribed in 48 coun-

tries. Among the 48 countries, two countries prescribed 70 as the pensionable age. Two countries prescribed 67 as the age of pension. As many as 24 countries have prescribed 65 as the age of pension. So, half the number of countries from where data were collected for this ILO publication—namely, 24—have prescribed the age of 65 as the pensionable age. The age prescribed by 17 other countries is 60. Thus, out of 48 countries, the age prescribed for retirement from service is between 60 and 65, by 41 countries. That is the collection made by the ILO itself. These are the facts which I want the Government to consider.

I have already referred to the age of retirement of Supreme Court judges and others. Now, the Supreme Court have decided as to how the age is to be decided, where it has not been fixed earlier. In fact, a journalist has no prescribed age-limit of retirement. Up till the passing of the Act, the journalists would continue in service up to any age till they are physically fit.

Mr. Deputy-Speaker: You have taken your full time.

Shri C. K. Bhattacharyya: I shall finish now. In the case of Guest, Keen Williams, Ltd. reported in Labour Laws, Volume II, 1959, the Supreme Court says that in fixing the age of superannuation the industrial tribunal have often enough considered the age of 60 as fair. That is how the Supreme Court has held, where the age has not been fixed earlier. In the same volume, there is another case, the case of Dunlop Co., versus their workers. There also the age of retirement had been fixed at 55, by agreement. But when it came to the Supreme Court, the Supreme Court overruled that agreement and fixed the age of retirement at 60. That is the prevailing opinion of the Supreme Court to which I want to invite the Government's attention.

Mr. Deputy-Speaker: I will put the motion before the House. The hon. Member has taken a very long time.

Shri C. K. Bhattacharyya: Two or three minutes more, Sir.

Mr. Deputy-Speaker: You have taken by now more than half an hour. I cannot extend the time which is allotted to it.

Shri C. K. Bhattacharyya: I have almost finished. Only two or three more facts are to come.

Mr. Deputy-Speaker: You have had sufficient time.

Shri C. K. Bhattacharyya: Now, the question will be only whether these principles which were applied to the manual workers are applicable to the intellectual workers.

I shall quote only two or three lines from the second Pay Commission's report. I quote from page 439, para 14:

"It indicates a virtual unanimity of competent opinion that balancing the various factors—physiological, economic and social—that are relevant, the normal working life should continue up to the age of 60 and may well go up to 65 years."

Comparing manual workers and intellectual workers, the Pay Commission observe in page 442, para 20 of their report:

"The capacity for physical work normally declines earlier than for mental work; if there is to be a difference between one class of employees and another it is the manual worker whose superannuation age should be lower. In India the position so far has been largely reverse and it would continue to be so if while retaining 60 years as the age of superannuation for Class IV and industrial staffs, the age for other staffs is raised only to 58 years."

So, the Pay Commission also wanted that the age should be above 60 years of age.

16 hrs.

I would like to quote some instances of working journalists in Calcutta who remained editors to the end of their life and ended life almost near 80 years: Shri Hamendra Prasad Ghosh, ended his life beyond 80 years. He was editor of *Basumati*. Shri Upendra-nath Banerjee who was one of the revolutionary heroes was also editor of *Basumati*. Shri Barindrakumar Ghosh was another revolutionary hero, also editor of *Basumati* to the age of 80 years. Shri Hemchandra Nag also got involved in the revolutionary movement and ended his life as the Editor of *Hindustan Standard* at the age of 72 and to the last day of his life, he was editor. That was the rule for the working journalists. If they want to change that rule, that rule should be changed in such a way that the interests of the working journalists may not suffer.

There is one sentence more and I shall finish. I want to draw the attention of the Government to the fact that there is dearth of qualified men at the top in the profession. In Delhi, there is a case in which one man is going from place to place. The demand upon him is such that sometimes he is a Special Correspondent of one paper, the editor of another paper and the Political Correspondent of a foreign paper.

Mr. Deputy-Speaker: The hon. Member has exceeded his time. He should conclude now.

Mr. Deputy-Speaker: Motion moved:

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

Shri H. N. Mukerjee (Calcutta Central): Mr. Deputy-Speaker, Sir, I rise to accord my support to the Bill which is being placed before the House by my friend, Shri Bhattacharyya. He has made a very persuasive speech and he has tried to be as deferential to Government as he possibly can be;

and, I do hope that my hon. friend, the Deputy Minister, would be persuaded by his attitude to accepting his suggestion. The working journalists are a body of people who are considered to be valuable to the community. They are doing a public service even though generally they are employed by private agencies. Because they cannot by organising themselves secure such conditions of service as they are entitled to Government has come into the picture.

Mr. Bhattacharyya has pointed out how in the Act as it is, there is reference to the question of superannuation, but there is no provision with regard to the point of time at which superannuation will come to be operative. Therefore, I feel that he is trying to fill in a lacuna in the Act. There is no reason why we should leave the matter hanging in such a posture of affairs that lawyers can behave in the way that they do from time to time. There is no need for me to point out—Mr. Bhattacharyya has already done so—the great services which have been done to the country by journalists in the past and we do hope that there will be journalists in the present as well as in the future to continue that tradition. But it is exactly because we consider these journalists to be performing a valuable service to society that we have to treat them decently and provide them with conditions of work which would be consistent with their self-respect.

As Mr. Bhattacharyya has pointed out, so many cases have taken place where suddenly without notice, journalists have been confronted with an order from their employer and have been compulsorily retired. Maybe on occasions this bitter pill has been sought to be sweetened by a certain kind of ex-gratia payment, but that was only adding insult to injury. There have been other occasions, as he has pointed out, where the employer for his own advantage has terminated the appointment of a particular working journalist and then en-

tered into another contract with him. This is a kind of proceeding, which is open to all sorts of abuses.

I am very keen that working journalists are given all the protection that the Government can possibly devise. I say so because not only in the editorial direction of the paper, but also in the way in which the news is featured, a great deal of most undesirable control is exercised by the employer. The result has been, only lately when the Vivian Bose Commission's report appeared, in almost all the newspapers in India, at least the big-money newspapers, the report was nearly blacked out. Even the Press Information Bureau of the Government condoned this proceeding and it was only in one paper perhaps, which I need not name, that we got an understandable summary of the report which the Vivian Bose Commission had produced.

In regard to other matters, even in regard to the parliamentary proceedings, when big-money interests, particularly big-money interests associated with the newspaper industry, come in for some sort of criticism, the news is hardly featured at all. In most papers, they are blacked out altogether. In regard, therefore, not only to editorial direction, but in regard to featuring of news and selectiveness in regard to the distribution of information, we find that the position of the employer in the newspaper industry today is so very favourable to him and the working journalist is at his mercy. Therefore, every possible provision to safeguard to the working journalist his security in service and his self-respect is welcome.

That is why Shri Bhattacharyya out of the wealth of his experience—he himself has been victimised; I need not go into that matter because much of it is known to most of our colleagues—he himself knows how the shoe pinches and that is why he has come forward to bring about a little improvement in the law which my

[Shri H. N. Mukerjee]

hon. friend, the Deputy Minister, has only recently introduced, which would bring about a certain strengthening of the statutory provision. I, therefore, support the motion which has been made by Shri Bhattacharyya.

16.08 hrs.

[SHRI THIRUMALA RAO in the Chair]

Dr. L. M. Singhvi (Jodhpur): Sir, I am in sympathy with the underlying principle of the Bill which has been brought forward by my hon. friend Mr. Bhattacharyya. The Private Members' Bills, whenever they are discussed in this House, provide an opportunity for, I think, learned discourses, but they usually are exercises in futility. This is rather unfortunate, because a private Member who brings forward a piece of legislation spends considerable effort and time on studying the various ramifications of the problem and is actually giving us all the benefit of his specialised studies on a particular subject. I, therefore, feel that the efforts of private Members are entitled to greater respect, consideration and deference than have hitherto been accorded to these efforts in this House generally.

I feel that in trying to provide for an age of superannuation for working journalists, Mr. Bhattacharyya is pursuing a principle which is unquestionably sound. After all, the working journalists perform their useful services to the community and they render these services under what are often very difficult and trying conditions. It is, therefore, in the interests of the community as a whole that we must strive to invest the career of a working journalist with a certain measure of stability. In that respect, Sir, I think the Bill deserves all our support.

