

protest of the police, the magistrate granted bail, and that since then he has absconded? What action has been taken against the person who stood surety for him? Has he been arrested?

Shri Lal Bahadur Shastri: Why should any action be taken, I do not understand, unless something incriminating was found from either his pocket or the photographs he has taken?

Shri Hari Vishnu Kamath: Against the surety?

Shri Lal Bahadur Shastri: Why should any action be taken unless it is found or proved that he was engaged in espionage activity? Then it could be considered what action should be taken.

Shri Hari Vishnu Kamath: The Minister said it was still under investigation.

Mr. Speaker: The surety guarantees the production of the accused whenever the magistrate wants him. That contract to produce him has not been fulfilled.

Shri Lal Bahadur Shastri: He is not absconding. He is available. The point does not arise.

Shri Hari Vishnu Kamath: He did not say that before.

Shri Hem Barua (Gauhati): When this gentleman was arrested, he was arrested on the suspicion that he was a Chinese spy who was taking photographs of the Brahmaputra bridge.

Shri Bade (Kharagone): What was the object of the photographs?

Shri Hem Barua: In this context, why is it that this particular man who was arrested as a spy was granted bail at all?

Mr. Speaker: Order, order. The whole ground is taken out of the feet. I do not think there is any substance in the allegations that are made. The man is granted bail. He is there. The surety can produce him whenever he is wanted.

Shri Hem Barua: He ran away, he absconded and there was a lot of trouble about it in the papers and all that, and then afterwards he came back, rather produced himself before the magistrate or before the police, whatever it may be, but he absconded for the time being, there is no doubt about it.

Mr. Speaker: Order, order. If he is there now and if an enquiry is being made, there is nothing further for the Members to enquire or find out. It will be seen afterwards if that enquiry reveals something. He is there and an enquiry is being made. What more do they want now.... (Interruptions).

Shri Hem Barua: Did he not abscond for a time or not?

Mr. Speaker: He is there now and he will offer his explanation.

Shri Bade: I want to know whether he was arrested under the Defence of India Rules and what was the object of these photographs?

Mr. Speaker: That would be known after the investigation. How can they say it just now? That is what the investigation is for..... (Interruptions.) Order, order. We shall take up the next business.

12.21 hrs.

WORKING JOURNALISTS

(AMENDMENT) BILL—contd.

Mr. Speaker: The House will take up further consideration of the following motion moved by Shri C. R. Pattabhiraman on the 5th December, 1962, namely:—

"That the Bill further to amend the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of Rates of Wages) Act, 1958, be taken into consideration."

The time allotted for the general discussion was four hours. 2 hours and 45 minutes had already been taken and 1 hour and 15 minutes remain. Shri More was in possession of the House. He may continue his speech.

Shri K. L. More (Hatakanangle): Mr. Speaker, I was submitting in this hon. House that the wage board under the 1955 Act was independent. Section 8(2) envisaged the appointment of only one independent person. He would of course be the chairman of the board. By the present Bill that independence is taken away and two more independent persons are added making the number of independents three. Section 9(c) refers to three independent persons, one of whom shall be a person who is or has been a Judge of a High Court or the Supreme Court and who shall be appointed by that Government as the Chairman thereof. Now, three independent persons are envisaged. The increase in the number will hamper expeditiousness and will rather delay matters and it will entail a sort of financial loss. Particularly in view of the present emergency we should not do like that. I am, however, glad that the Government have made a specific provision in the Bill that the independent persons shall be appointed by the Government and one of them shall necessarily be a judge of a High Court or Supreme Court. I congratulate the Government on this welcome statement.

So far as the payment of gratuity is concerned, there is a harsh restriction in the Bill for a working journalist who voluntarily resigned from service on grounds of conscience. I appeal to the Government to remove that restriction. It runs like this, in clause 3(c)—

"Any working journalist who has been in continuous service, whether before or after the commencement of this Act, for less than ten years but not less than three years in any newspaper establishment, and he voluntarily resigns from service in that establishment on the ground of conscience."

The restriction is about the period, less than ten years but not less than three years. The Supreme Court

judgment does not put any such restriction with regard to the time or period. The payment of gratuity has to be made only under exceptional circumstances. That exceptional ground is one of conscience. If I may be permitted to read the relevant portion thereof, it says:

"a marked change in the character or policy of the newspaper or periodical. If the concern has no longer the same moral, political or religious character and if this change is such as to prejudice his honour, his reputation or in a general way his moral interests, he may demand his instant release. In these circumstances, he may demand an indemnity payable in the same manner as his salary."

In these circumstances, he shall be entitled to indemnity and it is payable in the same manner as his salary. It would be most welcome and quite reasonable also if in respect of the working journalists who resign on grounds of conscience this restriction goes away. I hope the Government would take this into consideration.

Yesterday mistakenly I quoted the number 5. When the Government constituted the board the number was 7 and not 5. The number of independents is increasing and, therefore, I have made that statement. Now, with regard to the Bill as a whole, this is a very beneficial measure and is in line with the general policy of marching towards socialism. Therefore, I support this Bill and congratulate the Government for this beneficial measure.

Shri Koya (Kozhikode): Sir, I have no hesitation in joining the chorus of congratulations on this belated but necessary Bill but I am sorry that the Government has created some sort of a caste system among the journalists by denying the benefits of this Bill to the journalists under Government service. They are very generous as

far as other journalists and owners are concerned and they say: You give so much. But when it comes to their own journalists, they say: for our own reasons, we cannot give them these benefits. If the Government have got their own difficulties as far as other concessions are concerned, at least with regard to the minimum wages they can give similar concessions to the Government journalists also.

The hon. Members who spoke before me were all proceeding under the impression that all the newspaper-owners are capitalists and all of them are earning a lot of money. Even Shri H. N. Mukerjee was thinking only about the chain of press magnates. Perhaps he is representing the biggest chain of the communist papers. I want to represent the case of small newspapers. In my State of Kerala, we have got about 30 daily newspapers. Most of them are more or less on a cottage industry scale, so to say. If the Government do not give some protection to the smaller journals, it will be a sad thing. Even now, they are not getting the Government advertisements. All those things are taken away by the monopolist press. The small journals are denied all the benefits that could be offered by the Government and now the Government say "You pay the working journalists so much." That means they will have to close down many of the small newspapers in this time of crisis when they are not getting adequate newsprint and other things. When you consider the mills and factories, you know smaller units are given some protection. You give some protection to the handloom and the cottage industries and so in a similar way, I want that the Government must give some protection to the smaller journals. Otherwise, as I said earlier, they will have to close down the small journals. This Bill which is intended for the benefit of the working journalists will make many of the working journalists jobless.

We have got another problem here.

Bill

This is a vicious circle. If we have to give minimum wages to the working journalists, that means the professional journalists, we must remember that there are other people in the managerial staff in the same institution. You have to give them also some increase in pay. Otherwise, there will be a big disparity. People with the same qualification, some of them working in the editorial staff, will be getting a large amount of money, while others in the managerial staff with the same qualifications may be getting meagre sums. If you want to increase the wages of the people in the journalistic field, you have to give some increase to the other people also in the same office, who are also contributing their mite—perhaps they are making a bigger contribution—to the income of the newspaper. So, they cannot be forgotten. This, as I said, is a vicious circle. This does not end with the journalist alone.

Some of the hon. Members in their enthusiasm asked that even the so-called mofussil correspondents who occasionally write one or two letters to the press must also be brought under this Bill. Here we have to take into consideration some of the journals, especially the language papers, who are doing a very good service. So, what you are giving to the journalists by one hand should not be denied to the others, the poor people who are working in the smaller newspapers.

Then I turn to the conscience clause. Much has been said about it. I am afraid this conscience clause may be misused by some of the journalists, especially when we are living in a political world. There may be a lot of political considerations as far as the journalistic world is concerned, and some of the unions may be dominated by certain political parties and they will influence the journalists to resign and go away on political grounds. That means those journals will have to suffer. So, there must be some safeguard so as to see that the

[Shri Koya]

conscience clause is not misused by the journalists.

I hope I will not be misunderstood that I am against the Bill and against the giving of benefits to the journalists. I am glad to say that I was one of the representatives of the working journalists association to give evidence before the Government. I generally welcome this Bill, but, at the same time, in the interests of the journalists themselves, I wanted to bring to the notice of the House and of the Government certain difficulties of the smaller newspapers.

श्री कृ० कृ० वर्मा (मुल्तानपुर) : माननीय अध्यक्ष महोदय, जो विधेयक इस माननीय मदन के सम्मुख प्रस्तुत है, में उस का स्वागत करता हूँ, परन्तु उस में जो कमियाँ हैं, उन की ओर मैं आप का ध्यान आकर्षित करना चाहूँगा।

मुझे यह कहने की आवश्यकता नहीं है कि किसी भी राष्ट्र के निर्माण में पत्रकारों का एक विशेष स्थान होता है। समाज के अन्य अंगों की तरह हमारी पत्रकार श्रेणी की तरफ भी हमारे राष्ट्र का विशेष ध्यान होना चाहिए। उन की उन्नति, तरक्की, कल्याण और रोजगार की सुरक्षा आदि सब बातों की व्यवस्था करना राष्ट्र का ही दायित्व है। लेकिन मुझे खेद के साथ कहना पड़ता है कि हमारे देश को स्वतंत्र हुए इतने वर्ष हो गए लेकिन अभी तक पत्रकारों की समस्या ठीक तौर से हल नहीं हुई है और कोई न कोई ऐसी उलझन बीच में आ जाती है, जिस का परिणाम यह होता है कि अगर हम कोई व्यवस्था सोचते भी हैं, तो हम को उसे फिर से देखना पड़ता है और उस में बार बार संशोधन लाने की आवश्यकता होती है।

अभी थोड़े दिन हुए कि एक प्रैस कमीशन स्थापित हुआ था, जिस का पत्रकारों के बारे में बहुत सी समस्याओं को हल करने के विषय में अपनी रिपोर्ट देने के लिए कहा गया था। उस के सामने इस सम्बन्ध में सारी बातें रखी गई थीं और कुछ मुझाव उस ने दिये, जिन के

अनुसार हम ने १९५५ और १९५८ में यहां पर विधेयक रखे और उन को पारित भी किया। लेकिन सुप्रीम कोर्ट के कुछ फैसले ऐसे हुए, जिन से हमारी उम व्यवस्था में कुछ उथल-पुथल हुई और हमें उस पर फिर से विचार करना पड़ा।

प्रेसिडेंटी की जो समस्या है, उस पर भी सुप्रीम कोर्ट के कुछ फैसले हुए हैं और उन फैसलों के बाद पत्रकार, मालिक लोग और सरकार, इन तीनों श्रेणियों की एक बैठक हुई, लेकिन उस में यह मसला हल नहीं हुआ। दूसरी बैठक में भी मसला हल नहीं हुआ, लेकिन दो एक उमूल तय हुए, जिन के अनुसार यह विधेयक लाया गया है। जो मसला तय नहीं हो पाया, में समझता हूँ कि उस में हमारी सरकार ने एक बीच का रास्ता अख्तियार किया है। जहां तक प्रैचुइटी देने का प्रश्न है, यह तो बहुत साफ है कि प्रैचुइटी बतौर पुरस्कार के, इनाम के तौर पर, समझी जाती है और मेरी समझ में यह तो आवश्यक है कि सम्बद्ध पत्रकार की कुछ सेवायें होनी चाहिए, जिन के लिए कि हमें उस को पुरस्कार देना है। यह नहीं है कि उस की कोई भी सेवा न हो, सर्विस में उस के कुछ भी दिन न गुजरे हों और हम पुरस्कार देने के लिए बाध्य हों। यह कोई न्यायमंगत बात नहीं होगी।

उस के बाद यह मसला आता है कि जो पत्रकार यह देखते हैं कि जहां पर वे सेवा कर रहे हैं, अपनी विचारों के आधार पर, अपनी विचार-धारा के मुताबिक, वे वहां के मालिक की नीति के अनुसार कार्य नहीं कर सकते हैं, तो उन्हें उस सर्विस को छोड़ना पड़ता है।

विधेयक में यह चीज रखी गई है कि कम अज्र कम तीन साल की सेवा अगर हो तब कांसेंस क्लॉज को एप्लाइ करके और इसको देख करके कि कांसेंस की बिना पर ही इस पत्रकार न उस सेवा को छोड़ा है, उसको प्रैचुइटी दी जा सकती है। उमूलन तो यह बात ठीक है। जब कोई भी किसी को अपनी सेवायें अर्पित करता है, तब उसे देख भाल लेना

Bill

चाहिये कि प्राया वह अपनी विचारधारा के अनुसार वहां की सेवा कर सकता है या नहीं कर सकता है और अगर वह छानबीन करके और समझ बूझ कर वहां पर सेवा करने के लिए राजी होता है तो फिर उसको कुछ न कुछ दिन तो वहां की सेवा करनी ही चाहिये। ऐसी हालत में मैं समझता हूँ कि यह जो तीन बरस की कंद् लगाई गई है, यह उचित नहीं लगाई गई है। लेकिन इसी के साथ साथ मैं यह भी कहना चाहता हूँ कि जो मालिक है, अगर उसका विचार बदलता है, जो उसकी नीति थी, उस नीति में वह परिवर्तन करता है और यह बात मालिक की तरफ से ही की जाती है तो फिर उस हालत में यह कहाँ तक वाजिब होगा कि उस पर यह शर्त लगाई जाय कि अगर तीन बरस की उसकी सेवा होगी तभी उसको ग्रेचुइटी दी जाएगी, इनाम दिया जाएगा, बर्ना नहीं दी जाएगी। मैं समझता हूँ कि पत्रकारों के लिए यह न्यायमंगत नहीं होगा। जिस समय उसने अपनी सेवायें अर्पित की थीं, उस समय जो उस पत्र की नीति थी उसकी जानकारी उसने हासिल कर ली थी और उसकी विचारधारा से वह मेल खाती थी और इसी वजह से उसने अपनी सेवायें वहां पर अर्पित की थीं। लेकिन उसके बाद यदि उस नीति में वे तब्दीली आती है या परिवर्तन आता है जिसके लिये वह कतई जिम्मेदार नहीं है, तो फिर जब उसे छोड़ना पड़ता है तो उसको कांसेस क्लाइ के मुताबिक जो कुछ मिलना है, वह क्यों न मिले। एक शख्स ने एक व्यवस्था वहां पर बनाई थी और उसको मजबूर होकर दूसरे की गलती की वजह से अगर हटना पड़ता है, ख्वामख्वाह के लिए हटना पड़ता है तो उसको ग्रेचुइटी उस हालत में बिना इस शर्त के कि उसकी सेवा कितने बरस की है और कितने बरस की नहीं है, मिलनी चाहिये और यह चीज हो जानी चाहिये।

अब भी मैं चाहता हूँ कि हमारे पत्रकार जो हैं, उनके लिए जो व्यवस्था की गई है. . .

