

Mr. Deputy-Speaker: Now those against will say "No".

Several Hon. Members: No.

Mr. Deputy-Speaker: The 'Noes' have it.

Some Hon. Members: The 'Ayes' have it.

Mr. Deputy-Speaker: We have no time.

Some Hon. Members: We will stand up.

Mr. Deputy-Speaker: Those who support may kindly stand in their seats. Eleven.

Now, those against will please stand in their seats. I see a large number.

It is negated by a large majority.

The motion was negated.

Shri Chattopadhyaya: We have the disadvantage of being a human minority as against a brute majority.

Mr. Deputy-Speaker: Then, should the human beings come to the hon. Members' help or some brutes?

There is the next resolution of Shri Bibhuti Mishra, to which the House will now proceed.

RESOLUTION RE: CEILING ON INCOME OF AN INDIVIDUAL

श्री बिभूति मिश्र (सारन व चम्पारन) :
उपाध्यक्ष महोदय, मैं निम्नलिखित संकल्प पेश करता हूँ।

“इस सभा की यह राय है कि सरकार को एक व्यक्ति की आमदनी की अधिकतम सीमा निश्चित करने के लिये शीघ्र ही उपयुक्त कार्यवाही करनी चाहिये।”

उपाध्यक्ष महोदय इस बात की आवश्यकता है कि इस देश में.....

Mr. Deputy-Speaker: The hon. Member may continue next time.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

“In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 21st April, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill.”

WORKING JOURNALISTS

Mr. Deputy-Speaker: Next item is the half-an-hour discussion. Dr. Lanka Sundaram to raise a half-an-hour discussion on points arising out of answers given on the 11th April, 1956 to Starred Question No. 1368 regarding Working Journalists.

For the benefit of the hon. Members I may read rule 74—only a portion:

“There shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to put a question for the purpose of further elucidating any matter of fact.”

There are thirty minutes only. The hon. Mover may take about 10 minutes as also the hon. Minister. We have notice of two or three others, they will require at least two or three minutes for questions.

Dr. Lanka Sundaram (Visakhapatnam): May I make a submission. Along with me, two others have signed, and I hope they will get an opportunity.

Mr. Deputy-Speaker: I am apportioning the time. If the hon. Mover wants that his supporters also should get a chance, he should try to condense.

Shri V. P. Nayyar (Chirayinkil): In view of the importance of the subject, can we not sit for some time more?

Mrs. Deputy-Speaker: It is a half-an-hour discussion. It cannot be extended though we might sit any time we like.

Dr. Lanka Sundaram: I am raising this discussion specifically to draw the attention of the House to the extremely unsatisfactory nature of the answers given on the 11th of this month by the Deputy Minister of Labour as well as the Minister of Labour who intervened during Question Hour that day. I consider that the answers as have emerged from the replies given by my two hon. colleagues opposite have not only created confusion as regards the intention behind the Act, but also have done a tremendous amount of damage to the interests of the working journalists. Here I have listed down the main points which I am going to dispute.

In the first place, the Deputy Minister of Labour said—I hope I am translating his Hindi into tolerable English properly—that it might take six or more months for a settlement of this wages question even after the Wage Board was constituted. I would like to emphasise that point. The Act was enforced on 20th December, 1955. Four months and a week have elapsed already. The Minister says it will take six or more months; he cannot be definite. In other words, almost a whole year has to be lost for the enforcement of that particular provision regarding wages and other provisions of the Act. That is my first point, and I will develop it in some detail.

The second point which emerged out of the answer is that Government has no intention to enforce interim wages. I hope I am not doing any violence to the answer given in Hindi by Shri Abid Ali.

The third point is, when I asked the Labour Minister whether the decision when—that is if and when—reached would have retrospective effect, the Minister said that he could not give that undertaking.

Fourthly, Shri Khandubhai Desai said that he was not aware of any hardships so far endured by or inflicted upon the working journalists as a result of lack of enforcement of the Act in terms of the formulation of the rules and the constitution of the Wage Board. These

are the major points. I will be extremely careful and fair in my analysis of the points.

The House will recall that, only in this House but also in the Rajya Sabha, we had cut through all procedural tangles. There was complete unanimity on the part of all the sections of the House, and we rushed through the Bill at a record time, for which I cannot find any ready parallel in the constitutional and parliamentary history of this country. I hope I am not exaggerating the point.

You will recall that it so happened that the original draft of the Bill as submitted by Government was altered at a late stage in the Rajya Sabha, and the enforcement of the Act became a fact the moment the President gave his assent. In other words, both the Houses were committed to the principle that something must be done immediately to protect the interests of the working journalists. That intention, in terms of what my hon friends have said on the 11th inst. in the House during the question hour, will take more than one year—God alone knows how much more than one year. In other words, the intentions of Parliament have not been carried out as a result of the lack of any action on the part of Government.

My hon. friend Shri Khandubhai Desai has my complete sympathy, because this Bill, as the House would recall, was the baby of our hon. friend Dr. Keskar, and this wage question has been transferred to Shri Khandubhai Desai only recently, with the result that he is now holding a baby who has been passed on to him, and whom he does not know how to handle.

An Hon. Member: He is a bachelor.