I am not so sure, however, that the age which he proposes to prescribe is necessarily the most suitable. As he has himself pointed out, there have been distinguished journalist

who have worked as journalists until very late in their lives, sometimes until they reached 70 years of age or even later, but it would not be possible or feasible to prescribe an age on the basis of such instances. Even the age of 65 years is perhaps on the high side. In a country like ours and in a career which a working journalist has to pursue under considerable stress and strain, the age of 65 years is certainly a pretty advanced age. But that is, I submit, a matter of detail. I should personally think that in the first instance, if we must experiment, we must experiment with providing for an age of superannuation at somewhere near 58 or, at the most, 60.

Sir, I think, in this context, the analogy that Shri Bhattacharyya has drawn with educational services is not quite valid because educational services are rendered in a different atmosphere, in an atmosphere which serves, preserves and prolongs life whereas, if my experience is any guide,—and I think this is also the experience of most of the distinguished Members of this House who have had something to do with this particular branch of human endeavour—the work of a working journalist and the career of a working journalist is really beset with the utmost in stress and strain, in a swift tempo of life as much as to shorten its course and to make it difficult for him to perform his service with competence at a very advanced age.

With these few remarks, Sir, I support the underlying principle of the Bill, which is in contradistinction to the 19th century principle of *laissez faire*, a remedy against the arbitrary power of those who have the capital to hire and fire, and I think in that respect it is a salutary principle which the Working Journalists (Amending) Bill to seeks to embody.

I should, however, like to express, before I conclude, my apprehension that about the time the discussion on

the Bill is concluded, the private Member will, as has been the wont in the past, be persuaded to withdraw it. The withdrawal is customarily termed as a graceful gesture. I hope he does not succumb to the temptation of making that graceful gesture. If he has studied this matter, if he has the courage of his conviction, I think it is only fair to the House—and the hon. Member had insisted on being fair to the House—that he should stick to his guns until the last, whether the principle embodied in this Bill is accepted or not.

With these few words, Sir, I thank you very much for giving me this opportunity to offer these remarks.

Shri A. N. Vidyalkar (Hoshiarpur): Mr. Chairman, Sir, I wholeheartedly support the Bill which has been moved by my hon. friend Shri Bhattacharyya, and which has been supported by him with convincing arguments. Left to me, Sir, I would rather prefer that even at the age of 65 a journalist should not retire. I think with advancing age, with growing maturity and with more experience a journalist becomes more fit to perform his responsibilities and duties. His judgment becomes mature. As he advances in age he gets more and more experienced and he acquires talent that is more useful and beneficial to the society. Still, in the Bill the age of 65 is being prescribed. I welcome this Bill. I hope that the Government will not just request the hon. Member to withdraw it, but it will gracefully accept the Bill as it is proposed. Because, there is no question of propriety in this matter. This is a most reasonable proposal, and I hope this Bill will be accepted.

It ensures the freedom of the journalists. We have seen stalwarts among journalists, very respectable people, just thrown on the streets simply to satisfy the whims of the proprietors. This state of affairs will not be tolerated by any Government, specially to a Congress Government.

If this Bill is not passed here and now but is withdrawn and Government, later on even prescribed the same condition in rules etc., that would be a belated act. So, I think grace demands that this Bill should be passed here and now, and this House should accept unanimously the Bill which has been moved by my hon. friend.

Shri Ansar Harvani (Bisauli): Mr. Chairman, there were the days when the conditions of the working journalists were almost worse than the condition of the domestic servants today. At any time the proprietors wanted to dispense with their services, a notice was issued to them and they were marched out. I was myself a working journalist and on three occasions I have received dismissal orders without assigning any reason and I had to walk out of the newspaper offices. But, thanks to the struggle of the Working Journalists Union, thanks to the efforts of the friends of the journalists, thanks to the efforts of the Congress Party led by Pandit Jawaharlal Nehru and thanks to the recommendations of the Press Commission, the Working Journalists Act came. It may not be very satisfactory, but at least it has given a status, it has given certain conditions, it has given certain permanency to the working journalists working in the newspaper offices.

But in the Act there has been a lacuna. They have not fixed any age of retirement, and we have seen that from office to office, from proprietor to proprietor, often advantage has been taken of this fact that there is no fixed age of retirement in the Act. The case of the hon. mover is well-known to the Indian people. The recent case of one of the most eminent Indian journalists, Shri Vivekananda Mukerjee, who was editor of one of the most important Bengali papers in this country, the most widely circulated *Jugantar*, is fresh in the memory of the people. Therefore it is the duty of the Government to fill up that lacuna.

[Shri Ansar Harvani]

Shri Bhattacharyya has demanded that the age of retirement should be fixed at 65. We have known some of the greatest Indian journalists editing some of the most prominent papers at a very late age. I know that one of the greatest journalists that India has ever seen, Sir Benjamin Horniman, was editing *Bombay Sentinel* and *Bombay Chronicle* at the ages of 73 and 75. I have known many other journalists who have continued to that age but, then, there was no security, there were no rules, there was no Act. Therefore, it is necessary that some provision should be made in the Working Journalists Act that up to a time the working journalists can work.

After the long speech of Shri Bhattacharyya, where he has given facts and figures, I do not want to give any argument, because most of the arguments have been advanced by him. But at the same time, I consider it my duty to advise the Government of India, which was so generous enough, which was so good enough that in spite of the opposition of the business tycoons, in spite of the opposition of the proprietors of the jute press, which is popularly known as the jhoot press, which did not support it, yet it passed the Working Journalists Act, even though they went to the Supreme Court for fighting the case. Anyhow, they have managed to have the Act passed, which is not a very small thing. I am sure they will show their generosity, they will show their large-heartedness and accept the Bill that is proposed by Shri C. K. Bhattacharyya. With these words, I support the Bill.

Shri Priya Gupta (Katihar): Sir, I rise to support the Bill moved by my hon. friend, Shri C. K. Bhattacharyya. I feel, as Swami Vivekananda has said, that "education is the manifestation of the perfection already in man." This manifestation starts from the very embryo. The embryo in the mother's womb, imbibes whatever philosophy or thinking the

mother is. That is the first stake of propagation of education in forming a man's mental make-up. Then, it comes through the Principal and the teachers in schools. Then, the journalists being the very cream of society create circumstances by their thinking, realization and study of situations and mould the country's thinking. Then the seers and the philosophers propagate it through waves which reach the brain. So, the mother's qualities are imbibed automatically because of being connected by sinews and nerves and then because of close proximity, the teacher's by imparting of education directly, of the journalists by their writings and of the seers by their thoughts radiated through waves. To my mind these are the ways in which education is imparted. The principle of तमसो मा ज्योतिर्गमयः is being achieved in all these ways.

The hon. Member has given certain points. Because of this being a Private Member's Bill, howsoever important it may be, the Government or the Treasury Benches, should not oppose it. They should not hesitate to accept the reasonableness about it and ditto the Bill in all suitable ways. What I mean to say is that if this age of superannuation is not laid down, the security of service for these journalists who can independently provide better service to the society through their ways of thinking is checked, prorogued or gagged. From the point of view of security of service, the age of superannuation is a great factor because every now and then he is to face a threat of discharge or a dismissal or termination of service. According to the labour laws, the meaning of the terms 'discharge, dismissal and termination' may be different, but in all cases it ends his earning or emoluments. The understanding about the age of superannuation, between two parties, that is, the employer and the employee, whether by agreement or by arbitrary action, would not have been there if certain

rules and regulations were made under the provision or section of the Act itself. If the Act itself provides about it these arbitrary decisions on the part of the employers will go.