अध्यक्ष महोदय : पहली घंटी बजने के

बाद माननीय सदस्य ने कुछ रपतार तेज कर दी थी। अब फिर वह ढीले हो गए हैं। मैं दूसरी घंटी बजाने वाला हूँ।

श्री कुं० कृ० बर्मा : मुझे बतला दीजिये कि कितने और मिनट मैं बोल सकूंगा।

अध्यक्ष महोदय : एक मिनट और ले लीजिये।

श्री कुं० कृ० बर्मा : हमारे पत्रकारों के लिए जो अभी तक व्यवस्था की गई है, उसमें एक और कमी पाता हूँ। जहां तक अंग्रेजी अखबारों का सम्बन्ध है और साथ ही साथ हिन्दुस्तानी जुबान में जो अखबार निकलते हैं, उनका सम्बन्ध है, उन दोनों के पत्रकारों में काफी फर्क है, उन दोनों में जो वेतन मिलते हैं और जो सुविधायें मिलती हैं, वे एक समान नहीं मिलती हैं और इतना ही नहीं बल्कि उनमें काफी अन्तर है। मैं समझता हूँ कि यह भेदभाव नहीं होना चाहिये और जो अंग्रेजी पत्रकारों को मिलता है वही हिन्दी या और हमारी जो हिन्दुस्तान की भाषायें हैं, उनके पत्रकारों को भी मिलना चाहिये। इनमें कोई भेदभाव नहीं किया जाना चाहिये।

Shrimati Sarojini Mahishi (Dharwar North): Mr. Speaker, Sir, with the assurance given to the citizen under the Constitution—Article 19—that the fundamental right of the freedom of speech would be given to him, we find that the Press has to be given greater and greater freedom especially in a democratic country. Freedom of speech includes freedom of public opinion, freedom of expression, freedom of photography, freedom of lithography and all those things, and with the introduction of democracy we find that the freedom of the Press should be more and more.

But, at the same time, we know that the papers and periodicals in our country have played a very momentous role, a very significant role in educating the masses and also in creating public opinion especially during the independence struggle. The history of *Kesari* in Marathi is

[Shrimati Sarojini Mahishi]

well-known in the history of periodicals in India. The role played by Lokmanya Tilak as an editor and the role played by *Kesari* as a periodical in Marathi is quite well-known to the House. Therefore I need not say that the periodicals in India can play a very significant role. They have played a very significant role during times of emergency during the struggle for independence in building up the country. In future also, in developmental activities and in reconstruction work the periodicals in India can play a very significant role.

At the same time, we shall have to see that the people who are working in these periodicals also get a better chance of living, not a struggle for existence but a struggle for better living. We have seen that as late as 1952, a decade back, the Press Commission was appointed to enquire into the conditions of the press. Till then, we had no such convenience or such arrangements for looking into the working conditions of the journalists as such. Then, in 1952 when the Press Commission was appointed to look into the working conditions of the working journalists, it was with two ends in view: firstly, to make an enquiry into the control, management and ownership of the press and, secondly, to find out the working conditions of the working journalists, a way for the settlement of disputes and also to find out certain factors which influence the maintenance of professional standards. Therefore, when the Press Commission gave its report, the result was that we passed the Working Journalists and Miscellaneous Provisions Act in 1955. But that Act had to be modified and also supplemented by another Act in 1958. Now, in the year 1962, they are again before the House for amendment in the light of the decision of the Supreme Court in the case of *Express Newspapers Private Limited Vs. the Union of India* and a second case in 1961. According to the decision of the Supreme Court in the *Express Newspapers* case, gratuity

can be given to a person who has voluntarily resigned only if he has put in at least a continuous period of ten years or more, and not for a shorter period. So, according to them, section 5(1)(a)(3) of the Act, which provides for the payment of gratuity if one has put in a lesser period of service was contrary to the provisions of article 19(1)(g) of the Constitution and so *ultra vires* and cannot be implemented. Whenever any proposal is brought before the House, many a time we have stated that it is for the High Court or Supreme Court to declare whether a particular provision is *intra vires* or *ultra vires* and it is not the function of the House. Therefore, since the Supreme Court in this case has declared a provision as *ultra vires*, the Act had to be amended in the light of that particular decision.

Secondly, in 1961 the Supreme Court gave a clearer explanation to the judgment which it gave in 1958 with reference to the first case and stated that the period of fifteen years need not be universally made applicable and the period of ten years may also be considered for payment of gratuity. Therefore, clause 3 of the Working Journalists Amendment Bill which is before the House now makes provision for giving better facilities to those working journalists who have put in service continuously for a period of three years and whose services are terminated not on account of any disciplinary action taken against them by the employer. So, the provision in clause 3 of the Bill is only intended to give better facilities to the working journalists, whose condition the Bill wants to improve.

At the same time, I wish to make a distinction here. As far as the papers in India are concerned, we can categorise them into three classes.

In the first category we find those papers which are wholly controlled by certain people. There is a sort of a

monopoly. A chain of papers is controlled by certain people and there is concentration of all this capital. These papers are in the hands of a few. The second category is of those papers which are managed by certain concerns which have got other private concerns not necessarily in the field of journalism. Journalism is only a side business for such people. They have got their subscribers also in other fields. Therefore they need not be afraid of the subscribers. When they are not afraid of the subscribers and when they are not badly in need of subscribers, they may not look to the welfare or to giving better conveniences and facilities to the journalists also. The third class of papers in India is of very small private concerns where the manager, the editor and the working journalists together share the poverty and the difficulties.

In these three kinds of papers it is very difficult to see that they implement the provisions of this particular Act. Of course, inspectors may be appointed under this Bill. As we find in the case of factory legislation that social auditors will be appointed to implement the provisions of the Act and to bring to book those people who do not implement the necessary provisions for giving better facilities to the workers, in the case of this field also which was long neglected we find the provision for the appointment of inspectors to see that the provisions of this Working Journalists Act are properly implemented. But, at the same time, we see that it is very difficult to see that it is implemented, as it is impossible for the Class III managers of these papers to see that these are implemented. I think, the Government's policy in this direction also needs a little consideration because advertisements are usually given to bigger concerns and the smaller concerns are neglected because their circulation does not go upto a particular figure. Therefore, we say that all these things should be taken into consideration.

Bill

The second thing we find here is the conscience clause. It is very important to safeguard the independence and freedom of thought and moral rights of the working journalists. This, of course, had been adopted in Poland and in Switzerland. In France also I find that the indemnities are to be given in full to the working journalists as if the employer himself had removed the employee for certain purposes.

An hon. friend of mine from the Opposition made out a distinction between the Government servants working in Government periodicals and those working in private concerns and expressed his sympathy for the Government servants. I do not know why he should express his sympathy for the Government servants because the Government will first care for its own servants and then for the private people. From the note itself we find that Government servants are ruled by better conditions and have better facilities. Therefore they need not be pulled down along with the private journalists and workers. I do not wish that they should be pulled down. But, at the same time, I would like to place a request before the House that instead of pulling them down from better working conditions, let those journalists whose working conditions we know about be raised to the level of the Government servants who are working in better conditions and with better facilities.

In this particular clause, that is, clause 4, I find a provision for the constitution of the Wage Board. This particular Wage Board may produce any document or any representation made to it by the public or by the people before anyone who is interested. I do not know to what extent it can be implemented and whether it would be worth while producing or giving copies of all these documents. Sometimes they may be so confidential that it may prejudice the interests of so many persons and it may not be advisable to produce those documents.

The provision in that case may be that the documents may be produced provided it does not prejudice the interests of anybody.

I think, the Bill aims at giving better facilities to the working journalists and improving their conditions. Therefore I welcome this Bill with the changes suggested.

श्री ज्वा० प्र० ज्योतिषी (सागर) :

अध्यक्ष महोदय, डिमोक्रैसी के संचालन के लिए पत्रकारिता का जो महत्व है उससे हम आप सब अवगत हैं। पत्रकारिता चौथी स्टेट है जो कि जनसमाज को एजुकेट करके डिमोक्रैसी को मही स्वरूप देती है। श्रमजीवी पत्रकार, पत्रकारिता के क्षेत्र में काम करने वाले, पत्रकारिता के प्रमुखतम अंग हैं। उनके ऊपर देश की जनता का शिथिल करने और संसार का जनमन राष्ट्रीय नीतियों के अनुकूल बनाने का भार रहता है जो कि किसी भी देश में महत्वपूर्ण स्थान रखता है। इस दृष्टि में मैं जर्नलिस्ट्स को राष्ट्र का एक महत्वपूर्ण अंग मानता हूँ। इस महत्वपूर्ण अंग को सुविधा देने की दृष्टि से, उनकी दिक्कतों को दूर करने के खयाल से यह जो बिल इस सदन के समाने पेश किया गया है, मैं उसका हृदय से स्वागत करता हूँ।

यह मही बात है कि अच्छा होता अगर यह बिल कुछ पहले आया होता। मैं महसूस करता हूँ कि सभी मित्रों ने इस बात की मांग की है कि इस बिल को सन् १९६१ में लागू किया जाय। मैं महसूस करता हूँ कि डिप्टी मिनिस्टर ने जो वादा पहले किया था अब उसकी पूर्ति उन को करनी चाहिये शासन की तरफ से जब भी कोई बचन दिया जाय तो उस बचन की पूर्ति नितांत आवश्यक होती है।

वेज बोर्ड में जो दो तीन बाहर के आदमियों को निदुक्त करने का निश्चय किया है, मैं समझता हूँ कि वह थोड़ी उलझन पैदा कर सकता है। उत्तम होता यदि जैसे पहले प्रस्ताव या वैसा ही किया जाता, अर्थात् दो पत्रकारों के प्रतिनिध, दो एम्प्लायीज के

प्रतिनिधि तथा एक और जिम्मेदार व्यक्ति, जो कि हाई कोर्ट या सुप्रीम कोर्ट जज की हँसियत का हो, निष्पक्ष तरीके से विभिन्न प्रश्नों पर विचार करके अपना फैसला देते। इस तरह का वेज बोर्ड होता तो ज्यादा अच्छा होता।

एक और बात हमारे सामने आती है। अर्थात् जिन्होंने तीन वर्ष से लेकर दस वर्ष तक सेवायें की हैं उनको ग्रेचुइटी देने का प्रश्न। प्रति वर्ष की सेवा के लिए १५ दिनों के वेतन की माप से साढ़े बारह माह तक का वेतन दिया जा सकता है इस बिल के अनुसार। इस संबंध में मेरा यह कहना है कि किसी भी आदमी ने तीस वर्ष तक सेवा की है या पच्चीस वर्ष से ऊपर तीस वर्ष तक सेवा की है तो उसका खयाल जरूर किया जाना चाहिये। तीन वर्ष से दस वर्षों तक की सेवा के लिए यह नियम लागू हो सकता है, लेकिन जो लोग दस वर्ष से अधिक काम कर चुके हैं, उनकी ग्रेचुइटी का मसला तय करते समय साढ़े बारह महीनों के वेतन की कैद लगाना उचित नहीं होगा। इस बात पर ध्यान दिया जाना चाहिये कि उन्होंने कितने वर्ष की सेवा की है। सेवा के वर्षों को पन्द्रह दिन के वेतन के अनुपात में गुणा करके जो राशि आये उतना उनको दिया जाना अच्छा होगा।

पत्रकार राष्ट्र के एक बहुत महत्वपूर्ण अंग हैं और आज की स्थिति में इस देश में एक नई जीवन और नई ताकत पैदा करने की दृष्टि से उनका एक बहुत बड़ा भाग है। ऐसे वक्त में उन्हें थोड़ी सी गुंजाइश देने के लिए जो बिल लाया गया है वह निश्चित रूप से स्वागत के योग्य है। मैं समझता हूँ कि इस बिल के पास होने से पत्रकार बन्धुओं, विेषकर श्रमजीवी पत्रकार बन्धुओं की दिक्कतें दूर होंगी और वे अपने को अधिक महत्वपूर्ण महसूस करते हुए, जो बड़ी बड़ी कंसर्न्स हैं जो बड़े बड़े पत्र हैं उनके अंकुश से थोड़ा मुक्त होते हुए राष्ट्र की आज की स्थिति को देखते हुए और अधिक स्वतंत्रतापूर्वक अपना कार्य कर सकेंगे।

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

Shri Bhagwat Jha Azad: Mr. Speaker, Sir, I welcome this Bill, along with my other friends. My only regret is this: why should it take the Government such a long time to find out that the parent Act was not working satisfactorily? And it took so much time for them to come to this House with a measure to improve the lot of the working journalists.

13 hrs.

I remember when last time, in 1955, the parent Bill was discussed and passed by this House, I had the privilege of participating in that discussion. Since then and now we find that the monopolistic tendencies in the press, in the papers, have grown up in this country.

So also their profit; so also many other things. For example I said that the P.T.I. represented poverty, tyranny and injustice in this country. I do not know, after the parent Act and now with the other things, whether the P.T.I. still represents poverty, tyranny and injustice or it has improved. I would say, though on the one side their profits and other things are expanding, the working journalists have not got their due what should have been given to them. The Government should have realised it earlier. Better late than never. But, I feel, even under this provision, there is no sufficient guarantee that they would be given a fair deal. However, hoping that things will be better in the future, I restrict my remarks on the provisions of the present Bill.

It is said that at some tripartite conference, the employers and the working journalists were there and some agreements were arrived at on some of the provisions. But there is one remarkable thing that the employers would not agree to one important thing, that is about gratuity. Certainly, how could they? We have seen the constant struggle that is

going on on the part of the working journalists who work so hard to make what these papers are and their being deprived of their due that they should have. They could not agree even to the small concession. The Government did the right thing in coming to this House in spite of their disagreement, to have that provision included.