The learned Member has quoted many references from different judgments and awards of tribunals as also from the recommendations of the Central Pay Commission which was presided over by a retired Supreme Court Judge and aided by eight other members three of whom are here as Members of this House. Many other quotations had been given to substantiate what he felt to be right. He quoted cases of certain journalists who retired at the age of 72 or who served till the last breath of life because the proprietor of the newspaper and the editor had no relation as employer and employees but as colleagues because both of them tried to serve the country. In India, you know, Sir, this organisation of newspapers first started due to the national upsurge. Now-a-days there are many big companies. Unfortunately, under pressure of the Government the company has sometimes got to give directions to its editorial board to write in a particular way and if the editorial board does not agree to write like that, the termination of service is taken recourse to. If a man is of an independent spirit, he does not want to carry out the dictates of the managers and the proprietors. Unfortunately, there are certain proprietors who in the interest of furtherance of their business cannot agree to the editors' suggestions. My whole submission is that today the newspaper agencies and organisations' proprietors should not only look to the propagation of the paper and the earning or return from it, but also look to the propagation of *jnana* or education through them. Only then can they also tell their editors to write to the utmost according to their own honest feeling and thinking. If I have said this, I do not mean any insinuation or any castigation against anybody. But I again submit that since the Press Commis-

sion's report, the categorisation has been made as to the nature of the work. Since the reference to different tribunals and awards has been made over there, I submit that the age of working journalists should be provided by an Act, a certain age, 65 or it may be 72. I would submit to the hon. mover of the motion to give them the proper scope of serving the country for the propagation of *gyan* to the best of their spirit, for serving the country and not to be guided by the whimsical decisions of the proprietors but to be protected from all this wide vicious circle. Therefore, a superannuation age should be fixed.

Lastly, I would submit that the hon. mover should kindly keep it in view that it should not be withdrawn and the Ministers concerned should kindly give proper attention to these points and kindly see that it is passed. It is high time that our country should give proper security, social justice, to the working journalists for the betterment of this country, not for the proprietors. After all, the Government is supposed to be the Government of the people and there should be equity and justice. We have accepted in the Preamble of the Constitution itself that there should be equity and social justice. Indirectly keeping a scope of lacuna and denying them the social justice should be prohibited. That is my earnest request and submission to the hon. Minister.

Shri P. R. Chakraverti (Dhanbad):
 Sir, I was reading the other day the nice comments by Mrs. Pearl S. Buck. She says, "Love is a complicated relationship between complicated human beings with many surprises". That is her quotation. At this stage, I would not try to impose the implications of that quotation. I would rather switch on from that subject to the relationship between the working journalists and their proprietors. It is really an ignoble case to find out how these working journalists who have to work from morning to night—and nobody knows whether they will

[Shri P. R. Chakraverti]

go to bed; from early morning they are made to work at the mercy and the whims of the owners. That is the story all over India including the paper with which the mover of the motion was connected—I had also some connection with that paper—I know it is one of the largest circulated papers in India. We had our experience as to how people were working. If you work there, you have no prospect before you of feeling a sense of security. That is, the moment the whims of the owner stand in the way of your life or your urge for self-expression, you go. What is the guarantee of security of service? I work to the best of my ability and the employment or the profession which I have undertaken from the mission of my life. As the mover of the motion was suggesting from quotations, the work of working journalists has been compared to the work of a teacher. Naturally, it means, when I am giving myself to the best of my ability, cultural attitudes of my life, my scholastic attainments, whatever they might be, with the hope that these must be utilised in the service of the community, I must be in a position to give expression to the same within the limitations of the social developments and social urges. But here always I find that the sword of Damocles is hanging on my head, that any moment my services can be dispensed with. It is after a long ordeal, after a long series of sufferings that this Act came through the legislature. As my hon. friend Mr. Ansar Harvani was mentioning, it was through the initiative of many well-wishers of the working journalists and also the Government that it was placed before the legislature and was enacted in this form. But the lacuna is there. So, with his experience running into so many decades, the Mover, today, has brought before us that moot question, namely, the question of the age of retirement, at what age they should retire. Let us fix up a certain period of service at the end of which they are expected

to retire with honour. Thereby he knows and has full confidence or assurance that he shall be allowed to go upto a particular period of his service. It is then that with a sense of security he can put himself at his best. This lacuna today has been attempted to be removed by the introduction of this Bill, as has been corroborated by the quotations from the I.L.O. and also the judgments given by the Supreme Court and other Tribunals. It seems obvious that there is a lack of uniformity in the attempts that have been made in the different States of India. It is essential that uniformity may well be introduced. In that process of introducing uniformity, the Mover has suggested a particular age of superannuation and in support of the same, he has quoted from the I.L.O. and also from different forms of services namely that of Professors and Judges. I endorse his suggestion. Not that I am nearing that particular age along with the Mover of the Bill. I feel that in that particular age, people who have taken to this cultural vocation in their life as journalism or teaching or anything else, they can give themselves at their best still at this age of 65. Though sometimes we are scared by the question of enhancement of age as it happened in the U.P., when the question of raising the age of retirement from 55 to 58 came up, the Government were perturbed a lot, now, the Central Government has accepted it and all the States are falling in line and age has been enhanced.

So far as the working journalists are concerned, the nature of the work gives them that much steadiness and composure and since it does not bring much physical strain on them, they can go on fairly well. From experience as an ex-teacher and a journalist, as the Mover also happens to be, I can only say in all humility that we can easily go up to the age of 65. So, I endorse the Bill which has been sponsored by Shri Bhattacharyya.

Dr. M. S. Aney (Nagpur): Sir, I do not belong to the group of working journalists. I have never belonged to it though I have been associated with friends who belong to that group. Shri Bhattacharyya moved his Motion for consideration with an exhaustive speech and in that speech, he has given out all the arguments that could be given in support of the Bill. There is nothing else to say. Therefore, I shall not repeat it. My only question is this.

If there is the lacuna that a working journalist is entirely at the mercy of the employer, proprietor or who-soever it is of the paper, at this age, that lacuna deserves to be removed all at once. Whether 65 is the proper age or any other age is the proper age is a matter on which there can be difference of opinion. We found a few days ago, the Government of India themselves have been thinking of fixing 62 as the proper superannuation period. In the Supreme Court, the Judges have the privilege of remaining up to 65. The question is whether this superannuation period should differ with the nature of the work which they are called upon to do or there should be uniformity in that matter also.

The work of the working journalist is, in my opinion more hard. He is required to exert much more than the Judges of the Supreme Court. There, arguments are addressed and after the arguments are over, they have time to think over the matter. To a man who from the period of his youth, to the age of 65, will be called upon to move strenuously here and there and so on to do his duty, probably 65 would be too difficult an age. I only want to insert one condition there. If at the age of 62 which the Government of India have considered as proper for superannuation, it is medically found that the person who is working as a journalist is still fit to work, if that certificate is produced he should be allowed to work till 65. If some such condition is included,

then the question will not be a matter of a mere whim or caprice on the part of the proprietor to retain him or not to retain him. The man must be physically fit to do that work, and that is a necessary condition. If the presumption goes that after the age of 60 or 65 the man may gradually become weak and may not be able to throw his full energy into his work in the manner in which he was doing it before, then that presumption can be rebutted by the production of medical certificates and so on. If some such suggestion or rider is made somewhere in the Bill I think that the Bill will be acceptable to all.

I do not know what the hon. Minister in charge is going to do in the matter. I do not know what the idea of Government is. But I do wish that my hon. friend Shri C. K. Bhattacharya who has taken so much trouble and who has been so keen about this matter will not give up his ground even if the Minister in charge may explain his inability to accept the Bill as it is or give an assurance that the matter is under the consideration of Government and so on. Government must either accept this Bill or give an assurance that they will undertake to bring forward a similar Bill with some little change but no materially changing the substance of the Bill. Unless some such assurance is forthcoming from Government, my hon. friend should not be willing to withdraw the Bill.

With these words, I support the Motion before the House.

श्री बड़े : सभापति महोदय, सब से पहले तो मैं श्री भट्टाचार्य का अभिनन्दन करता हूँ कि वह यह बिल सदन के सामने ले आये। इस बारे में जो लैकुना या डिफेक्ट वा उन्हीं ने उसकी पूर्ति करने की कोशिश की है।

एक बातचीत सदस्य : लेकिन वह वापिस न ले लें।

भी बड़े (ब्यारगोन) : इस में दो प्वाइंट्स इन्वाल्ड हैं। प्रबल तो यह कि सुपरएनुएशन एज फिक्स की जाय या नहीं, दूसरे यह कि कितनी एज को फिक्स कर के लैकुना को बन्द किया जाय। श्री भट्टाचार्य जी ने बड़े स्ट्रांगली पहिला मुद्दा प्रैस किया है लेकिन ६५ की एज रखने के लिये उन्होंने ने बड़े लांग लोग आर्गुमेंट्स दिये in order to plead his weak case. ६५ की एज के बारे में उन्होंने ने दूसरे अप्यारिटीज भी दिये हैं। वह समझते थे कि अनालोजी पर अनालोजी दे कर कि सुप्रीम कोर्ट में इस तरह से हुआ वह अपने प्वाइंट्स को ठीक करवा लेंगे। उन का कहना था कि वह ६५ होनी चाहिये। उन का यह 'प्वाइंट' बहुत बिक था। मगर जिस तरह से कहते हैं :

“the best pleader argues the weak case in the best way”

उन्होंने ने अपने बिक केस को बेस्ट तरीके से अप्यारिटीज दे कर साबित करना चाहा कि ६५ वर्ष की उमर होनी चाहिये। मैं श्री भट्टाचार्य जी से सहमत हूँ कि जहां जहां पर प्रैस वाले या समाचार पत्र के मालिक रहते हैं, वह हमेशा यह चाहते हैं कि कुछ सविस कराने के बाद जर्नलिस्ट्स को निकाल दिया जाय। जब उन के उद्देश्य की पूर्ति नहीं होती है तो वे उन को निकाल देते हैं और दूसरे लोगों को उन की जगह पर रख लेते हैं। जर्नलिस्ट्स के लिये कुछ सिक्योरिटी होनी चाहिये, कुछ शाश्वति होनी चाहिये, इसलिये मैं भी चाहता हूँ कि यह लैकुना पूरा किया जाय। इस चीज से मैं पूरी तरह सहमत हूँ।

लेकिन जहां पर वे ६५ वर्ष की बात कहते हैं, वहां उन्होंने ने एक जगह पढ़ कर बतलाया कि यह कहा गया है प्रीफेसर्स के लिये कि अगर वह मेन्टली और फिजिकली फिट हों तो उन को ६० वर्ष तक का एक्स्टेंशन दिया जाय। फिर उन्होंने ने कहा कि जर्नलिस्ट्स के लिए भी यह होना चाहिए कि वह मेन्टली

और फिजिकली फिट हों। यह जो र्यूमेटिज्म, बाइबिटीज और हाई ब्लड प्रेशर आदि बीमारियां हैं, यदि उन से जर्नलिस्ट्स बरी हों तो उन को ६५ साल तक ले जाना चाहिये। आज केवल सुप्रीम कोर्ट के अन्दर एज ६५ रखी गई है। क्या जर्नलिस्ट्स जो हैं यह कोई स्पेशल स्पेशीज आफ इयुमेन बींग हैं कि उन को ६५ साल तक जाने दिया जाय। आज सरकारी कर्मचारियों के लिए ५८ वर्ष की आयु रखी गई है। लेकिन जर्नलिस्ट्स का ६० कर दिया जाय, यह मैं मंजूर करता हूँ और शासन को इस को स्वीकार करना चाहिये।

मैं चाहता हूँ कि श्री भट्टाचार्य जी ने जहां यह कहा है कि लैकुना को बन्द किया जाय, जर्नलिस्ट्स के लिए कुछ शाश्वति होनी चाहिए, उस के लिये कुछ सिक्योरिटीज होनी चाहिए उस को स्वीकार किया जाय। मैं ने देखा है कि हमारी स्टेटों में बड़े बड़े सेटों के हाथ में समाचारपत्र रहते हैं। पहले तो जर्नलिस्ट्स अपनी रोटी की खातिर सेठ लोगों के आदेशों का पालन करते हैं और उन के हाथ में रहते हैं, लेकिन जैसे ही उन को मालूम होता है कि जर्नलिस्ट्स उन के हाथ से जा रहे हैं, वे धीरे धीरे उन के काम में डिफेक्ट निकाल कर झगड़ा कर के कहते हैं कि तुम बूढ़ हो गए हो इसलिए तुम से काम नहीं होता है और मैं तुम को निकालता हूँ। और उस के बाद दूसरा रखा जाता है। आप ने कहा कि कन्ट्रैक्ट समाप्त होने के बाद प्रोप्राइटर जर्नलिस्ट को निकालते हैं और नए कन्ट्रैक्ट से नौकरी दी जाती है स्टेट्स में भी ऐसा ही किया जाता है। मैं चाहता हूँ कि जो लैकुना भट्टाचार्य जी ने बताया है उस को बन्द किया जाय और जो वह ६५ साल की उम्र चाहते हैं उस के स्थान पर ६० रखी जाय। इस के लिए फिजिकल फिटनेस देखना चाहिए और एफीशेंसी बार रखनी चाहिए तो ठीक हो जायेगा।

of Service) and
Miscellaneous Provisions
(Amendment) Bill

प्रमाणित है कि सुप्रीम कोर्ट के जज की रिटायरमेंट की आयु ६५ साल है। उस की बात प्रमाण है। वहाँ सरकार ने ६५ साल कर दिया तो नीचे के जजों ने हल्ला किया कि हम को भी ६५ साल किया जाय। ला कमीशन ने ६५ की एज रिक्मेंड की। पर शासन ने हाई कोर्ट के जजों की रिटायरमेंट की उम्र ६२ साल कर दी। और जो नीचे की सरविसेज है उन की रिटायरमेंट की उम्र ५८ साल कर दी। मैं समझता हूँ कि जर्नलिस्ट्स के लिए ६० साल की उम्र रखना ठीक होगा क्योंकि साठ साल के बाद प्रकसर लोगों को डाइविटीज, हाई ब्लड प्रेशर और गठिया आदि की बीमारियां हो जाती हैं और वे काम लायक नहीं रहते। और अगर कोई इस उम्र के आगे भी फिट हो तो उस को कांटेक्ट सिस्टम पर रखा जा सकता है। वैसे मामूली तौर पर ६० से ऊपर नहीं रखना चाहिए। तो मैं श्री भट्टाचार्य से इस मामले में सहमत नहीं हूँ कि की आयु ६५ की जाए। लेकिन जो लेख्युना उन्होंने बताया है उसको ठीक करना चाहिए। उसका जो नाजायज फायदा प्रोपराइटर लेते हैं उसको बन्द करना चाहिए। मैं चाहता हूँ भट्टाचार्य जी के बिल को सरकार स्वीकार कर ले और लेख्युना को बन्द कर दे और रिटायरमेंट की आयु या तो ५८ साल रख दे या ६० साल रख दे और साथ में एफीशेंसी बार रख दे।

मुझे डर है कि श्री भट्टाचार्य क्योंकि शासन की पार्टी के हैं, इसलिए सम्भव है कि वे शासन द्वारा प्रश्रवाशन दे दिए जाने पर इसको वापस ले लें। मेरा सुझाव है कि यह एक बहुत अच्छा बिल है, आप इसको वापस न लें। अगर आप इसको वापस ले लेंगे तो बकिप जर्नलिस्ट्स आपको कोसेंगे। वह कहेंगे कि पहले तो शहद दिखा दिया और फिर उसको वापस ले लिया। शासन आपशासन देने के बाद उस प्रश्रवाशन

ले भूल जाता है, उन पर जब प्रेशर पड़ता है, तो उनके माइंड का लिख खुलता है, लेकिन प्रेशर कम होने पर फिर बाद हो जाता है। मैं दस बारह साल से देख रहा हूँ कि जब तक उनके ऊपर प्रेशर नहीं आता तब तक उनका डेन सुनता ही नहीं, और जब प्रेशर चला जाता है तो फिर बाद हो जाता है। इसलिए आप इसको वापस न लीजिए, प्रेशर कीजिए, हम आपके साथ हैं।

इन शब्दों के साथ मैं इस बिल का संघतः समर्थन करता हूँ।

Shrimati Savitri Nigam (Banda):
While I support this Bill wholeheartedly, I also congratulate Shri C. K. Bhattachryya on bringing it forward and on the way he has advocated the cause of journalists. He has pointed out the lacuna so effectively that I do not think anybody has to add anything to it after hearing his very able speech.