It is good that they have said that when a working journalist resigns voluntarily or due to conscientious reasons in working a particular press, he should be given this privilege. It is surprising that some of the friends who have been good enough to enlighten us on this subject by a long circular—not circular, long chit rather—sent to all the Members, have asked us to press in this House to define conscience. We know enough of their conscience. We have seen also how in this emergency the conscience of some of them is working in this country and how they are trying to mould public opinion. We have seen enough of that. We have seen how in the press in this country, even cartoons, even articles and other things are made in the name of uniting the country, in the name of supporting public opinion and thereby extending their support in the war effort but how disgraceful they are. These friends want to define conscience. I think it is good that no such definition has been given. Rather it has been left to the working journalists to come to certain agreement. The hon. Lady Member said, in our Constitution, fundamental rights have been given. We have got the freedom of speech. We have got freedom of work. When a working journalist goes to a press of a big magnate, he sees, here are presses, here are papers which work on a certain basis. But, the moment he goes there, after some time, he finds, here is a press that shouts in the name of defending the country or the interests of the masses or advocating public opinion, but even in the emergency, it goes down to vilify the

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national leader and the national cause. Certainly that journalist should have the right to say, I go, you are not working in the interests of the country. I am happy that the Government has given the conscience right to the journalist.

This gratuity which is going to be given to them is limited by two things. First, it is low. Secondly, it is not uniform. Here, I would say that the long period of 10 years service should not have been prescribed before he could be entitled to this privilege. As my friends have said, this Bill should have retrospective effect. I could not see that here. But, I am told that the Government are committed through one of the Ministers in the conference that they would apply this with retrospective effect. I would still ask our friends on the Government Benches to see that at least it, should be possible for them to apply it from 1st July 1961.

It is a good thing that the Government has come forward with this provision that if any company or corporate body which violates this Act, all of them, the manager or agent whatever it is, should be proceeded against if they commit any offence. For, by now we have known enough of these friends. They know so many under-hand things and tricks that when the Act comes against them, they will find so many things to escape. The moment you ask them for certain facts, they will come forward with so many things, and they will say, 'I have got such a big family with so many members' and so on. In this way, they resort to so many tricks. Therefore, it is good that Government have come forward with this Bill. But I would suggest that if an offence is made out, the manager or the agent or whoever it may be should all be proceeded with.

The more important point is about the wage board. Even since the Third Lok Sabha came into existence, through so many questions, we have emphasised the necessity of

having a wage board. Though a provision for that purpose is there in this Bill, we wish that it should have come earlier, and we regret that it has not come earlier.

So far as the composition of the wage board is concerned, I feel that the one contemplated in the Bill is not fool-proof in this sense that though it has been agreed that three independent members would be there on the board, only one of them will be of the status of a High Court or Supreme Court judge, but the other two will be independent persons. We know enough of these independents. We know many of them. Here also, there are so many independent Members. They are free-lancers, and they have hardly any opinion. And if they have any opinion, they are not with the majority, nor with the minority.

Therefore, I would emphasise that the wage board should consist of five persons, two from the side of the employers, and two from among the working journalists, and one who will be the chairman, who should be of the status of a High Court or Supreme Court Judge.

I would say also that the provision in this Bill for punishment against breach is almost nothing. The provision is only to the effect that the persons concerned will be liable to a fine of Rs. 200. I am surprised how the hon. Minister in charge of piloting this Bill could think that this sum of Rs. 200 will in any way go to have a deterrent punishment on such friends as those who have got huge money-power in their hands. Of course, I am always conscious of my hon. friend to my right, and I am aware that there are smaller newspapers also. But we know how the smaller newspaper owners are acting, and they are more afraid of the provisions of the Bill than the big ones or the magnates who try to arrogate to themselves the advantage of having public opinion and who never care for the small publicmen at all.

Mr. Speaker: The hon. Member is conscious of many things, but not conscious of the ringing of the bell.

Shri Bhagwat Jha Azad: Now, I have become conscious of your ringing the bell, and I would say finally one sentence. We feel that the working journalists are the real backbone, and they are real persons behind the press and behind those persons who arrogate to themselves the advantage of forming public opinion. This House as well as the other friends who are there are always there to look after their interests and to see that their service conditions are improved. But I would like to appeal to them about one thing. There are friends in that class itself who are acting in an undesirable way; they should ask those persons and that part of the press how they are trying to mould public opinion. I would appeal to the working journalists to work against them and to protest against such friends also.

Shri Joachim Alva (Kanara): Government have dealt with this measure piece-meal and in a very haphazard manner. During the last several years, since the time the Press Commission made its report, they have tinkered with the problem. It was only when parliamentary pressure was very strong on Government that they brought forward repeated measures in 1955, in 1958 and in 1962, and yet the problem does not seem to have been solved in a satisfactory manner.

One of the previous speakers has spoken about the past conditions of journalism. The golden age of journalism is over, the golden age when great editors made sacrifices, when presses were locked up, when newspapers were closed down, and when securities were levied, and when the sacrifices made were really golden! Now, it seems that the age of steel in journalism has come, when they are ruthless with the objectives, ruthless with principles, and ruthless with personalities also, and we are contending with five ownership chains

to whom the political conscience of India is mortgaged. These five chains of newspapers control political opinion, and they make enormous profits. One of them has even embarked on starting a newsprint factory or so, perhaps one, or even two, in some far off place in Kashmir. Another newspaper was given facilities to build a large newspaper plant in the city of Bombay, and it turned out later on that the State Ministry there was completely disappointed to find that they did not utilise it for building a newspaper plant, but for merely collecting rent.

These are the stories of the big newspapers, while the other small journals have gone to the wall, their names are not even remembered, they are forgotten. No kind of subsidy has ever been given to them and no kind of support, and an ungrateful public has even forgotten all about them.

In a leading paper in one of the largest cities of India—I shall not name it, perhaps it is known—the working journalists work during the late hours in the night, throughout the night, and they have no facilities for sleeping, for quick transport to go home in the night and perhaps for even a breakfast. Medical attendance and ordinary facilities of food and rest are very essential for newspaper men who work throughout the night and run on the beat, and yet the largest newspapers with huge fortunes, which go on multiplying and adding more and more newspapers to themselves, have not been able to give these amenities to their employees.

In 1958 or so, in the Express Newspapers case, the Supreme Court, with all due respect to them, in effect seemed to have sided with the big battalions. The big battalions could summon a big battery of lawyers, and the working journalists could not summon or hire the best lawyers, and the judgment in effect seems to have gone against the grain and the conscience of the journalists. If we hold

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up the yardstick adopted by the Supreme Court, to its farthest end, then even the Judges can also be deprived of their pension if they do not render efficient service, and many would come under this anvil. To say that the journalists shall not be entitled to gratuity except in exceptional circumstances is something which no one can approve of. I wish there was a working journalist on the Supreme Court Bench. After all, great men have been journalists at some time or other like our Prime Minister, and they know where the shoe pinches, what the difficulties of the working journalists are, and these are the points that even the Supreme Court should have taken into consideration.

The Press Commission made a very comprehensive report. We owe a lot to the Press Commission, which was presided over by that distinguished Judge, the late Mr. Rajadhyaksha. In fact, he never lived to see how his recommendations were implemented. He accomplished a very hard job, and died of heart failure.

The point about advertisement has not been settled. It is still in the hands of foreign advertising firms. Even the Government of India goes knocking at the doors of foreign advertising firms for looking their advertisements. That has not been finally settled. Government has not taken powers in its hands to put things right, to build up Indian advertising firms and see that even the Government of India advertising does not go to them. Neither have we put right this problem of the journalists. We have been tinkering with it every time by bits. I hope the Government will come again another time to put things right when Parliament's pressure is again felt.

In regard to the Press Trust of India, we still have not got a great

national news agency whose representatives can be seen in every part of the world. We seem to put our hands in our pockets and say we have no money to pay our correspondents or offer them amenities or service or other conditions. All the three things have been neglected—the advertising section; the working journalists and news agency questions. An international news agency should have been the eyes and ears of our land. Other international newspaper men attached to foreign agencies are not only actual representatives of their newspapers, but even of their Governments. Other Indian news agencies have been allowed to operate because they have got big business, big moneys behind them, with the result that the PTI, our national news agency, is not so effective, not so big and not so comprehensive as it should be.

Even the recommendations of the Press Commission have not been fully implemented. It is a great pity that the present Ministry does not effectively, in a dynamic and determined way, handle the recommendations of the Press Commission.

Shrimati Savitri Nigam (Banda): Sir, while I join all those who welcome this Bill I am sorry to say that this is a half-hearted and piecemeal Bill. We were expecting a more comprehensive Bill. I would like to know why the Press Council has not been formed so far. We are all aware of the sufferings and struggles of the working journalists which have been increasing constantly. It is needless to say that all these intellectuals who have been serving the society and our democracy are not only very ill paid but they are constantly being exploited. This Bill is too mild for those who control and exploit them. There should have been no loophole in this Bill. I would draw the attention of the hon. Minister to page 1, where a reference is made to punishment inflicted by way of disciplinary action.

Under this clause they will make it, a pretext to turn out the journalists. It is on the basis of disciplinary action, he will be deprived of the facilities of gratuity and other things. I would request the hon. Minister to amend this definition and make it very clear.

On page 5, the composition of the wage board is given: two persons representing employers in relation to newspaper establishments, two persons representing working journalists and three others. I suggest that the number of working journalists be increased to three, and the employers' representative be reduced to one. Still, he would be strong enough to control and dominate the three. It would be better if the ratio of representation is changed like that.

The House is aware how the composition of the wage board has been changed from time to time. At least now the wage board should be formed in such a way that the working journalist could not be exploited by the very resourceful employers. The penalty for breach is also very nominal; it needs to be increased. Only then the employers will be brought to book and they would not like to make breaches. It is not too late. They should take every possible step for the formation of the Press Council. It is very unfortunate that so many years have passed but many of the recommendations made by the Press Enquiry Committee have not been implemented so far. I hope very soon a comprehensive Bill will be brought here and conditions of the working journalists will be improved.

Mr. Speaker: The hon. Minister.

Shri Warior (Trichur): Before you call upon him, may I make a submission? We were told yesterday that one hour will be left for the clause-by-clause consideration?

Mr. Speaker: Yes. Even now that hour is there.

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): Mr. Speaker, Sir, I am much obliged to the hon. Members for the depth of their knowledge while dealing with the working journalists as also for the interest they have taken. From all parts of the House, they have almost unanimously agreed that relief to the working journalist should not be delayed. Some comments were made that there have been some undue delays with regard to this Bill. I shall, with your leave, deal first with that.

This question was considered by the Government soon after the judgment of the Supreme Court. Various proposals for amendment were received from the Indian Federation of Working Journalists and they were examined in consultation with the Ministry of Information and Broadcasting. Suggestions for amendments were made at our request by one of the members of the wage committee and were supported by the chairman of the committee. It was felt that it would be advantageous to await the report of the committee who would be in a position to suggest amendments in the light of their experience. The report of the committee was made in May, 1959. In the meantime, State Governments who are the appropriate Governments to implement the Act were asked for their views and suggestions in February 1959. The proposals were finalised taking into account the views and suggestions made by them. As is the normal practice in all labour legislations, it was felt that the matters should be discussed at a tripartite meeting. The meeting had to be postponed on a few occasions and when finally it met there were agreements on many matters but on some matters like conscience clause and quantum of gratuity there was no agreement. The general elections then intervened. Government thought again and felt it would be better to iron out the differences at a tripartite meeting. Thus the delay is mainly

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due to the necessity of consulting State Governments who elections. It must be admitted that it was somewhat controversial and so it was the general desire that as far as possible one should get the agreement of the various parties concerned.

Now, Sir, I shall straightaway refer to one or two points made this morning. With regard to the penalty of Rs. 200, it should be remembered that it is in addition to the provision for recovery of dues. It was said that there should be no difference in wages paid in English and other language papers. It is really not possible for us to put them on a par because of the different paying capacities of these papers. The only variation is about quantum of wages and gratuity. There is no other variation. The special problems of the newspapers can be looked after by the representatives of journalists and employers. I may also point out that it is not the State Government that must set up the wage board; it is the Central Government. I dare say that, when they set it up, it will look into all these problems. Actually, not many complaints have been received about the working of the Act during the last six or seven years. The main reason for this enactment is because that Act was struck down by the Supreme Court. But then various factors had to be looked into after it was struck down.

Reference has been made to the subsequent judgment of 1961 to which I myself made a reference. There was no rigidity with regard to the period. I am sure the hon. Members are already aware of the amendments that we ourselves are bringing forward. In effect I am accepting the amendment moved by Shri Vidyalkar and also Shri Ravindra Varma but we are putting it in the legal form. I am also in a position to state that retrospective effect will be given to the Bill from July, 1961. The official amendment has been moved and it is before the House. There is also another

amendment which might interest the House—provision for interim award. That also is being moved in a slightly different form from the one in which it has come from respected journalist Members of the House. If I have changed the form, I may tell the hon. Members in effect we have accepted it and we put it in a different form so as to keep apace with the rest of the legislation. I will now straightaway come to the Government of India press workers.

Shri Surendranath Dwivedy (Kendrapara): Why do you not accept the amendment of having one independent person in the wage board?

Shri C. R. Pattabhi Raman: I wanted to deal with it later but I will straightaway answer that point. Previously it was 3, 3 and 1. We know what happened last time. With some experience in the Labour Ministry we have come to the conclusion that it is far better to have two, two and two independent persons. That is so not only in India. Even in England two independent persons are appointed representing public opinion; finally there is a Judge or a chairman whoever it is, eminently qualified for that purpose. This composition is there so far as many wage boards are concerned and I am confident that it will succeed here also. So, it is not as if the number seven is introduced for the first time. It is already seven. Only, we are agreeing with the general pattern and as a result of the experience that we have gained in the Ministry.

Shri S. M. Banerjee: What about the three Independents? The moment the number of Independents becomes three, they do not remain independent. They become a party. So, let it be one.

Shri C. R. Pattabhi Raman: We are fouling our own nest by saying this. This goes into record. Why should the world know that members of such

boards in India are biased, and start a discussion? Why should we assume that? We can always come before the House. The number is seven now. Actually, I was surprised to hear from one hon. Member that we must have in the Supreme Court a working journalist! After all, I am proud to state that once I was a lawyer and the fact remains that the judges, to the best of their ability and light, deal with enactments before them.

Mr. Speaker: Then the Prime Minister and President also should be working journalists!