At the time when the original Bill was passed, I had pointed out this lacuna. The disparity in the superannuation age has been creating a lot of difficulty for the poor journalists. From time to time, very high tributes have been paid for the wonderful contribution which journalists have made to the economic, political and social progress of our country and the way they service society. But unfortunately very little thought has been given to the insecurity of service under which they have to work constantly. It is very easy to preach sermons. We can say they should not be influenced by the employers in any way, they should keep the standards of journalism very high, but many of us do not know the circumstances under which these journalists have to work. All the time the dagger of dismissal is hanging on their neck. When they do not know what would happen to their children and themselves after dismissal—they may be pushed to the verge of starvation—how can we expect that they will be

[Shrimati Savitri Nigam]

able to keep the standards of journalism so high? I think it is high time the hon. Deputy Minister took the sense of the House.

The entire House is requesting them with one voice to accept this amendment, because it is going to help the journalists to a very great extent.

Unfortunately, the fate of private Members' Bills and resolutions has not been very encouraging in the past. Most of the time, after sweet assurances, they have been withdrawn. I hope this time at least the hon. Deputy Minister would accept this Bill, and thus give a sort of new protection to the working journalists to whom we all only pay verbal sympathy and verbal tribute from time to time.

Once again I support this Bill.

श्री सिंहासन सिंह (गोरखपुर): सभापति जी, इस बिल का जो उद्देश्य है वह बहुत ही सुन्दर है और समय के अनुकूल है।

श्रीमती हमारे गृह-मंत्री जी ने अपनी सरविसेज की रिटायरमेंट की आयु ५५ से ५८ कर दी है। इससे जहाँ कुछ लोगों को लाभ हुआ वहाँ कुछ सालों के लिए नौजवानों के लिए सरविसेज में आना रुक गया। उसके बाद सुप्रीम कोर्ट के जजों को और हाईकोर्ट के जजों की रिटायरमेंट की आयु भी बढ़ा दी गयी। लेकिन इस विषयक में सुपरएन्युएशन की क्या उम्र है यह नहीं दिया गया है। मूल बिल के सेक्शन ५ में लिखा है:

He retires from service on reaching the age of superannuation. "एज आफ सुपरएन्युएशन" यह तो Working Journalist (Conditions of service and Miscellaneous Provisions)

Act में दिया हुआ है लेकिन वह सुपरएन्युएशन किस समय होगा यह नहीं दिया है।

इतनी स्पीचेज हो गयीं लेकिन गवर्नमेंट का क्या दिमाग है इसका पता नहीं चला। दो दो डिप्टी मिनिस्टर बैठे हैं और अब एक देवी जी भी आ कर उनके पास बैठ गयीं।

Mr. Chairman: I think the hon. Ministers are listening to the Member.

श्री सिंहासन सिंह: सदन को अभी तक यह नहीं मालूम हुआ कि यह सुपरएन्युएशन की एज क्या है, वे किस अवस्था में रिटायर होंगे। पता नहीं इस बारे में सरकार की क्या राय है। कोई प्रमेंडमेंट सरकार की तरफ से सदन के सामने नहीं है। न दोनों मिनिस्ट्रों में से किसी ने कहा कि इसको वापस लो। वे अब तक नहीं बोले हैं, इससे ऐसा ही लगता है कि प्रोसेस आफ एलिमिनेशन से या तो कहेंगे कि हम कबूल करते हैं या कहेंगे कि वापस ले लो। लेकिन कबूल करेंगे इसकी आशा कम ही है। अगर कबूल करते तो इतने लोगों को बोलना न पड़ता। यह एक सुन्दर चीज है, अच्छा हो इसको कबूल कर लिया जाए। लेकिन उनका सिर हिल गया वे इसको कबूल करने वाले नहीं हैं, तो कहेंगे कि वापस ले लें।

मैं पूछता हूँ कि इस कानून के मातहत अगर कोई मालिक किसी एम्पलाई से कहे कि तुम रिटायर हो जाओ तुम्हारी उम्र सुपरएन्युएशन तक पहुँच गयी, तो वह कह सकता है कि अभी उसकी उम्र उस हद तक नहीं पहुँची है। अगर ऐसा झगड़ा हो तो उसका फैसला कौन करेगा और किस आधार पर करेगा कि उसे किस उम्र पर रिटायर किया जाए। जूनसिस्ट पर गवर्नमेंट सरविसेज का कानून लागू नहीं

होता, जिसमें रिटायरमेंट की एज ५८ साल है। न उस पर हाईकोर्ट या सुप्रीम कोर्ट का कानून लागू होता है जहां कि रिटायरमेंट की उम्र ६२ साल और ६५ साल है। कुछ कन्वन्स में ६० साल का कायदा है, वह भी उस पर लागू नहीं है। मौजूद वकिंग जरनलिस्ट्स का जो जो मौजूदा कानून है इसमें सुपरएनुएशन की एज का कोई प्राविजन नहीं है। अब अगर कोई वकिंग जरनलिस्ट यह मामला लेकर अदालत में जाय कि उसे रिटायरमेंट की उम्र से रिटायर कर दिया गया है तो वह आखिर किस आधार पर इसके लिए मुकदमा लड़ेगा ? उसे किस आधार पर न्याय मिलेगा ? समाचारपत्र के मालिक अगर चाहें तो नौकरी के दस दिन बाद ही रिटायर कर सकते हैं, उसे १५ दिन या महीने भर का नोटिस देकर रिटायर कर सकते हैं। इसलिए यह जरूरी है कि स्टैंडूटर्ली बारे देश के वकिंग जरनलिस्ट्स के लिए एक युनिफार्म एज आफ रिटायरमेंट कानून में प्रोवाइडेड हो। इसलिए इस खामी को पूरा करने के हेतु मेरे भाई यह जो प्रमंडमेंट बिल लाये हैं वह स्वागत योग्य है और यह ठीक है कि इस बारे में जो खामी है, लेकना है, वह दूर हो जाय। गवर्नमेंट के दो अंग बने हुए हैं। उन को चाहिये कि देखे कि वाकई सदन के इतने लोगों ने इस बारे में अपने विचार रखे हैं और हमारे सबसे वयोवृद्ध सदस्य डा० अणु ने इस पर जो अपने विचार प्रकट किये हैं उनको एक आखीर्वात मान कर गवर्नमेंट

16:50 hrs.

[Mr. DEPUTY-SPEAKER in the Chair].

इस विधेयक को किसी न किसी रूप में कबूल कर ले। उस का स्वरूप क्या हो कोई उसके अन्दर समन्वय निकाल ले। मेरे विचार में अभी कोई प्रमंडमेंट नहीं है। अब इस ५५ और ६५ के बीच में एक समन्वय कर लिया जाय तो उचित होगा। इस लिये ६० व