Shri Joachim Alva: At some period of their career or other, a judge could have been a working journalist.

Mr. Speaker: Do we recruit like that now? (*Interruptions*).

Shri C. R. Pattabhi Raman: The observation coming from you, Sir, I am much obliged to you and I am much cheered. If I had said that, it would have been impertinence because that would be comparing much greater persons who are in the service of the nation. Now, the judges deal with the facts before them and the enactments before them. Actually, the hon. Members will be interested to know that with regard to the conscience clause, the judgment of the Supreme Court, if I may say so, was a learned one. I am going to deal with some portions of the conscience clause. They have given some time to it. They have dealt with it. Actually, they were concerned about the vagueness of the period. They thought that there must be some definiteness about it. Secondly, they should have had in mind the capacity to pay. That is being remedied. After all, it is far better that we have an enactment here which is licked into shape by another body, the third wing of the Government, and we are the wiser for that.

Another reference was made with regard to the lawyers appearing. I make bold to say that in one case, it

happened that the Attorney-General and two others, the Advocate General, Madras appeared against me in the Supreme Court. It so happened that I was one of those who appeared in the case which led to the first amendment of the Constitution, *Romesh Thapar vs State of Madras*. I had the unique honour and privilege to appear in that case. I was just a junior advocate then and I won all points. So, it does not make much difference who appears in the Supreme Court. It is the cause that the judges go into. On many occasions the judges have given points to the lawyers. I do not think I can let go the observation that in the Supreme Court there should be a working journalist. For that matter, after all, the judges decide on the facts of the case.

There was reference made to the Government of India press workers. Some hon. Members have criticised the insertion of section 19B under which the Government working journalists covered by the fundamental rules have been excluded from the provisions of the Working Journalists Act. Reference was made to the proof-readers in the Government of India Presses. There seems to be a misconception that the new provision has been inserted with a view to excluding these people from the Government of India Press. That is not correct. As early as May, 1961, in reply to a Parliament question, my predecessor clarified the position that the Government of India Press is a job press just like any other press doing the printing job, and the proof-readers there are not working journalists covered by the Act.

Shri Surendranath Dwivedy: Who decides that? Is it the tribunal or is the decision taken by the Government itself?

Shri C. R. Pattabhi Raman: The decision is taken with whatever material is placed before them. You may say it is a wrong decision. But my point is to place the facts before

[Shri C. R. Pattabhi Raman]

you. The position is that it is a job press.

Shri Surendranath Dwivedy: I wish to make a submission about this. In this question of interpretation of the law,—whether those people also come under the definition given in the Act regarding the working journalists,—it is not for the Government to give a decision saying that “they do not come.” That is why they wanted a tribunal to decide the question.

Shri C. R. Pattabhi Raman: I can give all the details. Ministry also got the Law Ministry’s opinion on the point with regard to the definition. According to the definition given in the Act, a working journalist means a “person whose principal avocation is that of a journalist and employed as such.....”.

Shri Bade (Khargone): Do they not do the same job-work as other workers in the private sector?

Shri C. R. Pattabhi Raman: Actually, if the hon. Member would bear with me, I will point out how their conditions vary. I will straight-away read out in this connection, the observations made by the Press Commission in para 506 of their report:

“Proof-readers as a class cannot be regarded as working journalists, for there are proof-readers even in presses doing job work.”

Then, they go on to say:

“If a person has been employed as a proof-reader only for the purpose of making him a more efficient sub-editor, then it is obvious that even while he is as proof-reader, he should be regarded as a working journalist. In all other instances, he would not be counted as a journalist but as a member of the press staff coming within the purview of the Factories Act.”

The representatives of the Association of the Government of India Press met my predecessor on 6th November, 1962 and the position was explained to them. They subsequently submitted a memorandum to which also a reply has been sent that they are not covered by the Act.

The main object of the amendment is to exclude the working journalists employed mainly in the Central Information Service and in certain periodicals published by Central and State Governments which could be termed as newspaper. These officers are liable for transfer from posts of journalists to those of non-journalists. These are very few in number and the principal Association of these persons has agreed to the proposed amendment.

Shri Bade: Very few means how many?

Shri C. R. Pattabhi Raman: I do not have the exact number with me just now, but the fact remains that all of them may not come under this. I am only saying that every attempt was made to consult them also.

Shri S. M. Banerjee: May I draw his attention to the fact that after the Bill was introduced in September, 1962 a memorandum was sent by the Government of India Press association on 7th October, 1962, wherein they have actually quoted various rulings and judgments where it has been clearly stated that they come within the definition of working journalists?

Shri C. R. Pattabhi Raman: As I was just telling the House, they submitted a memorandum; they had talks where the position was explained to them and finally there has been an agreement so far as certain people are concerned. The number I am not able to give now.

The reading staff of the Government of India Press have been representing for sometime past that they should be

given benefits available under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. The Conciliation Officer (Central) also held discussion on the subject. The report of the Conciliation Officer was examined in consultation with the Ministry of Works, Housing and Supply. In view of the clear advice of the Law Ministry that the Government of India Press is not a newspaper establishment, the Conciliation Officer made certain recommendations. That is the position.

Shri Bade: I have read a letter yesterday that the Government have refused to go before the Conciliation Officer saying that this does not come within the purview of the Conciliation Officer.

Shri C. R. Pattabhi Raman: Some hon. Members yesterday pointed out that the benefits under the Government rules to working journalists are not better than those provided under the Working Journalists Act. There has been a lengthy statement on the Ministry's file with regard to the benefits under the two categories.

The Working Journalists Act has been in force since 1955. No Government working journalist—I do not include the proof-readers of the Government of India Press—has for the last seven years approached Government that the provisions of the Act should be applied to them. This is a clear proof that they are enjoying benefits which are better than those covered by the Working Journalists Acts.

I do not think it is proper to compare the Government working journalists with those in the private sector. In the case of Government, they are concerned with production of certain periodicals whose utility is limited to those who are interested in the subject. On the other hand, the working journalists in the private sector cater to the needs of the public.

The most important condition of employment of any person is that of security. It cannot be denied that the security of employment under the Government is much greater than that in the private sector.

Shri Surendranath Dwivedy: This argument can very well be applied to any industry in the public sector and in the private sector.

Shri C. R. Pattabhi Raman: There is a small difference. I want to remind the hon. Leader of the Praja-Socialist Party that the provisions of article 311 are available to Government servants which are not available for private sector employees. There is a regular gamut of provisions—of notice, show cause, etc. with regard to punishment. Sir, I want to be as brief as possible. In view of the fact that the clauses are there, I will reserve my comments when the amendments come. Earned leave, for Government servants, admissible under the Fundamental Rules is one-eleventh of the period spent on duty subject to the accumulation upto 180 days but leave is allowed upto 120 days at a time. So far as the Working Journalists Act is concerned, it is one month for every 11 months spent on duty subject to a maximum of 90 days.

Shri S. M. Banerjee: That is the Pay Commission's recommendation.

Shri C. R. Pattabhi Raman: Maybe; I am just comparing the two. Half-pay leave is also there. Leave salary: For Government servants, average of ten months or substantive pay whichever is greater. For working journalists it is only average of twelve months. The hours of work for government servants are 39 hours a week with second Saturday off in a month. The present increase due to emergency has not been taken into account. So far as working journalists are concerned, it is 6 hours per day for day-shift and 5½ hours for night shift—144 hours for four consecutive weeks. Then, the government servants have got 16 h.o.l.

[Shri C. R. Pattabhi Raman]

days which do not fall on Sundays, plus two restricted holidays in a year. The working journalists have got 10 holidays in a year. Regarding medical facilities, government servants are entitled to C.H.S. scheme on payment of nominal fee according to pay. This is compulsory in Delhi. No medical facilities are provided to working journalists. In the matter of residential accommodation, arrangements for residential accommodation have been made for government servants and those who are not allotted government accommodation are granted house-rent allowance up to 7½ per cent if the rent is in excess of 10 per cent. So far as working journalists are concerned, no residential accommodation is provided to the working journalists. No house-rent is also payable to them. About gratuity—this is rather illuminating—so far as government servants are concerned, there is a terminal gratuity of one-third of a month's pay provided the temporary government servant has completed five years service. A quasi-permanent employee will in addition get one-third of a month's pay for each completed year of quasi-permanent service. In addition, death gratuity up to three months' pay in the case of temporary persons and four months' pay in the case of quasi-permanent persons is allowed. Permanent employees get a retirement gratuity of half month's pay for each completed year of service subject to a maximum of 15 months pay or Rs. 24,000 whichever is less. In the case of death, the family gets gratuity equal to 12 months' pay or in the case of those persons who die before putting in 5 years qualifying service, their families get 6 months' pay. In the case of working journalists it is only 15 days' average pay for every completed year of service. Again, for government servants pension is admissible. After 10 years qualifying service pension not exceeding Rs. 8,100 per annum is admissible. Family pension is also admissible to them. So far as working journalists are concerned, no pension is admissible under the existing provisions of the Acts.

Shri S. M. Banerjee: The condition of the working journalists is very bad.

Mr. Speaker: Order, order. The hon. Minister may continue.

Shri C. R. Pattabhi Raman: With regard to length of service some comments were made. We have studied the position. I find that as a result of the recent decisions the general practice followed by the industrial tribunals and the Labour Appellate Tribunal has been to award gratuity after a continuous period of five years. I can give some instances. They are: Mukund Iron and Steel Works—15 years; Automobile Manufacturers—15 years; Printing Press, Bombay—15 years; Mysore (Hotel) Industry—5 years; Messrs. French Motor Car Co. 15 years. So we chose 10 years bearing in mind the observations of the Supreme Court in the second case of 1961.

Finally, I wish, with your leave, to refer to the "conscience clause" to which frequent references were made. We were able to get some information from the International Labour Office. The position is like this, with regard to the "conscience clause" for salaried journalists and on its operation in France and Switzerland. With regard to Poland, where such a provision existed before the war, there is no such data available on more recent developments.

In France, this aspect of journalists' status is defined by law—I need not refer to that law as such. Last year, for the first time, opportunity was given to the *Cour de Cassation* (Higher Court in France) to adjudicate upon the application of their provision. On 9th November, 1961 that court delivered three judgments which made the significance of the clause—the "conscience clause"—clearer. They show that the notion of "moral interest" is interpreted very broadly. In this case the court granted compensation not only to the foreign news editor of the newspaper, but also the writer of law reports and to the caricaturist; the latter,

following the change in the character and the policy of the newspaper, had failed to obtain from the proprietors the explicit guarantee which he asked for as to his freedom in drawing cartoons, and that was deemed to be a sufficient ground for his claim. I think you are all aware of the brilliant cartoonist Low who was working for a long time for the *Evening Standard*, London, who had to change over because of his reason. Authoritative commentators have expressed the view that writers of literary or even sporting news might likewise be entitled to an indemnity. The question is how radical the change should be for entitlement of compensation; that is to say, how radical a change would need to be for a journalist to be entitled to claim compensation under the conscience clause. Since that is not very clear, each case will have to be dealt with on its own merits.

In Switzerland the "conscience clause" is dealt with in collective agreements for professional journalists of German speaking Switzerland. There I find that, as far as possible, they avoid going to court and come to some sort of agreement between themselves.

Finally, the "conscience clause" has been inserted in the international model contract adopted in 1960 by the International Federation of Journalists after an extensive enquiry. The working of this clause is if a newspaper changes its political line in a way which would prejudice a journalist in the conscientious discharge of his duties, he shall be entitled to the same indemnities as provided above, i.e., the indemnities normally payable in case of dismissal under article XI of the model contract. I have nothing more to say.

Mr. Speaker: The question is:

"That the Bill further to amend the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 and the Working Journalists (Fixation of

Rates of Wages) Act, 1958, be taken into consideration."

The motion was adopted.

Mr. Speaker: There are no amendments to clause 2. The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Substitution of new sections for section 5. Payment of gratuity)

Shri Warrior: I beg to move:

Page 1, line 16,—

for "three years" substitute "two years". (35)

Shri C. R. Pattabhi Raman: I beg to move:

(i) Page 3, line 8,—

after "this sub-section" insert—

"and sub-section (1) of section 17". (70)

(ii) Page 2, line 6,—

after "voluntarily resigns" insert—

"on or after the 1st day of July, 1961". (74)

(iii) Page 2, line 7,—

after "any ground whatsoever" insert—

"other than on the ground of conscience". (75)

(iv) Page 2, line 10,—

omit "less than ten years but". (76)

(v) Page 2, line 11,—

after "voluntarily resigns" insert

"on or after the 1st day of July, 1961". (77)

Shri Daji: I beg to move:

Page 4,—

after line 8, insert—

[Shri Daji]

"(4) The provisions of this section shall apply to all working journalists who have resigned, died, or whose services have been terminated on or after the 1st July, 1961." (1)

Shri C. K. Bhattacharyya (Raiganj):
I beg to move:

(i) Page 2, line 27—

for "twelve and half months" substitute "fifteen months" (16).

(ii) Page 2, line 8,—

omit "who" (36)

(iii) Page 3, line 11—

for "children, whether married or unmarried" substitute—

"sons and unmarried daughters".
(42).

(iv) Page 3, line 11,—

omit "and his" (43).

(v) Page 3, line 18,—

for "children, whether married or unmarried" substitute—

"sons and unmarried daughters".
(45).

(vi) Page 3,—

after line 20, add—

"Provided that a widow shall not be deemed to be a member of the family of the working journalist if at the time of her death she was not legally entitled to be maintained by her." (46)

Shri S. K. Pottakkatt (Tellicherry):
I beg to move:

Page 2, line 31,—

• for "six" substitute "three" (17)

Shri Warlor: I beg to move:

(i) Page 2, line 31,—

for "six" substitute "three" (38)

(ii) Page 3, line 15,—

omit "legally" (44).

Shri S. M. Banerjee: I beg to move:

Page 4,—

after line 8, insert—

"(4) The provisions of this section shall apply to those working journalists also who have resigned, died, or whose services have been terminated on or after the 1st July, 1961." (8)

Shri C. K. Bhattacharyya: Since Government have already accepted the suggestion contained in my amendment No. 15, I am not moving it.

Shri Surendranath Dwivedy: I want to know whether Government have in fact moved all those amendments which they have given notice of.

Mr. Speaker: Yes, they have been moved. Now hon. Members will be very brief and will give only their points as the general discussion has taken place and the House has allocated only one hour for all the clauses and amendments.

Shri Warlor: Sir, clause 3, on page 1, says:—

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

My amendment seeks to make it 'two years' instead of 'three years'. This is the general demand of workers in all factories and all undertakings in India, but so far the Government has not brought forward any legislation giving the workers gratuity.

13.46 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

This is more or less the first occasion that the Government is bringing forward a provision to give gratuity to this category, that is, the working journalists. I think, this must be a precedent for all others. Then, in this we should not put the minimum as

Bill

'three years' but actually it should be 'two years'. If two years' service has been rendered by any working journalist, he may be entitled to gratuity. After this enactment if he has served for two years, it must be considered sufficient for giving him gratuity. This will be a precedent for all other pieces of legislation which the workers in India are demanding for the provision of gratuity by enactment. Hence, I am pressing this amendment.

Mr. Deputy-Speaker: Has the hon. Member concluded?

Shri Warrior: No, Sir. On other amendments also I will speak.

Mr. Deputy-Speaker: The time is very limited. The hon. Member should, therefore, be very brief.

Shri Warrior: I will be very brief.

Then, my other amendment is about the restriction that has been put here, namely, an office having six working journalists. I should like to impress upon the Ministry that it is a very difficult cause. When we take into consideration the innumerable weeklies and periodicals which are not dailies employing less than six in many a case, specially in the case of the vernacular papers, this will hit hard those workers who are employed there. Hence, this limit of 'six' must be reduced to 'three' so that more of these working journalists who are actually groaning in the small weekly, fortnightly and other periodical offices also have the benefit of this provision.

Then, on page 3 it is provided:

"Provided that a widow shall not be deemed to be a member of the family of the working journalist if at the time of his death she was not legally entitled to be maintained by him;"

I think, here unnecessarily the word 'legally' has been put. I do not know the legal implications of this. If she is morally entitled, then also the

benefit may go to her. That provision must be there. The hon. Minister will take his own time to reply. I do not know the legal implications of that. Apparently it seems that there are possibilities of some claimants coming forward and asking for some maintenance out of the provisions of this enactment which must not be denied to them, if possible. Maybe, it is not very legal.

Shri Koya: Many people may come if it is not there.

Shri Warrior: Not many people. Evidence has also to be adduced that that person had been maintained by the journalist, if not very legally in the strict sense of the term but even otherwise. That is why I want to omit the word 'legally' from here.

My next amendment is No. 47. I am not moving it. But, I have to speak about it. The Minister, all of a sudden, took the wind out of the sail by introducing his own amendment which gives retrospective effect. We have not much to say about it. I take this opportunity to request the Minister that if by oversight the amendment had been dated July 1961, the Government could have brought forward from the date on which the Supreme Court went against them. There are journalists who are deprived of these benefits as soon as the Supreme Court came over them. From that date itself, these persons who are the victims of the decision of the Supreme Court are entitled to the same benefits. Since the tripartite conference had agreed that 1961 July should be the date, I do not insist upon my amendment. That is why I said that the Minister very kindly took the wind out of my sail and so I did not insist on it. I did not move it.

Shri C. K. Bhattacharyya: Sir, before I move my amendments, I wish to make a reference to the amendment moved by the hon. Deputy Minister to this clause. In order to give the clause retrospective effect,

[Shri C. K. Bhattacharyya]

he adds in sub-clause (b) after the words "voluntarily resigns", the words "on or after the 1st day of July 1961".

Shri S. M. Banerjee: That is amendment No. 74.

Shri C. K. Bhattacharyya: Also No. 77. These amendments are very satisfactory. This will, of course, make it useless for us to move the amendments that we have put in for giving the section retrospective effect. But, as the Presiding Officer of this House, I shall request you to see whether this phrasing actually gives it retrospective effect. If it does not, somebody will go to the court and say, in spite of this, this Act has no retrospective effect, this Act is made for future. Unless it is made clear that it has retrospective effect, it will not have it. It says, a journalist voluntarily resigns. That means, resignation will come into force. But, the date given is a past date. Whether these two are consistent, will have to be made clear. I request you to see whether by putting this phrase, this clause will actually have retrospective effect. If it has not, the journalists will again be in the same difficulty in which they found themselves after the passing of the 1955 Act.

Now, I come to my own amendments. In amendment No. 16. I have suggested 15 months for 12½ months. That is the proviso line 27 page 2. Even 15 months were suggested by the Supreme Court itself. As I said, in order to attract talent to the journalistic profession, it is necessary that the gratuity should be commensurate with the period of service that they render. Even if that is not done, at least 15 months should be accepted as is done in many other cases. That is amendment No. 18.

Then, amendment No. 36. This is a verbal amendment. If you look at this, clauses (b) and (c) are exactly the same. Only in clause (c) after the word 'working journalist' the word

'who' comes in as an unwelcome interloper and takes away the grammatical effect from the expression working journalist and it is deprived of any verb at all. Clauses (b) and (c) are exactly the same. The word 'who' there is not only useless, but it makes that clause grammatically incorrect, I am afraid. The Minister may kindly see that and perhaps he will see that the word 'who' may be omitted. Clause (c) may be made exactly the same as (b).

Amendment No. 42 is about the proviso for the inheritance of the family members of the journalist. The proviso says,

"in the case of a male working journalist, his widow, children, whether married or unmarried, . . .

should be included in the family. It is rather unusual that married daughters will be included in the family of the person. That is why I have put it as unmarried daughters. A married daughter is not included in the family of the person. A married daughter belongs to the family of some other person. That is why I have changed "children whether married or unmarried" into "sons and unmarried daughters".

Mr. Deputy-Speaker: The next one is similar.

Shri C. K. Bhattacharyya: Amendments 45 and 46 are there. In amendment No. 45, I have suggested the omission of the words "and his". They are not needed in the context, and the clause will be clear by their omission. In amendment No. 46, I have tried to put in the same proviso to the inheritance in the case of female journalist as provided in the case of a male journalist. If that proviso is necessary in the case of a male journalist, that is the proviso that is added to Explanation I, it should be added in the case of a female journalist.

Shri Daji (Indore): Sir, the Bill itself is a tribute to the patience and perseverance of the hon. Labour Minister in pursuing after the judgment of the Supreme Court for a period of months and years, trying to persuade and persuade. Really speaking, the Bill, as it is, is welcome, and the amendment...

Mr. Deputy-Speaker: Come to the amendments.

Shri Daji: The amendments that have been brought forward are in the same spirit and are really to be welcomed. I want to restrict my remarks to one particular thing. The amendment moved by the hon. Minister covers cases of voluntary resignation. But, what about cases of death or termination? My amendment which I have given as amendment No. 1 is wider and seeks to give retrospective effect to the whole gratuity scheme in the case of death, termination or voluntary resignation. When a part of it has been accepted by the hon. Minister by moving his own amendment, that is, if the Act is to be applied retrospectively in the case of voluntary resignation, it stands to reason that the same principle of retrospective operation should also be given in the case of termination and death. Why the hon. Minister has made a distinction is not clear to me. I will even now appeal that once the principle of retrospective operation has been accepted from 1st July, 1961, it should be extended not only in the case of voluntary resignation, but also in the case of termination and death.

Shri S. M. Banerjee: My amendment is No. 8: that is, after line 8, insert the proviso:

"(4) The provision of this section shall apply to those working journalists also who have resigned, died, or whose services have been terminated on or after the 1st July, 1961."

I am extremely thankful to the hon. Minister for moving the amendment

which covers these cases right from 1961, that is, 1st July 1961, who resigned voluntarily. If that is accepted in principle, that is, to give it retrospective effect is accepted in principle, I would request the hon. Minister at least to consider those cases of resignation or death. Those who have died, naturally, should not be deprived from 1st July, 1961. I hope that this amendment will be accepted in fairness to this House because the principle has been accepted by the hon. Minister.

Shri C. R. Pattabhi Raman: So far as amendment No. 36 is concerned, I am accepting it with regard to the word 'who', but not amendment No. 43. The other amendments, I am not accepting.

Shri Daji: Why are you not giving retrospective operation in the case of termination or death?

Shri C. R. Pattabhi Raman: So far as retrospective operation was concerned, I have already said what the position was.

14 hrs.

Shri C. R. Pattabhi Raman: Frequent discussions were held, before we came forward with this Bill here.

Actually, in the case of termination, no retrospective effect is necessary. I hope my hon. friends will agree to it. In effect, what will happen is that the position is the same so far as termination is concerned.

Here, I think we are really concerned with resignations on account of conscience. Apart from having both sides of the question before us, the fact remains that taking it to the period July, 1961 will be the most satisfactory thing. Taking everything into consideration, taking even the number of cases involved which may not be very many, we think that the more satisfactory period is July, 1961.

Shri Krishnapal Singh (Jalesar): There are two amendments which have been treated as moved, and I would like to speak on them.

Mr. Deputy-Speaker: I am sorry. After the hon. Minister has replied, he cannot speak on them now.

An Hon. Member: He wants to move the amendments.

Mr. Deputy-Speaker: Which are those amendments?

Shri Krishnapal Singh: They are amendments Nos. 37 and 39.

Mr. Deputy-Speaker: I am sorry. They are in Shri Gulshan's name. The hon. Member cannot move them.

Shri Krishnapal Singh: I have been allowed to move them.

Mr. Deputy-Speaker: I am sorry; They were not moved when the Speaker was here in the Chair; I was not here at that time.

Shri Krishnapal Singh: I am speaking of amendments Nos. 37 and 39.

Mr. Deputy-Speaker: I am sorry. they are in some other hon. Member's name, and, therefore, he cannot move them. Now, I shall put the amendments to vote.

Shri Warrior: I would like to withdraw amendment No. 35.

Amendment No. 35 was, by leave, withdrawn

Mr. Deputy-Speaker: Amendment No. 36 has been accepted by the hon. Minister. I shall put it to vote now.

The question is:

Page 2, line 8, omit 'who'. (36)

The motion was adopted.

Shri C. K. Bhattacharyya: I would like to withdraw amendment No. 16. I had moved it so that it may be on record I am not pressing it to vote.

Amendment No. 16 was, by leave withdrawn.

Shri Pottekkatt: I would like to withdraw amendment No. 17.

Amendment No. 17 was, by leave, withdrawn.

Mr. Deputy-Speaker: Amendment No. 38 is the same as amendment No. 17. So, that is barred.

I shall now put the Government amendments Nos. 70, 74, 75, 76 and 77 to vote.

The question is:

Page 3, line 8, after "this sub-section" insert "and sub-section (1) of section 17". (70)

Page 2, line 6, after "voluntarily resigns" insert "on or after the 1st day of July, 1961". (74)

Page 2, line 7, after "any ground whatsoever" insert "other than on the ground of conscience". (75)

Page 2, line 10, omit "less than ten years but". (76)

Page 2, line 11, after "voluntarily resigns" insert "on or after the 1st day of July, 1961". (77)

The motion was adopted.

Shri Warrior: I would like to withdraw amendment No. 44.

Amendment No. 44 was, by leave, withdrawn.

Shri C. K. Bhattacharyya: I would beg leave of the House to withdraw amendments Nos. 42, 43, 45 and 46.

Amendments Nos. 42, 43, 45, 46 were by leave, withdrawn.

Shri Daji: I would beg leave of the House to withdraw amendment No. 1.

Amendment No. 1. was, by leave, withdrawn.

Shri S. M. Banerjee: I would also beg leave of the House to withdraw amendment No. 8.

Amendment No. 8 was, by leave, withdrawn.

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—(Substitution of new sections for sections 8, 9, 10, 11, 12 and 13)

Shri Daji: I beg to move:

- (i) Page 4, line 27, omit "9"; and
- (ii) Page 5, omit lines 1 to 11. (2)

Shri S. M. Bauerjee: I want to move amendment No. 9 standing in my name.

Mr. Deputy-Speaker: That is the same as amendment No. 2 which has been moved just now.

Shri Warrior: I beg to move:

- (i) Page 4, line 31, add at the end "including those employed in weeklies, monthlies, quarterlies, annuals and such other periodical publications". (48)
- (ii) Page 5, line 6, add at the end "including one from the language press". (49)

Shri C. K. Bhattacharyya: I beg to move:

- (i) Page 4, line 36, before 'or' insert 'and/'. (18)
- (ii) Page 5, for lines 1 to 11, substitute:

"9. For the purpose of fixing and/or revising rates of wages in respect of working journalists under this Act, the Central Government shall constitute a wage board immediately on the Act coming into force and thereafter constitute such Wage Boards, as and when necessary. Every such Wage Board shall consist of an equal

number of persons nominated by the Central Government to represent the employers in relation to newspaper establishments and working journalists and an independent person who is, or has been, a Judge of the High Court or the Supreme Court and who shall be appointed by that Government the Chairman of the Board." (19)

(iii) Page 6, line 18, for 'As soon as may be' substitute 'Within ninety days'. (21)

(iv) Page 7, for lines 5 and 6, substitute:

"13. On coming into operation, an order of the Central Government under section 12 shall be binding on all employers in relation to newspaper establishments and every working journalist shall be". (22)

(v) Page 7, after line 9, insert:

"13A.(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

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

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (3) of section 12". (23)

(vi) Page 5, line 14, after 'fixation' insert 'and/or'. (51)

[Shri C. K. Bhattacharyya]

- (vii) Page 5, line 22, after 'representation' insert 'on behalf of newspaper establishments or otherwise'. (53)
- (viii) Page 5, line 30, before 'or' insert 'and/'. (54)
- (ix) Page 5, line 5, for 'two' substitute 'three'. (59)
- (x) Page 5, line 7, for 'two' substitute 'three'. (60)
- (xi) Page 5, lines 8 and 9, for 'three independent persons, one of whom shall be a person' substitute 'one independent person'. (63)

Shri Daji: I want to move amendment No. 3 also, because it is linked with amendment No. 2.