की उम्र आप इसमें रख दें और इसको कबूल कर ले तो शायद किसी को आपत्ति नहीं होगी और सब के लिये एक रास्ता निकलेगा। अभी तो कंसिडरेशन स्टेज पर मामला है। क्लासेज के डिस्कशन की स्टेज आने पर अगर गवर्नमेंट ६० वर्ष के लिये प्रमंडमेंट ले चाये या किसी माननीय सदस्य के इस तरह के संशोधन को मान ले तो बड़ा सुन्दर होगा। गवर्नमेंट से मेरा अनुरोध है कि इस विधेयक को वापिस लेने के लिये वह न कहे। आज स्थिति बदल चुकी है और इस तरह के निश्चित कानून बनाने की आवश्यकता है। इस इंडस्ट्री को बिलकुल पूंजीपतियों ने अपने हाथ में ले रखा है। अब पहले का सा तौ जमाना रहा नहीं है कि पत्रकार ही स्वतः अपना पत्र चलाते थे। अब तो करीब करीब सभी बड़े बड़े पत्र पूंजीपतियों की सम्पत्ति हो चुके हैं और पत्रकार लोग उनके नौकर होते हैं और वे वहां जो चाहे कर सकते हैं। इस लिये इस तरह के एक निश्चित कानून के बनाने के लिए की आज बहुत आवश्यकता है। हम जब समाजवाद का और डेमोक्रेटिक सोशलिज्म का नारा लगाते हैं तो यह और भी जरूरी हो जाता है। अब यह दूसरी बात है कि उस पर चलते कहां तक है लेकिन इसमें तो कोई शक नहीं है कि नाम तो हम लेते ही हैं। भले ही धीरे धीरे क्यों न हो, उस दिशा में बढ़ हम अवश्य रहे हैं। अगर हम पूरे सोशलिस्ट नहीं हैं तो पूंजीपति भी नहीं है। हम बीच में ह। यह उम्र की परिधि अवश्य तय होनी चाहिये मुझे आशा है कि सदन के इतने सदस्यों ने इस बारे में अपने विचार प्रकट करते हुये जो श्री भट्टाचार्य के संशोधन बिल का समर्थन किया है, गवर्नमेंट उसे मान लेगी और ५५ की जगह अगर ६० की सीमा रख दी जाय तो ठीक रहेगा। ऐसा करने से आज जो कानून में खामी है वह दूर हो जायेगी और इसके रहते पूंजीपति लोग पत्रकारों के साथ जो अन्याय कर रहे हैं उन के ऊपर रोक होगी। पूंजीपति मासिकान द्वारा मनमानी करने और

[श्री सहासन सिंह]

समय से पहले रिटायर करने की आज्ञा जो शिकायत है वह दूर होगी और यदि आवश्यकता पड़ती है तो वह पत्रकार प्रदालत में उसके विषय शिकायत कर सकता है और प्रदालत उसका फैसला करेगी। ऐसा होने से बाकी डेमोक्रेटिक सोसलिज्म की तरफ हम बढ़ेंगे। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और उम्मीद करता हूँ कि इसे गवर्नमेंट स्वीकार करेगी।

श्री श्रीकार लाल बेरवा (कोटा) :

उपाध्यक्ष महोदय, यह जो बिल प्राया है इसका मैं समर्थन करता हूँ। लेकिन इसके साथ ही साथ एक बात एक यह जरूर कहना चाहता हूँ कि जैसे ५५ से बढ़ा कर एकदम ६५ कर दिया है, ऐसा न करके अगर ५५ से ५८ और ५८ से ६० भी अगर हो जाता तो ज्यादा उचित होता तब शायद इसे मान्यता भी मिल जाती। लेकिन जहां तक मैं समझता हूँ इसकी नीबट ही नहीं प्रायेगी और यह बिल वापिस हो जायेगा। चूंकि गवर्नमेंट इसे मानने से इंकार कर देगी इस लिये माननीय सदस्य इसे वापिस ले लेंगे। मेरा अपना विचार है कि इस तरह का बिल जिसे सब तरफ से समर्थन मिल रहा है, माननीय सदस्य का ऐन मौके पर उसे वापिस ले लेना अच्छी बात न होगी। उन प्रस्तावक महोदय का दम नहीं है कि वह पार्टी से झगड़ कर इस बिल को प्रेस कर सकें और भड़क कर इसे पास करवा सकें। प्रस्तावक महोदय में इतनी हिम्मत नहीं है कि वह इसे प्रेस करके पास करवाने के लिये भड़ जाय। अगर इतना दम उनमें नहीं था तो फिर इस बिल को उन्हे हाउस के सामने रखना ही नहीं चाहिये था। दर-असल पार्टी के व्यक्तियों को प्रागे लाने के लिये इस तरह से उनसे बिल रखवाये जाते हैं। जहां तक उनके रिटायर होने की प्रायु को ५५ से बढ़ा कर ६५ कर देने का सवाल है तो अगर ६५ नहीं तो कम से कम ५८ या ६० तो मंजूर कर ही लेनी चाहिये। अब

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मिसों म जा मजदूर काम करते हैं या और अधिक वर्ग के लोग हैं, उनका काम ऐसा होता है जिसमें शरीर पर बहुत जोर पड़ता है और उनकी उम्र कम करनी चाहिये क्यों कि वे बचारे बक जाते हैं लेकिन पत्रकार आदि लोग तो दिमागी काम करते हैं और जैसे जैसे वह बुढ़ होते हैं उनका दिमाग भी पकता जाता है, दिमाग बढ़ता ही जाता है घटता नहीं है और फिर दरो ताजा खाने वालों का दिमाग बढ़ता है इस लिये उनकी प्रायु को ५५ से बढ़ा कर अगर एकदम ६५ नहीं तो ५८ या ६० कर ही लेना चाहिये।

पत्रकारों में काफी सख्या ऐसे व्यक्तियों हैं जिन को कि बहुत कम तनख्या मिलती है और मालिकों ने उन को इस तरह से बांध रखा है कि कोई कड़ी को बांधते हैं। इस के बेपरीत पहले जो पत्रकार होते थे वे स्वतंत्र होते थे और आमतौर पर वे खुद समाचारपत्र तकासते भी थे। लेकिन अब स्थिति बदल गई है। समाचारपत्र पूंजीपतियों के हाथ में हैं और वहां पत्रकारों को एक तो वेतन भी उचित नहीं मिलता है दूसरे उन को रात दिन कड़ी मेहनत के बाद भी सैन नहीं मिलता है। उन की नीकरी की कोई सुरक्षा नहीं रहती है। उन को आमतौर पर घस्याई ही बनाये रक्खा जाता है क्योंकि अगर उन्हें बरमानेंट कर दिया जाय तो फिर उन का एक हक बन जाता है। लेकिन ऐसा न कर के उन पत्रकारों को ऐक्सप्लोएट किया जाता है। प्रायु और कड़ीबंध प्राक् सर्विस के बारे में यह आवश्यक है कि कानून में साफ तौर से व्यवस्था कर दी जाय ताकि यह पूंजीपति उन के साथ मनमानी न कर सकें। इसलिए मैं इस विधेयक का समर्थन करते हुए चाहूंगा कि अगर ६५ नहीं तो कम से कम ५८ या ६० वर्ष की प्रायु उन के रिटायर होने के लिए कानून से निश्चित कर भी जाय।

Mr. Deputy-Speaker: The hon. Deputy Minister.

श्री कृष्णबाबू (दवास) : उपाध्यक्ष महोदय, मैं इस पर बोलने के लिए कुल पांच मिनट चाहूंगा ।

Mr. Deputy-Speaker: After the Minister replies, if there is time, I shall allow him.

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. B. Pattabhi Raman): Sir, at the outset . . .

Shri Priya Gupta: On a point of order, Sir. The Minister should speak last, because he has to give the decision on behalf of the Government.

Mr. Deputy-Speaker: After the Minister's intervention, the mover of the Bill will reply. There is no point of order.

Shri C. B. Pattabhi Raman: At the outset, I wish to state that I have got great regard for my hon. friend, the mover of the Bill. I am aware of his distinguished record in the field of journalism. I was frequently asked as to what our reaction was and what I was going to say. I did not want to interrupt the speeches of hon. Members and I wanted to listen. It is not as if we are going to oppose the Bill for the sake of opposition. I shall give the reasons why we are not able to accept the Bill as it now stands.

The general question whether it is necessary to specify the age of superannuation in the case of workmen was discussed in the 15th Session of the Standing Labour Committee. It was decided then not to specify the age of superannuation. I am just bringing these facts to the notice of hon. Members, so that they can have a conspectus of the situation. The 17th session of the Standing Labour Committee in October 1963 considered this question again and decided that this question should be considered along with the proposal relating to the integrated social security scheme. Thereafter, the integrated social security scheme has not been finalised and

the consideration of the report of the study group on the subject has been suspended for three years. That is so far as the scheme is concerned.

17 hrs.

The question of prescribing the age of superannuation for working journalists was considered by a tripartite conference of the working journalists, the employers and the Government in 1961—if I remember right it was sometime in August, 1961. The distinguished mover of this Bill was also a member of that committee. A comparison of the working journalists was made with other intellectual and educational workers and various proposals were made. Some suggested that the age of superannuation should be 55, some said it should be 58, some said it should be 60 and some others said that it should be 65. In view of the divergence of opinions expressed at that time, it was decided not to make any provision for this in the Working Journalists Act.