I beg to move:

Page 5, for lines 1 to 11, substitute:

"(1) The Central Government may by a notification in the Official Gazette constitute a Wage Board for fixing rates of wages in respect of working journalists and newspaper employees in accordance with the provisions of this Act.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent the employers in relation to newspaper establishments and employees and an independent person shall be appointed by the Central Government as the Chairman thereof. The Chairman shall be a person who is or has been a judge of the High Court." (3)

Shri H. C. Soy (Singhbhum): I beg to move:

- (i) Page 5, for lines 5 to 11, substitute:

"an equal number of persons nominated by the Central Government to represent the employers in relation to newspaper establish-

ments and working journalists, and an independent person, who is a Judge of a High Court or the Supreme Court, shall be appointed by the Central Government as the Chairman thereof." (61)

- (ii) Page 6, omit lines 24 to 28. (64)

Shri C. R. Pattabhi Raman: I beg to move:

Page 7, after line 9, insert:

"Power of Government to fix interim rates of wages;

13A. (1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

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

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the order of the Central Government under section 12 comes into operation." (71)

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

Shri Warrior: While moving my amendments Nos. 48 and 49, I wish to bring to the notice of the House as well as Government the fact that on the last occasion when the wage board was formed, these people were omitted and grievously neglected.

Among the working journalists, the largest number may be found, or rather the majority of them are working not in dailies but in the mon-

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thlies and other periodicals. There is a large difference between a working journalist working in a daily and one who is working in a monthly or other journals which are being published periodically. If the periodicity is less then the work that has to be put in by him is more. In a daily newspaper, a journalist may not always be very much eager to have all the facts written correctly to ensure that they are absolutely correct or absolutely true. But a journalist working in a daily or a monthly or in an annual publication has to ensure that the things that are published are absolutely correct and perfect. Some of the very big publication houses like those of *The Times of India* are having all these categories of journalists under them, and they earn a higher profit also from these periodicals than from the dailies. In the dailies it is all a matter of speed. Whatever comes in goes into the Press and it is published there. There is not time to think. But in the weeklies it is not so, much more so, in the case of fortnightlies and quarterlies. Their employees include working journalists employed in these periodicals and they used to be always very vigilant in their work, very sincere in their work and there is always worry in their work because once a publication comes out and something is noticed as not very correct or truthful then they are hauled up. Hence, these people should not be left out. Not only that. The advertisement income and other income of the daily papers do not, normally speaking, depend upon the subscription or the price of the papers. It is mostly on advertisements that they depend. But the weeklies run in our country, especially the language weeklies and periodicals, depend upon this circulation of their journals for their income. The English periodicals and periodicals in some of the languages have got enough of advertisement and enough of revenue and enough of some other sources also which are not actually very good sources, but actually, they get enough of income to give

all the amenities and advantages provided by this Working Journalists' Act. But, last time, I do not know how they were omitted. When I wrote about this matter to the Labour Ministry, I got the reply to which my leader, Shri Hiren Mukerjee referred to yesterday. The reply was received that enough of data was not collected and that enough of material was not at the hands of the Ministry or of the Government or of the Wage Board. Hence, this was neglected. I think that necessary provision must be made that this case will not be repeated next time at least when the next Board is constituted. I think this will not be neglected however much of hard work there is in collecting the data necessary for extending the benefits of this Act to the Working Journalists.

My second point is about the constitution of this Committee. There are two suggestions that I would like to make. There are two people included as members from the employees side. I will insist upon the Ministry taking at least one from the Indian Language Newspapers' Association or some other organisation which represents the language papers. I am very particular about this. After independence, for the last 15 years, the English dailies still dominate the journalistic world and the newspaper industry. These people are not represented properly and adequately on all these Wage Boards. Hence, whatever they have to represent is not at all heard. The language papers are always at the mercy of their big brothers, namely, English newspapers. That should not be the case. At least one seat may be reserved for the language papers. I think my amendments will be accepted by hon. Minister.

Mr. Deputy-Speaker: Shri Daji. Please be brief.

Shri Daji: Sir, while moving my amendments I would say that while working journalists are being considered for fixation of rates, the other employees have not been considered.

[Shri Daji]

It does not stand to reason that while one wing, namely, the working journalist, gets the benefit of wage board and wage award, the other group which is perhaps the more numerous; the more hardworking and an under-dog group, has been left out without the protection of the Wage Board. It does not stand to reason.

Regarding the constitution of the board, I have kept it as in the old act. I cannot understand why the Government now wants to change it because the constitution has worked satisfactorily and has stood the test of the Supreme Court. That is very important. The Supreme Court has found nothing wrong in the constitution of the Wage Board. It has even upheld the constitution afterwards. Why should we go on experimenting and changing the composition? That is a very moot point. I do not know why exactly Government wants to change its composition.

Lastly, Sir, I would like to point out that in the spirit of our labour administration, we do not do things without consultations in the tripartite meeting. The question of change of the constitution of the Wage Board was never discussed in the tripartite meeting. Why should Government now come forward and insist on changing the constitution of the Wage Board, and making the Wage Board, as now constituted, more onerous, more ponderous and more slow to move? With these words, I move the amendments standing in my name.

Mr. Deputy-Speaker: Shri Banerjee.

Shri S. M. Banerjee: I beg to move Amendment No. 10 which states as follows.—

I beg to move:

Page 5 for lines 1 to 11, substitute:—

"9(1) The Central Government may by a notification in the Offi-

cial Gazette establish a Wage Board for going through the wages and working conditions in respect of working journalists and newspaper employees in accordance with the provisions of this Act.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent the employers in relation to newspaper establishments and employees and an independent person, who is a High Court Judge, shall be appointed by the Central Government as the Chairman thereof." (10).

Sir, I fully support the contention of my hon. friend Shri Daji. Whenever the Wage Board is appointed, it should invariably cover another wing of the working journalists also. My hon. friend Shri Pattabhi Raman has, with all his eloquence which I admire, tried to convince this House that the presence of three independent persons will be much more beneficial and will be in the interests of the working journalists themselves. Too many cooks will spoil the whole thing. Let there be one who is sufficiently independent. Nobody is more independent than a high court judge. That is what we think about it.

Mr. Deputy-Speaker: All these points have been raised in the general discussion.

Shri S. M. Banerjee: This is my specific amendment which I request to be put to vote.

Mr. Deputy-Speaker: I am putting the amendments to vote. When arguments have already been advanced, why repeat those things?

Shri S. M. Banerjee: It should be convincing.

Mr. Deputy-Speaker: You cannot convince by general argument. Shri Soy.

श्री ह० च० सोय (सिंहभूम) : माननीय उपाध्यक्ष महोदय, इस बिल पर हुई जेनरल डिस्कशन का जवाब देते हुये माननीय उपमंत्री जी ने कहा कि.....

Mr. Deputy-Speaker: No repetition of arguments advanced in the general discussion. If you have got any new points, please make them.

श्री ह० च० सोय : मुझे अपनी बात कहने तो दीजिये ।

उन्होंने कहा कि एक्सपीरियंस से उनको पता चला है कि वेज बोर्ड की पहले जो काम्पोजीशन थी, वह उतनी बेहतर नहीं है, जितनी की इस बिल में दी गई नई काम्पोजीशन है। लेकिन उन्होंने यह नहीं बताया कि इस बारे में उनका एक्सपीरियंस और तजुर्बा क्या हुआ। मेरा तो कहना यह है कि जो काम्पोजीशन पहले रखी गई थी, उसी को कायम रखा जाये, अर्थात् वकिंग जर्नलिस्ट्स और एम्पलायर्स के प्रतिनिधियों को रखा जाये और उनके अलावा जो तीसरी श्रेणी का इंडिपेंडेंट व्यक्ति रखा जाये, वह हार्ड कोर्ट या सुप्रीम कोर्ट का जज हो और उसको चेयरमैन बनाया जाये।

उन्होंने यह भी कहा कि जो दो इंडिपेंडेंट आदमी होंगे, वे प्रैजुडिस नहीं होंगे, ऐसा सोचना गलत है। मैं ऐसा नहीं सोच सकता हूँ कि जो दो आदमी होंगे, उनकी किसी तरह की ओपीनियन अवश्य होगी। अवश्य ही उन की ओपीनियन या तो प्रो वकिंग जर्नलिस्ट होगी या प्रो-एम्पलायर। इससे बेहतर है कि वेज बोर्ड में दो ही श्रेणियों के आदमी रखे जायें और तीसरी श्रेणी का आदमी सिर्फ जज हो, जो कि चेयरमैन बनाया जाये। इसलिये मेरा कहना है कि बोर्ड में दो और इंडिपेंडेंट्स को नहीं रखना चाहिये।

दूसरी एमेंडमेंट मेरी सब सैक्शन १२ (२) के बारे में है। १२(१) में कहा गया है 'व वेज बोर्ड की जो रिक्मैंडेशंस होंगी,

उनको सैटल गवर्नमेंट कुछ चेंजिज के साथ लागू करने के लिये कह सकती है। लेकिन सब-सैक्शन २ में कहा गया है कि इन सारी चीजों से भी गवर्नमेंट आगे बढ़ सकती है, रिक्मैंडेशंस से और आगे बढ़ सकती है और चेंजेज भी कर सकती है। मेरा कहना यह है कि यह सब-सैक्शन

Notwithstanding anything contained as it thinks fit

तक ओमित कर दिया जाये। इससे आप बहुत आगे और बहुत दूर बढ़ सकते हैं, यहां तक कि जो रिक्मैंडेशंस होंगी, उनको बिल्कुल आल्टर भी कर सकते हैं। यह नहीं होना चाहिये। इसलिये मेरी एमेंडमेंट है कि इसको ओमित कर दिया जाये।

Shri C. K. Bhattacharyya: I am withdrawing my amendment No. 23 because the hon. Deputy Minister has accepted it by his amendment No. 71.

Mr. Deputy-Speaker: It is not moved.

Shri C. K. Bhattacharyya: I have moved it, but I am withdrawing it.

Regarding amendment No. 18, it is intended to make fixation and revision complementary and interdependent, so that the same board may simultaneously do both the things, because the last wage committee left out a number of categories from the fixation of wages and did not take into consideration certain classes of newspapers. Wherever there is fixation, I have put in and or. That should be accepted. It will give power to Government simultaneously to do both fixation and revision.

By amendment No. 19 I have put in a suggestion which has not been made by any of my hon. friends. It reads:

"...the Central Government shall constitute a Wage Board immediately on the Act coming into force...."

It is on these matters that the journalist wants an assurance, because in section 8 of the Act of 1958 it was

[Shri C. K. Bhattacharyya]

provided that the wage board would come into existence within three years from the date of the order. The date of the order was May 29, 1959. Since the wage board was not appointed after three years, the journalists have become rather apprehensive that it may be further delayed. In order to make it clear I have put in this provision that immediately on the Act coming into force, the wage board shall be constituted.

I shall not go to other matters because my hon. friends have dealt with them. I shall only say one word about the appointment of a High Court Judge as chairman. When a High Court Judge is appointed as chairman of a body, that has a special significance. We are having them in the Election Commission and almost all other bodies. It is because such a person occupying the chair will apply his judicial mind. In fact, when there are two contending parties, he should apply his judicial mind and decide which party is in the right. It is not necessary that he will give his support to the journalists. He may give his support to the employers also as the Supreme Court did. The Supreme Court saved the face of the Government of India by upholding the validity of the Working Journalists Act, but they struck down two vital provisions that were intended to serve the interests of the working journalists. They took away the wage board and gratuity and said the Act of 1958 was all right. So, the opinion of the Judges may also go in favour of the employers. There is no certainty they will vote one way or the other. That is the position. When a Judge is there, and you put in other independent persons, that means the opinion of the Judge is going to be overcome by them. Government should consider it from that point of view.

Regarding amendment No. 21, I have put in a period of 90 days because I want to be sure that the Gov-

ernment decision will come within a certain date of the report of the wage board, that it may not be prolonged unnecessarily.

Amendment 22 intends that the Government order should be made binding on the employers. That was in the previous Act, but that is no longer in the present legislation.

By amendments 51 and 54 I wish to insert and or.

In regard to making representations it is stated that it may be made by "newspaper establishments" etc. By my amendment No. 53 I have stated that it should be by "persons on behalf of newspaper establishments or otherwise", as I am afraid, newspaper establishments will go out of this provision if it is merely stated "persons". I hope the hon. Deputy Minister will consider the possibility of accepting my amendment.

Shri C. R. Pattabhi Raman: I will briefly answer the points raised by hon. Members.

With regard to amendment No. 48 by Shri Warrior with regard to weeklies, quarterlies and other periodicals, they are all covered by the present definition of newspaper in the Act of 1955. Actually, the Working Journalists Wage Committee, in paragraph 18 of their recommendation, have stated:

"In view of the paucity of evidence in respect of periodicals which are intended to be published at longer intervals than a week, the committee do not make any recommendation regarding the salaries, scale and grade of working journalists employed in establishments publishing such periodicals."

It is a question getting evidence and dealing with it. When it comes into existence, I dare say it will take this into account.

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Then I come to Shri Bhattacharyya. In regard to his amendment No. 21, I wish to assure him that the clause as it is good enough. It may be stated that the last time decisions on the recommendations were published within 11 days of receipt. The wage committee's recommendations were received on 23rd May, and they were published within a week, on 29th May. Government ordinarily publishes the order within a month, and the present wording is better and more flexible. That is why I am not accepting the amendment.

With regard to amendment No. 22, under the existing provisions the employer is bound to pay the working journalist in accordance with the order passed by the Government. Provision exists for recovery of money due from the employer and also for penalty for violating the order. The amendment therefore is not acceptable.

I find he is withdrawing his amendment No. 23.

Amendment No. 18 is really not called for because the present wording permits both fixation and revision of wages by the wage board. He wants and/or. It is not necessary.

With regard to amendment No. 19, he wants a wage board to be constituted immediately on the Act coming into force. This is not practicable. A number of preliminary steps have to be taken, to select the members and the chairman who will constitute the board. Further, the Government cannot commit itself in advance to the constitution of such a board. The question of constituting the board during the present emergency will have to be examined carefully. The amendment cannot be accepted.

The effect of the amendments of Shri Daji and Shri Banerjee will be to delete section 11 by which the board has been vested with the powers of an Industrial Tribunal constituted under the Industrial Disputes Act,

1947, and is given power to regulate its procedure subject to the provisions of the Act and the rules, if any, made thereunder. There is also provision for inspection of representations and documents furnished to the Board, and also provision for enabling the Government to fill any vacancies in the Board. All these powers are necessary for the proper functioning of the Board. Therefore, we are not accepting the amendments.

Regarding amendment No. 5 of Shri Daji, the provisions in the Bill are on the lines of the provisions contained in the Act of 1958. It is desirable that Government should have the power to make minor alterations in the recommendations of the wage board. The amendment cannot be accepted. You cannot say that all the recommendations are likely to be fool-proof. We must have the power to alter them in such a manner as we think fit.

With regard to other amendments, this is the main thing. There are three brief points made by Shri Daji and Shri Indrajit Gupta. I shall summarise them. Firstly, they say, the Wage Board might be constituted under the Act which would cover not only working journalists but also other newspaper employees. On that, I have already replied in detail, that it relates to working journalists only and not to other newspaper employees.

Secondly, they say that the Wage Board should not provide for appointment of two independent members. About the first point, it may be stated that Chapter II of the 1955 Act relates to working journalists only and not to other newspaper employees. That I have already stated. With regard to the second point, it may be stated that the Government of India have set up a number of Wage Boards in all of which two independent persons have been associated. The association of two such persons in addition to the representatives of the industry and labour has been helpful in hav-

[Shri C. R. Pattabhi Raman]

ing unanimous reports from the Wage Boards. In all the three final reports from the Wage Boards in cotton textile, sugar and cement industries and all the interim reports the recommendations were unanimous. That is a thing to be pondered over. Such unanimous reports greatly help in implementation of the recommendations and as a result, the implementation has been 100 per cent. in cement industry and 96·8 per cent. in textile and 95 per cent. in sugar industry. On the other hand, as regards the original Wage Board set up for the Working Journalists in which there was only one independent Chairman, the report was not unanimous. That has to be noted. The decisions were of the majority. There was a minute of dissent by the representatives of the employers. They dissented on a number of points particularly those relating to wages, scales and grades, dearness allowance and location allowance of various categories of working journalists. A note was also submitted by two of the three representatives of working journalists stating that the scales and grades suggested by the Chairman fell short of their original proposals and expectations but they agreed to the grades as this was the first effort to systematise and regularise the conditions of employment of working journalists. The parties were not satisfied and the industry went on appeal to the Supreme Court challenging successfully the decisions of the Wage Board for Working Journalists.

Sir, the experience so far has proved that the association of independent persons has been conducive to bridge the gap between the views taken by the industry and labour and to bring about the reconciliation of conflicting ideas. The Wage Boards which are functioning in the United Kingdom also have independent members apart from members representing the employer and employee interests. This is what I said in my opening speech and also in my reply.

In view of the above, the composition of the Wage Board proposed in the Bill seems desirable. The amendments are not acceptable.

Mr. Deputy-Speaker: Is anybody pressing his amendment?

Shri S. M. Banerjee: I want to press my amendment, No. 10.

Shri Daji: I want to press amendment No. 2.

Shri Warrior: The hon. Minister is giving an assurance that these categories will be included. So, I want to withdraw my amendments No. 48 and No. 49.

Mr. Deputy-Speaker: Has the Hon. Member the leave of the House to withdraw his amendments, No. 48 and No. 49?

Amendments Nos. 48 and 49 were, by leave, withdrawn.

Mr. Deputy-Speaker: I shall now put Government amendment, No. 71.

The question is:

Page 7,—

after line 9, insert—

“Power of Government to fix interim rates of wages.

13A. (1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

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

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the order of the Central Government under section 12 comes into operation." (71)

The motion was adopted.

Mr. Deputy-Speaker: I will now put the other amendments.....

Shri C. K. Bhattacharyya: I do not want to have it recorded that my amendments were rejected by the House. I withdraw them in anticipation of the permission of the House.

Mr. Deputy-Speaker: Does the Hon. Member have the leave of the House to withdraw his amendments?

Amendments Nos. 18, 19, 21, 22, 23, 51, 53, 54, 59, 60 and 63 were, by leave, withdrawn.

Mr. Deputy-Speaker: I will now put all the other amendments.

Amendments Nos. 3, 61, 64 and 10 were put and negatived.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

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

Clause 5— (*Substitution of new sections for section 17*).

Mr. Deputy-Speaker: Are there any amendments?

Shri C. R. Pattabhi Raman: Sir, I beg to move:

Page 7, line 13,—

after "newspaper employee" insert—

"himself, or any person authorised by him in writing in this

behalf, or in the case of the death of the employee, any member of his family". (72).

Shri A. N. Vidyalkar (Hoshiarpur): I beg to move:

Page 7,—

after line 25, add—

"(4) Any employee may authorise any other person in writing to make an application for recovery of sums due to him before the appropriate authority appointed by the Government." (28).

Shri C. R. Pattabhi Raman: Actually, Sir, I was saying in my reply what we have suggested is the substance of what Mr. Vidyalkar and Mr. Ravindra Varma have both suggested. We have put it in this form:

"himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family".

Mr. Deputy-Speaker: So, Mr. Vidyalkar's amendment is met by amendment No. 72. Do you still press it?

Shri A. N. Vidyalkar: I am withdrawing it.

Amendment No. 28 was, by leave, withdrawn.

Shri C. K. Bhattacharyya: I want to move my amendments Nos. 24, 25, 26 and 27.

Mr. Deputy-Speaker: There is no time for making speeches. Do you want to move all of them?

Shri C. K. Bhattacharyya: I do not want to make a speech. I beg to move:

(i) Page 7, lines 12 and 13,—

for "newspaper employee" substitute "working journalists" (24).

[Shri C. K. Bhattacharyya]

(ii) Page 7, line 15,—

after "State Government" insert—

"in whose jurisdiction the working journalist is employed". (25).

(iii) Page 7,—

after line 21, insert—

"Provided that it shall be open to a Trade Union of Journalists, duly authorised by a working journalist, to make the application on his behalf:

Provided further that the heir, successor or assignee of a deceased working journalist may make an application for any amount that, in his opinion, may have been due to such working journalist.

Explanation.—For the purpose of this sub-section, a working journalist who has been dismissed, discharged or retrenched or who has resigned, shall be deemed to be a working journalist." (26).

(iv) Page 7, line 23,—

for "newspaper employees", substitute "working journalist". (27)

I want to withdraw amendment No. 27 because the Minister has substantially accepted it.

Mr. Deputy-Speaker: I shall put it to vote.

Shri C. K. Bhattacharyya: I do not want them to be put to vote. I only want to have it recorded. I will withdraw.....

Mr. Deputy-Speaker: I do not see why you move them and then say, "I want to withdraw them".

Does the Hon. Member have the leave of the House to withdraw his amendment?

Shri Surendranath Dwivedy: No, Sir.

Mr. Deputy-Speaker: Then, I will put them to vote.

Amendments Nos. 24, 25, 26 and 27 were put and negatived.

Mr. Deputy-Speaker: I shall now put the Government amendment.

The question is:

Page 7, line 13,—

after "newspaper employee" insert—

"himself, or any person authorised by him in writing in this behalf, or in the case of the death of the employee, any member of his family". (72).

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.

Clauses 6 and 7 were added to the Bill.

Clause 8 (Insertion of new sections 19A and 19B)

Mr. Deputy-Speaker: What are the amendments?

Shri Daji: Sir, I beg to move:

Page 10,—

omit lines 1 to 10. (7).

Shri Warrior: I have one amendment, No. 55.

Mr. Deputy-Speaker: No. 55 is the same as No. 7. So, it is barred.

Shri Bade: I beg to move:

Page 10,—

after line 10, add—

"Provided that the provisions of this section shall not be made applicable to the workers already in service." (56).

Bill

Shri Hari Vishnu Kamath (Hoshangabad): I have one amendment No. 31.

Mr. Deputy-Speaker: That is the same as No. 7. So, it is barred.

Shri Hari Vishnu Kamath: It cannot be barred at this stage. Supposing he withdraws it, mine will stand.

Mr. Deputy-Speaker: Amendments No. 7 and No. 56 are moved. There is no time for making speeches.

Shri Daji: I want to only point out one thing. The substance of it has already been explained, that we want to include the Government employees. There is no reason for excluding them. I also want to inform the House that the matter of these employees is actually pending conciliation. The Government has assured them, has promised them conciliation. They have been expecting and waiting for a period of months and then, in this amending Bill, to exempt the application to them, is actually speaking, misuse of power and a fraud. The Government had already given the assurance. It is not conducive to good relations. Therefore, I appeal to the Government to accept this amendment.

Shri Warrior: Sir, we are not convinced with the arguments of the Hon. Minister. That is why we are pressing for this. The point is, these workers are getting, according to the Minister, much smaller emoluments and much more facilities than the workers in the private industry. That is not at all correct. In the private industry, it is much more beneficial for them in certain respects. If the working journalists in the Government presses are getting much more, this clause is becoming a dead letter. Why not that dead letter be there? But the Government is insistent that this must be removed. There is something behind it and that is to take away by the left hand whatever rights the Government had given by the right hand in the present enactment.

Shri Bade: Sir, I have moved an amendment to this clause that this should not be made applicable to the

workers who are already in service. The hon. Deputy Minister stated that they were profited in gratuity and in working hours. That is not a fact. The association have sent a letter on 7th November 1962 in which they have repudiated all these arguments. About the hours of work, for instance, I may say that proof readers working in newspapers establishments are required to work in the case of day shift 144 hours in four consecutive weeks, and in case of night shift 132 hours in four consecutive weeks, whereas the workers in the Government press are required to work in the case of day shift 176 hours in four consecutive weeks, and in case of night shift 152 hours in four consecutive weeks. On calculation it is found that during one year the concerned workmen are required to work in case of day shift two months and 20 days more, and in case of night shift one month and 24 days more than their counter-parts in the private industry.

Dr. M. S. Aney (Nagpur): Do they get overtime?

Shri Bade: No, they do not get. About earned leave, the working journalists in the private industry are entitled to earned leave on full wages for not less than one-eleventh of the period spent on duty, leave on medical certificate on half of the wages for not less than one-thirteenth of the period of service, casual leave for 15 days in a year whereas a worker in the Government Press gets earned leave on average pay equal to 1/11th of the period spent on duty, leave on medical grounds on half average pay for twenty days in a year in case of permanent servants and for fifteen days in a year in case of temporary servants and casual leave for 12 days in a year. In the fixation of grades also there is difference. So, what the hon. Minister said is not correct. Therefore, I urge that my amendment be accepted by the House. It says that the workers in Government press who are already in service should at least be exempted from 10B.

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, my amendment No. 31 seeks to delete the proposed new clause 19B, mainly on the ground that it is discriminatory and is detrimental to one class of working journalists, that is to say, Government employees working in these Presses. The House is aware that when the first Bill was passed into law in 1955, at that stage the working journalist was defined as including so many categories excepting one. It did not apply to Government employees. But the definition of the working journalist applies, and rather should apply, to the category of proof readers and other workers in the Government press. The note on clause 19B gives a bland statement to the effect that the Government rules and regulations generally—mark the word 'generally', it does not say universally or always,—offer better terms and conditions of service. I submit that it is unfair to the House to ask the hon. Member to come to a judgment on the matter unless and until the Minister lays on the Table for our consideration a detailed and comparative statement.

Shri C. R. Pattabhi Raman: He was not present when I gave all the details.

Shri Hari Vishnu Kamath: We could not follow it as you read them. It should have been laid on the Table so that we can study how far they are better than those of private employees, the workers in private employment. Unless that statement is laid on the Table and is studied closely by us, it is hardly fair to ask us to come to a decision and vote upon this clause. I agree with my hon. friend, Shri Bade that some of the conditions as regards retrenchment, leave, gratuity, etc. for this class of workers in the Government press are certainly not as favourable—some of them—as those which govern the conditions of service in the private employ. I wish to submit that unless this matter is studied and clarified beyond doubt, we cannot give a judgment. They say that it is gene-

rally better. We do not want 'generally'; we want universally, applicable to all classes. To say 'generally', is like speaking in a public meeting . . . (Interruptions.) You have been a very eminent lawyer, Mr. Deputy Speaker, in your State and you will agree that so far as law-making is concerned, we must have precision and accuracy. I will not say that it is bamboozling us but it is near bamboozling. 'Generally they are better'; they say. We do not want 'generally'; Are they better in every respect? I want to know that. Therefore, I have moved that amendment.

Dr. M. S. Aney: Sir, I want to say only two sentences in support of the amendments. A clear distinction is made as between service in Government and service under a private employer or in a private printing press, on the ground that the Government press is not a journalist forum at all. As a matter of fact it is a technical difference. Work done in both the places is the same. I think this House should consider this matter not from a technical point of view but from an equitable point of view, in order to understand whether the conditions of service actually enjoyed by both of them are equal or whether those in the one are better than those in the other. The statement read out rapidly by my hon. friend that it was difficult to follow him. Anyhow, I stand for this principle that if persons are found to have been entrusted with the same kind of responsibility and duties, it is incumbent on the Government to see that there is parity and they should not be differentiated on mere technical grounds.

Shri C. R. Pattabhi Raman: Sir, I have already stated that we cannot compare Government servants with the working journalists in the private sector. In the case of Government they are concerned with production of certain periodicals whose utility is limited to those who are interested in the subject. On the other hand, the

working journalists in the private sector cater to the needs of the public.

For the benefit of Shri Kamath, I shall detail the service conditions of these people. The earned leave for a government servant is 1/11th of the period spent on duty subject to accumulation upto 180 days but leave is allowed upto 120 days at a time. Compared to this, the working journalist in private employ gets one month's leave for every 11 months spent on duty subject to a maximum of 90 days.

Shri Hari Vishnu Kamath: After how many years of service?

Shri C. R. Pattabhi Raman: I shall come to the temporary and quasi-permanent servants presently. Now, a government servant gets half pay leave for 20 days for each completed year of service on private affairs or medical certificate. It can be commuted into leave on full pay on production of medical certificate equal to half the amount of half pay leave; commuted leave during the entire service is limited to 240 days. Earned and commuted leave combined should not exceed 240 days. Compared to this the working journalists gets one month half pay leave for every 18 months subject to a maximum of 90 days. Leave on medical certificate may be converted into half the amount of leave on medical certificate on full average pay. Earned and converted leave on medical certificate on full wages should not exceed 120 days. While in Government service one gets leave salary at the average of ten months pay or substantive pay whichever is greater, a private working journalist's leave salary is the average of 12 months.

Then, I may refer to the hours of work. So far as the Government servants are concerned, it comes to 39 hours a week with second Saturday off in a month. The present increase due to emergency has not been taken into account. So far as the working journalists are concerned, it is six hours

per day for day-shift and five and a half hours for night shift; 144 hours for four consecutive weeks.