While the Press Commission had made a number of recommendations regarding the working conditions of the working journalists, they have not recommended any age for superannuation for them. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act has been enacted only to give effect to some of the recommendations of the Press Commission.

The figure of 65 now suggested in the Bill is rather arbitrary, if I may say so, as has been pointed out by one or two hon. Members. Any other figure can be equally justified. I shall give the figures of some of the well-organised bigger newspaper establishments according to their respective service conditions. For the Press Trust of India the National Tribunal has fixed the retirement age at 58. For the *Amrita Bazar Patrika* and the *Anand Bazar Patrika* in Calcutta, the age of retirement is 60. In the case of other industries the age of superannuation varies with various industrial esta-

[Shri C. R. Pattabhi Raman]

ishments. In the case of banks the Tribunal has fixed the age at 58. In the oil industry the age is 58 as has been agreed to through an agreement in conciliation. In the case of Central Government service the age limit is now 58. For High Court judges, to which a reference has been made, the age is 60 and in the case of Supreme Court Judges the age is 65. The Government, Sir, so far have not laid down any age of superannuation in any of its various labour legislations.

Reference was frequently made to Supreme Court judgments. The case of Guest, Keen, Williams has been referred to. The Hon. Justice Gajendragadkar in his judgment on the Imperial Chemical Industries case has said:

"There is no doubt that in fixing the age of retirement no hard and fast rule can be laid down. The decision on the question would always depend on a proper assessment of the relevant factors and may conceivably vary from case to case."

Then he goes on to say what should be the criterion. According to the judgment a number of factors have to be taken into account before determining the age of retirement and it is not necessary to compare an establishment where fair and reasonable retirement benefits are available to one where such benefits do not exist.

The most important thing is this. Under this Act it is not obligatory to prescribe any superannuation age limit. Retirement is only one of the conditions for gratuity. The standing orders can be modified in accordance with the procedure laid down in the Act. The industrial tribunals have also fixed the age of retirement in a number of cases. I have some instances. The position is this that in all these matters we shall be guided by the decisions of the tripartite conference. Certainly, when so many hon. Members like Shri Chakra-

varti and others with vast journalist experience have expressed their views all this will be borne in mind.

Shri Priya Gupta (Katihar): Sir, I rise on a point of clarification. The definition of "workmen" adopted by the tripartite conference does not apply to journalists who are earning above Rs. 400. Therefore this arbitration does not come into effect in such cases.

Shri C. R. Pattabhi Raman: It has been a ding-dong battle for some time. At one time the working journalists seemed to think that it was not advantageous to them to be called workmen. They wanted to be considered as a "profession". Then they found that they could not get the benefits of the various enactments. Therefore, the position now is if I may say so, a better understanding of the situation seems to be, that they as workmen get all the benefits of workmen.

We are now only concerned with the age of retirement that has to be fixed. So far as the Ministry is concerned, no complaint on this subject has come from any of the working journalists, who themselves will take notice of this and raise it. Then I might inform the hon. Member that under sub-section (oo) of section 2 of the Industrial Disputes Act, 1947, the retirement of a workmen on reaching the age of superannuation if the contract of employment between the employer and the workmen concerned contains a stipulation in that behalf, does not amount to 'retrenchment'. If, therefore, there is no provision in the contract of employment for the age of superannuation, the retirement of a workman may in certain circumstances attract the provisions of the Industrial Disputes Act.

Shri Priya Gupta: It is a question of interpretation by the proprietors.

Shri C. R. Pattabhi Raman: I referred to sub-section (oo) of section 2 of the Act itself. So, all the remedies

are open, like raising the dispute, going to the tribunal, going to the court etc. So, in this case, he would be entitled to re-employment compensation as well as gratuity, provided under the Working Journalists Act.

In fact, the hon. Member may remember that I had to pilot the second Act in December, 1962. At that time, hon. Members will realise, this question was not pointed before us for the simple reason that it had not been taken up in the tripartite conference. That is what I want to impress upon the House. It can be done tomorrow in the tripartite conference.

If I may say so, the new approach of the Government of India has earned laurels all over the world. Regarding the code of discipline, of which some fun was made by some people, I want the hon. Members to know that people from England and other countries have come to study the working of the code of discipline.

The employers, employees and Government can meet in a tripartite conference and arrive at a decision on this question. Also, even as it is, we can have arbitration in many cases, but that is neither here nor there. So far as this enactment is concerned, because we are under this difficulty, we are not able to accept it. If we are not able to accept the Bill as it stands now, it is not as if we are lacking in sympathy with the objects of the Bill; certainly not. If I may say so, there is no difference between our approach and their approach, except that we would like it to come through the proper channel. We are always ready and willing to make suitable amendments in the Act. After all, the Act was passed only in December 1962. I would not like to say anything more.

श्री कलशबाय : उपाध्यक्ष महोदय, यह जो बिल माननीय श्री मट्टाचार्य ने पेश किया है, मैं इस का हृदय से समर्थन करता हूँ और इस का मैं स्वागत करता हूँ।

दो चार बार्ते मैं भी सदन के सामने पेश करना चाहता हूँ। रिटायर होने की जो वर्तमान उम्र है, उस को बढ़ा कर जो वह ६५ साल करना चाहते हैं और शासन ने जो नियम बनाये हैं, उन में परिवर्तन करने का जो उन्होंने सुझाव रखा है, वह स्तुत्य है। मैं चाहता हूँ कि इस का श्रोगणेश हम से ही हो। हमारे जो यहाँ पर मंत्रीगण हैं, उन की जो कतार है, उस कतार के अन्दर अधिकांश लोग ऐसे घ्राप को मिलेंगे जिन की उम्र ६५ से ऊपर है। यदि इस कानून को घ्राप उन पर लागू कर दें तो मैं समझता हूँ कि रुपये में चार घ्राणे या तीन घ्राणे लोग ही रह जायेंगे। हमारे देश का यह इतिहास है कि जब घ्रादमी साठ के ऊपर पहुचता है तो उस की कलम में ताकत घ्राती है, उस की कलम भ्रञ्ची चलने लगती है और उस की बुद्धि पकती है और वह भ्रञ्च ढंग से इतिहास, कहानियां तथा दूसरे प्रकार का साहित्य लिखता है जिस को पढ़ कर घ्राणे वाली पीढ़ियों में भ्रानन्द का संचार होता है, उन में उत्साह और शौर्य पैदा होता है। मैं निवेदन करना चाहता हूँ कि माननीय मंत्री जो इस बिल को बिना कुछ विचार किए हुए स्वीकार कर लेना चाहिये और किसी संकोच के तथा बिना कुछ विचार रिटायरमेंट की उम्र को ६५ साल कर देना चाहिये।

उपाध्यक्ष महोदय, मैं यह भी कहना चाहता हूँ कि शारीरिक शक्ति लगा कर जो मेहनत करता है और जो मस्तिष्क लगा कर काम करता है, इन दोनों में काफी अन्तर है। यह ठीक है कि दोनों की तुलना एक जैसी की जाती है, लेकिन जो शुरु से मेहनत करने वाले व्यक्ति होते हैं उन के बारे में अगर यह लागू किया जाये कि उस की रिटायरमेंट की अवधि ५० से ५५ वर्ष तक होनी चाहिये, तो बहुत भ्रञ्च है, क्योंकि वे शुरु से मेहनत करते हैं। जैसे जैसे उस की उम्र बढ़ती जाती है वैसे वैसे अन्त तक थकता जाता है। लेकिन जो मस्तिष्क से काम करने वाले लोग हैं

[श्री कछवाय]

उन के साथ ऐसा नहीं होता है। जैसे जैसे उन की उम्र बढ़ती है उन की कलम अच्छी चलती है। पत्रकार विभाग एक ऐसा विभाग है कि उस में कितना अनुभवी व्यक्ति होगा वह समाज में, अन्य देशों में, और देश की अग्निकित जनता में अच्छे ढंग से अपनी बात को कहेगा। उन की बुद्धि अच्छे ढंग से चलेगी। जो कम शिक्षित लोग हैं उन में वह अच्छी भावना पहुँचायेगा और देश की गतिविधियों के बारे में या दूसरे राजनीतिक मामलों में या राजनीतिक दल किस प्रकार से चल रहे हैं, हमारी गतिविधि किस प्रकार से चल रही है और भविष्य में हम क्या करना चाहते हैं, इन सब बातों को अच्छे ढंग से लिख सकेंगे।

Shri C. K. Bhattacharyya (Raiganj): Mr. Deputy-Speaker, Sir, I am obliged to the hon. Deputy Minister for what he has stated in connection with this Bill. In fact, in the very beginning I made it clear that it was not my intention to impose or inflict anything upon the Government. But I am happy to find that the primary proposition that I put forward before the House has not been disputed. It has not been disputed that there is need for fixing the age of retirement as also of superannuation as required by the Act itself.