Regarding holidays, for Government servants, there are 16 holidays which do not fall on Sundays plus two restricted holidays in a year. So far as the working journalists are concerned, they get ten holidays in a year.

Regarding medical facilities, the Government servants are entitled to the CHS scheme on payment of nominal fee according to pay. It is compulsory in Delhi. So far as the working journalists are concerned, no medical facilities are provided. About residential accommodation...

Mr. Deputy-Speaker: The hon. Minister need not read all those things.

Shri C. R. Pattabhi Raman: I was just reading them out for the information of my hon. friend for whom I have great respect. I am sorry I was hurrying, and I apologise. I am not going into greater details. I shall only mention the very important things. With regard to residential accommodation, for the Government servants, arrangements for residential accommodation have been made and those who are not allotted Government accommodation are granted house-rent allowance up to 7½ per cent if the rent is in excess of 10 per cent. So far as the working journalists are concerned, no residential accommodation is provided to them and no house-rent is payable.

Shri Hari Vishnu Kamath: Does all this apply to proof-readers?

Shri C. R. Pattabhi Raman: Unfortunately, I had the disadvantage of his absence then, at the crucial moment! He is present only now. Earlier, I was referring to the Press Commission, and mentioned about the proof-readers.

Shri Hari Vishnu Kamath: I am sorry I missed the crucial moment. Let him lay it on the Table.

Shri C. R. Pattabhi Raman: I am sure he could make a reference to them. Then, the hon. Member wanted to know about the gratuity. Regarding terminal gratuity, one-third of a month's pay is given, provided the temporary Government servant has completed five years' service. A quasi-permanent employee will in addition get one-third of a month's pay for each completed year of quasi-permanent service. In addition, death gratuity up to three months' pay in case of temporary persons, and four months' pay in case of quasi-permanent persons is allowed. So far as the working journalists are concerned, the gratuity is 15 days' average pay for every completed year of service.

Then, retirement gratuity is also important. There are only two more items: retirement gratuity and pension. So far as retirement gratuity is concerned, for the Government servants, it is half a month's pay for each completed year of service, subject to a maximum of 15 months' pay or Rs. 24,000 whichever is less. In the case of death, the family gets gratuity equal to 12 months' pay or in the case of those persons who die before putting in five years' qualifying service, their families get six months' pay.

Regarding pension, for Government servants, after ten years' qualifying service, pension not exceeding Rs. 8,100 per annum is admissible. Family pension is also admissible. So far as

the working journalists are concerned, no pension is admissible under the existing provisions of the Acts.

Finally, as the distinguished Member knows, there is the advantage under article 311 of the Constitution. Where a Government servant is either suspended or his services are dispensed with, the Supreme Court has held that even a demotion and suspension will amount to punishment and so the Government servant will be entitled to the benefit under article 311 of the Constitution.

Shri Hari Vishnu Kamath: Sir, I want a clarification. If the conditions of service are better for the Government employees, then I submit, and the House will agree, that the same conditions should be applied to the working journalists. There should be parity; otherwise, these do not stand to reason; they are not convincing either. There should be no discrimination.

Mr. Deputy-Speaker: The question is:

Page 10,—

omit lines 1 to 10. (7).

The Lok Sabha divided.

Shri Krishnapal Singh (Jalesar): I am for Ayes. It has not come up on the board there.

Mr. Deputy-Speaker: All right.

Division No. 11]

AYES

[14.57 hrs.]

Bade, Shri
Banerjee, Shri S. M.
Berwa, Shri
Bhattacharya, Shri Dinen
Buta Singh, Shri
Dajl, Shri
Dwivedy, Shri Surendranath
Elias, Shri Mohammad
Gupta, Shri K. R.
Kachhavaia, Shri

Kamath, Shri Hari Vishnu
Karjee, Shri
Kesar Lal, Shri
Koya, Shri
Krishnapal Singh, Shri
Kunhan, Shri P.
Mahato, Shri Bhajahari
Mahida, Shri
Marandi, Shri
Mukerjee, Shri H. N.

Murmu, Shri Sarkar
Pottakkatt, Shri
Ranga, Shri
Reddy, Shri Eswara
Reddy, Shri Narasimha
Roy, Dr. Saradish
Sen, Dr. Ranen
Swamy, Shri Shivamurthi
Utiya, Shri
Vimla Devi, Shrimati
Warior, Shri

NOES

Achal Singh, Shri
Arunachalam, Shri
Azad, Shri Bhagwat Jha

Barupal, Shri P.L.
Basappa, Shri
Baswant, Shri
Bhargava, Shri M. B.
Bhattacharyya, Shri C. K.
Brajeshwar Prasad, Shri
Chandak, Shri
Dafle, Shri

Das, Shri N. T.
Dasappa, Shri
Desai, Shri Morarji
Deshmukh, Shri Shivaji Rao, S.
Dube, Shri Mulchand
R. G.

Dwivedi, Shri M. L.
Gaitonde, Dr.

Gajraj Singh, Rao
Harvani, Shri Ansar
Iqbal Singh, Shri
Jadhav, Shri M. L.
Jedhe, Shri
Jyotishi, Shri J. P.
Kadadi, Shri
Kamble, Shri
Kanungo, Shri
Khanna, Shri P. K.
Lakhan Das, Shri

Lalit Sen, Shri
Laxmi Bai, Shrimati
Lakshmi Das
Mahtab, Shri
Mahishi, Shrimati Sarojini
Malaicham., Shri
Mallick, Shri
Maniyangadan, Shri
Matcharaju, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Minimata, Shrimati
Mishra, Shri Bibhuti
Mohanty, Shri G.
Morarka, Shri
Murti, Shri M. S.
Naik, Shri D. J.
Naik, Shri Maheswar
Nallakoya, Shri
Pandey, Shri R. S.
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Patel, Shri Chhotubhai
Patel, Shri Mansinh P.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Pattabhai Raman, Shri C. R.
Prabhakar, Shri Naval
Raju, Shri D. B.
Ram Swarup, Shri

ne, Shri
Reddiar, Shri
Saraf, Shri Sham Lal
Sarma, Shri A. T.
Satyabhama Devi, Shrimati
Sen, Shri P. G.
Sharma, Shri A. P.
Sharma, Shri D. C.
Sheo Narain, Shri
Shinde, Shri
Shree Narayan Das, Shri
Siddananjappa, Shri
Singh, Shri K. K.
Singh, Shri R. P.
Sonavane, Shri
Srinivasan, Dr. P.
Sumat Prasad, Shri
Swamy, Shri M. P.
Tiwary, Shri D. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Tulmohan Ram, Shri
Vaishya, Shri M. B.
Varma, Shri Ravindra
Vecrabasappa, Shri
Venkatasubaiah, Shri
Verma, Shri B.
Verma, Shri K. K.
Vidyalankar, Shri A. N.
Vyas, Shri Radhelal
Yadava, Shri B. P.

Mr. Deputy-Speaker: The result of the Division is as follows:

Ayes 31; Noes 95.

The motion was negatived.

Mr. Deputy-Speaker: There is amendment No. 56 to clause 8.

The amendment was put and negatived.

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 was then added to the Bill.

Clause 10— (Amendment of Act 29 of 1958).

Mr. Deputy-Speaker: Clause 10. There is one Government amendment.

Shri C. R. Pattabhi Raman: I beg to move:

Page 11,—

for lines 10 and 11, substitute—

"(b) in section 9—

(i) in sub-section (1), for the words 'the working journalist may', the words 'the working journalist himself, or any other person authorised by him in writing in this behalf or in the case of the death of the working journalist, any member of his family may' shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—" (73).

Shri C. K. Bhattacharyya: I have got amendment Nos. 32, 33 and 34.

Mr. Deputy-Speaker: I shall put them to the vote of the House.

Shri C. K. Bhattacharyya: Amendment No. 33 has been substantially

[Shri C. K. Bhattacharyya]

accepted by the Deputy Minister. But amendment Nos. 32 and 34 should be regarded as moved and withdrawn. I beg to move:

(i) Page 11, line 14, after "Government" insert—

"in whose jurisdiction the working journalist is employed" (32).

(ii) Page 11, line 25, after "shall" insert—

" , on a complaint being made by any aggrieved working journalist or a Trade Union of Journalists or an Inspector appointed under sub-section (1) of section 17B of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955," (34).

15 hrs.

Mr. Deputy-Speaker: I do not know what purpose will be served by this. Does the hon. Member have the

leave of the House to withdraw his amendments Nos. 32 and 34?

Some Hon. Members: No.

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

The question is:

(i) Page 11, line 14, after "Government" insert "in whose jurisdiction the working journalist is employed" (32).

(ii) Page 11, line 25, after "shall" insert—

" , on a complaint being made by any aggrieved working journalist or a Trade Union of Journalists or an Inspector appointed under sub-section (1) of section 17B of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955," (34).

The Lok Sabha divided.

Shri Hari Vishnu Kamath: My vote may be added to "Ayes".

Division No. 12]

AYES

[15.03 hrs.

Bade, Shri
Banerjee, Shri S. M.
Bhattacharya, Shri Dinen
Buta Singh, Shri
Chaudhuri, Shri Tridib Kumar
Daji, Shri
Dwivedy, Shri Surendarnath
Elias, Shri Mohammad
Gupta, Shri K. R.
Kachhavaiya, Shri

Kamath, Shri Hari Vishnu
Karjee, Shri
Kesar Lal, Shri
Koya, Shri
Krishnapal Singh, Shri
Kunhan, Shri P.
Mahato, Shri Bhajahari
Mahida, Shri
Marandi, Shri
Mukerjee, Shri H. N.

Murmu, Shri Sarkar
Pottakkatt, Shri
Reddy, Shri Eswara
Roy, Dr. Saradish
Reddy, Shri Narasimha
Sen, Dr. Ranen
Shashank Manjari, Shrimati
Utiya, Shri
Vimla Devi, Shrimati
Warior, Shri

NOES

Achal Singh, Shri
Aney, Dr. M. S.
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Bakliwal, Shri
Barupal, Shri P. L.
Basappa, Shri
Baswant, Shri
Bhargava, Shri M. B.
Brahm Prakash, Shri
Brajchawar Prasad, Shri
Daffe, Shri
Daljit Singh, Shri

Das, Shri B. K.
Das, Shri N. T.
Dasappa, Shri
Desai, Shri Morarji
Deshmukh, Shri Shivaji Rao S.
Dbuleswar Meena, Shri
Dube, Shri Mulchand
Dubey, Shri R. G.
Dwivedi, Shri M. L.
Gajraj Singh Rao
Gaitonde, Dr.
Iqbal Singh, Shri
Jadhav, Shri M. L.

Jedhe, Shri
Jena, Shri
Jyotishi, Shri J. P.
Kadadi, Shri
Kamble, Shri
Kanungo, Shri
Kindar Lal, Shri
Lukhan Das, Shri
Lalit Sen, Shri
Laxmi Bai, Shrimati
Mahishi, Shrimati Sarojini
Malaichami, Shri
Mallick, Shri

Maniyangadan, Shri
Matcharaju, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Minimata, Shrimati
Mishra, Shri Bibhuti
Mohanty, Shri G.
Morarka, Shri
Murti, Shri M. S.
Naik, Shri D. J.
Naik, Shri Maheswar
Nallakoya, Shri
Pandey, Shri R. S.
Pandey, Shri Vishwa Nath
Patel, Shri Mansinh P.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri S. B.
Pattabhi Raman, Shri C. R.

Prabhakar, Shri Naval
Raj Bhadur, Shri
Raju, Shri D. B.
Ram Swarup, Shri
Rane, Shri
Rao, Dr. K. L.
Reddiar, Shri
Roy, Shri Bishwanath
Saraf, Shri Sham Lal
Sarma, Shri A. T.
Satyabhama Devi, Shrimati
Sen, Shri P. G.
Sharma, Shri A. P.
Sharma, Shri D. C.
Shahsi Ranjan, Shri
Sheo Narain, Shri
Shree Narayan, Das, Shri
Siddananappa, Shri
Singh, Shri K. K.
Singh, Shri R. P.

Sonavane, Shri
Srinivasan, Dr. P.
Subramanyam, Shri T.
Sumat Prasad, Shri
Swamy, Shri M. P.
Tiwary, Shri D. N.
Tiwary, Shri R. S.
Tula Ram, Shri
Tulmohan Ram, Shri
Vaishya, Shri M. B.
Varma, Shri Ravindra
Veerabasappa, Shri
Venkatasubbaiah, Shri
Verma, Shri B.
Vidyalankar, Shri A. N.
Vyas, Shri Radhelal
Yadav, Shri Ram Harkh
Yadava, Shri B. P.

Mr. Deputy-Speaker: Ayes 30;
Noes 97. The amendments are lost.

The motion was negatived

Mr. Deputy-Speaker: I shall now
put the Government amendment No.
73.

The question is:

Page 11, for lines 10 and 11, sub-
stitute—

(b) in section 9—

(i) in sub-section (1); for the
words 'the working journalist may',
the words 'the working journalist
himself, or any other person autho-
rised by him in writing in this be-
half or in the case of the death of
the working journalist, any mem-
ber of his family may' shall be
substituted;

(ii) for sub-section (2), the fol-
lowing sub-section shall be substi-
tuted, namely:—" (73).

The motion was adopted.

Mr. Deputy-Speaker: The question
is:

"That clause 10, as amended,
stand part of the Bill".

The motion was adopted.

Clause 10, as amended, was added to
the Bill.

Mr. Deputy-Speaker: There are two
amendments to clause 1. Anybody
moving them? No.

The question is:

"That clause 1, the Enacting
Formula and the Title stand part of
the Bill."

The motion was adopted.

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

Shri C. R. Pattabhi Raman: I beg
to move:

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

Mr. Deputy-Speaker: The question
is:

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

The motion was adopted.

15.07 hrs.

PERSONAL INJURIES (EMER- GENCY PROVISIONS) BILL

**The Deputy Minister in the Minis-
try of Labour and Employment and
Planning (Shri C. R. Pattabhi Raman):**
Sir, I beg to move:*

"That the Bill to make provi-
sion for the grant of relief in res-
pect of certain personal injuries
sustained during the period of
the emergency, be taken into con-
sideration."

The purpose of this Bill is, as has
been explained in the Statement of
Objects and Reasons, to empower the
Central Government to formulate a
scheme under which financial relief
could be given to persons, other than
purely military personnel, who sus-
tain personal injuries during the em-

*Moved with the recommendation of the President