I am further happy to find that the hon. Deputy Minister has stated that it should not be taken from his reply that it is not going to be done; it may happen the very next day. That is what he has stated before the House. In this connection he mentioned that this matter was not raised during the last amendment of the principal Act. It could not be raised because under the Rules we can put forward amendments only to those sections of the Act which the Government bring in for amendment. Other amendments we cannot bring unless those very sections are there in the Amending Bill. That is why it could not be brought when

the last amendment to the Act was considered.

Some of my hon. friends have stated different opinions about the age. I am very happy to find that the House is completely unanimous on the point that the age of superannuation requires to be fixed and that too statutorily. On that point there is no division of opinion in the House and I am happy to think that I have mobilised the opinion of the House at least on this one point.

Regarding the age itself, I request you, Sir, the hon. Minister and the House to consider the picture of an editor working at his desk who, after he has devoted years of service to a paper, on the 21st of a month while writing his editorial, receives a letter saying—

"Dear Sir, you are to retire on the first of the next month."

What is the position of the man who receives that letter on the evening of 21st saying that after seven days he is going to retire? This is what I want to prevent. No consideration is made about the reverse that takes place in his social position and status and how the man is to meet the obligations to his family while giving the sudden order of retirement within a week. These things happen in the newspaper world. If I am to be true to the profession which I have cultivated for years together, I must see to it that the working journalists who come after me do not have to face consequences like this. That is the whole purpose which persuaded me to bring forward this Bill.

My hon. friend, Dr. Singhvi, was suggesting that there is a difference of character between the occupation of university teachers and that of the working journalists. I do not suggest the analogy; the analogy was suggested by the Press Commission itself. I merely quoted the opinion of the Press Commission that the working journalists should be put in the

category of university lecturers. That is their judgement. I would also suggest regarding the age that the expectation of life is going to be greater in this land. Therefore, what is the harm if the age of retirement goes up to 65? In fact, in putting the age at 65 I have under stated my demand. I may tell, my experience of foreign countries to my friends here. I was in Iowa; U.S.A., I visited a newspaper office and met one of the workers there. When I met him he said "if you had come three days earlier, you would not have met me". I asked him, "Where were you?". He said, "I was in the hospital undergoing an operation for cataract". So, this man, nearly 80 years old, after the cataract operation rejoins his paper as a working journalist and takes up his duty. That is what happens in America. I have not asked them to go upto 80 years or allow him to join the service after the cataract operation. I have only suggested that the age may be fixed at 65 years. Nothing more than that. In certain cases, the age of 55 was referred to by some of my friends over there saying, "Why go upto 65 from 55?" May I remind them that in the two quotations that I gave, the Supreme Court clearly stated that the age of 55 was not a fair or reasonable age for retirement. That was the Guest Keen case. In the other case, that is, the Dunlop Rubber Co. case, they had an agreement with the workers that the age of retirement would be 55. When it came to the Supreme Court, they overruled the agreement. The Supreme Court, overruling the agreement, fixed the age at 60. The Supreme Court said, "in the prevailing circumstances, the age of retirement should be 60". That is for manual workers. Following the principle laid down by the Pay Commission, I suggested that it should be 65 for intellectual workers, for working journalists.

Sir, may I end my speech with a quotation in Sanskrit to which I am

so usually devoted? In certain professions age is a qualification. Some of my friends have referred to it.

"मूलकरोति वाक्यं बुद्धं वैद्यं विचारकान्"

Age is a qualification for a scholar, for a teacher; age is a qualification for a medical practitioner; age is a qualification for judges as you find in the case of Supreme Court judges and I add, age is a qualification for working journalists.

Mr. Deputy-Speaker: What do you do with your Bill?

Do you want to withdraw the Bill or do you want me to put it to the vote of the House?

Shri C. K. Bhattacharyya: No, Sir. I do not want it to be put to the vote of the House. In view of the speech that I had from the Deputy Minister, a very encouraging and a very helpful speech, and in the expectation that it may come up today or tomorrow, I withdraw my Bill. (*Interruptions*).

Shri Priya Gupta: The Deputy Minister can make rules.

Mr. Deputy-Speaker: Does the hon. Member have the leave of the House to withdraw his Bill? (*Interruptions*).

Shri Priya Gupta: No, Sir. If he does not agree to accept this amendment, can he not frame rules and regulation to the effect of fixing the age of superannuation by a Government notification? That he can do under the provisions of the Act, as it is.

Mr. Deputy-Speaker: He told you that it will be considered in the tripartite conference.

Does the hon. Member have the leave of the House to withdraw his Bill? (*Interruptions*).

Shri Onkar Lal Berwa: No, Sir.

Shri Kachhavaiya: No, Sir.

Shri Bada: No, Sir.

Shri Priya Gupta: No, Sir.

Mr. Deputy-Speaker: Then, I will put it to the vote of the House.

The question is:

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

Some Hon. Members: Aye.

Several Hon. Members: No.

Mr. Deputy-Speaker: The 'Noes' have it; the 'Ayes' have it. The motion is negatived.

The motion was negatived.

Shri Bada: 'Ayes' have it.

Shri Priya Gupta: 'Ayes' have it.

Shri Onkar Lal Berwa: 'Ayes' have it.

Shri Kachhavaia: Ayes have it.

Mr. Deputy-Speaker: After I announced it the second time, you raise the point. You challenge it after it is negatived. You should have been more careful.

श्री श्रीकार लाल बेरवा : यहां तो कोरम भी पूरा नहीं है, इस को पास करने के लिये कोरम तो होना चाहिये ।

श्री प्रिय गुप्त : यह बहुत इम्पार्टेंट चीज है, इस को पास करने के लिये कोरम जरूर होना चाहिये ।

श्री बड़े : उपाध्यक्ष महोदय, कोरम जरूर होना चाहिये ।

Mr. Deputy-Speaker: There is quorum. (Interruptions).

Order, order. You are too late. You must have been more alert. You should have challenged the quorum much earlier when I put it to the vote of the House. (Interruptions) Order, order.

We now go to the next Bill.

17.30 hrs.

MARINE INSURANCE BILL

Shri D. C. Sharma: (Gurdaspur): Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill to codify the law relating to marine insurance as passed by Rajya Sabha, be taken into consideration."

I think I have not come forward with any new Motion with which the House is not already familiar. This Bill has been before the House already. It was introduced at first in 1959 in the Rajya Sabha. It was then circulated for eliciting public opinion. Twenty-one opinions were received and most of the opinions were in favour of the Bill. Then, it was moved that this Bill be referred to a Joint Select Committee. That motion was accepted. First of all, it was accepted in the Rajya Sabha and then it came to this House. This House also gave its quota of Members. The Members of the Rajya Sabha joined hands with these Members and the Joint Committee was formed. The Joint Committee held six meetings. That Committee was presided over by Shri Ramakrishna Rao, who, I must say, did his work very very ably. The Joint Committee report is a majority report with only one Minute of dissent. At the Joint Committee level, 77 amendments were incorporated in the Bill. I would go so far as to say that the Committee was unanimous, because, the Minute of dissent has nothing to do with the provisions of the Bill. There is no doubt about the fact that it raises points of fundamental importance. It wants that foreign companies should not be allowed to re-insure the business of marine insurance. It is a point worth consideration. Patriotism would, of course, say that this thing should not be done. Our own history in the past should show that we should accept this minute of dissent. Be-