Dr. Lanka Sundaram: I would like to say at this stage, by referring to section 13 of the Act—hon. Members, I hope, have got the Act before them—that a compromise was reached as a result of the negotiations between the Minister of Information and Broadcasting on the one side, and the Indian Federation of Working Journalists on the other, with the result that the Indian Federation of Working Journalists have resiled from the original position they had taken, and the compromise was effected. That was with reference to interim wages.

[Dr. Lanka Sundaram]

I am now quoting from the latest editorial of the Indian Federation of Working Journalists, from the organ of the newspapermen, which says:

"The essence of the agreement was that the minimum wage board should be converted into a wage board to fix scales for journalists, and that Government should assume to themselves power to fix the interim wages by notification, pending the decision of the wage board. The Federation's representatives were persuaded to accept this compromise, because..."

I would like to emphasise these words in particular.

"...Dr. Keskar agreed that interim wages should be fixed by notification, and in essence the Federation's stand has been conceded."

I am sorry my hon friend Dr. Keskar is not here. In fact, he had told me this morning in the lobby that he was going to be present and possibly also participate in the discussion. I am sorry I am therefore at a disadvantage. I hope however, that the Minister of Labour will tell this House whether or not this pact was there, this understanding was there, as a result of which the Bill was altered in mid-stream, so to speak, in the Rajya Sabha. That is a very important point. So, when the position has been taken up here on behalf of the Labour Ministry that there is no question of Government agreeing to fixation of interim wages, I am bound to say with great respect to you and to the House, that this is a breach of faith on the part of Government, as far as assurances given on the floor of this House and the Rajya Sabha are concerned.

Shri Nambiar (Mayuram): This is not the first time that such things have happened.

Dr. Lanka Sundaram: As my time is short, I would request my hon. friend not to interrupt. I do not want to be obstructed from proceeding further.

The second point arising out of this is in regard to the formulation of rules. The House would realise that the Minister could not give an adequate answer as to when and in what manner rules will be framed. In fact, when the Speaker himself queried, this is what he has stated. I am quoting from the record of the 11th inst.

"Mr. Speaker: Are the rules likely to be placed before the House during this session ?

Dr. Lanka Sundaram: And the approval of the House sought ?

Shri Khandubhai Desai: I do not think it is possible to place them."

In one place, as I have said, the Minister took up the position that no damage had been done. I shall show presently the manner in which damage has been done, is being done, and will continue to be done, in so far as rules are not made available within the time originally thought necessary for them to be framed under the principles which had been enunciated and which were behind the formulation of the Act.

The Act has left many things to be regulated by the rules, such as casual leave, holidays, details regarding medical leave, hours of work, such as spread-over etc. My hon. friend has not apparently applied his mind, nor have his advisers in the Ministry been able to keep track of the things which have developed in the meantime. I have got here a record of the various instances, and if the Minister wants I can pass them on to him. Four months after the Act has come into force, various categories of employees, such as reporters and journalists, are being compelled to work even longer hours than before. Actually, section 6 of the Act says that 144 hours are the maximum for a total of four working weeks. And yet my hon. friend thinks that everything is not plain-sailing. In fact, special provisions were made in the Act for the benefit of working journalists, a separate class which has now been brought within the ambit of the trade union law. I regret to say that my hon. friend is unable to frame rules. He says they are very complicated, they require a lot of time to be done and so on and so forth.

As the hon. Minister of Information and Broadcasting is now present in the House, I would like to tell him that I wanted him to confirm or deny whether there was a pact between him and the Indian Federation of Working Journalists about the interim wages. I would like to hear from him on that point at the appropriate time.

The Ministry of Information and Broadcasting brought this Bill. The Labour Ministry took over the responsibility for the Wages Board. Now, I find

the most extraordinary, most unbelievable, situation which has arisen as a result of the intervention—uncalled for intervention—of the Law Ministry. According to the definition in the Act—Section 2 (f) :—

“working journalists” means.... and includes—

I underscore the word ‘means’ and ‘includes’—

“an editor, a leader-writer, news editor, sub-editor, feature writer, copy taster, reporter, correspondent, cartoonist, news photographer and proof reader.....”

Now, the employers go to the Law Ministry and make a reference to them for clarification, and the Law Ministry has a wonderful enunciation to give them. This was circulated by the newspaper proprietors. I am now quoting from the memorandum of the clarification of the Law Ministry:—

“On examining the definition of ‘working journalist’ in section 2 (f) of the Act and the statute as a whole, it is clear that it was not the intention of the legislature to include within the scope of the definition of ‘working journalist’ all copy-tasters, cartoonists, proof-readers etc. irrespective of the fact whether they are persons whose principal avocation is that of a journalist or not”.

This is a most extraordinary position.

Pandit K. C. Sharma (Meerut Dist.—South) : The Law Minister is not the authority.

Dr. Lanka Sundaram: The Act says ‘means and includes’ all these categories. The Law Ministry gives a clarification and says ‘it excludes’. It means that the Government of India at the present moment are building up a new dictionary of English words. ‘Includes’ means ‘excludes’. That seems to be the position, all because of the fact—I am not taking it lightheartedly, because it is a very important legal and constitutional problem; the Act says ‘includes’ means ‘includes’ and the Law Ministry says it means ‘excludes’—that the rules are not ready, the rules are not promulgated according to the promises given.

Pandit K. C. Sharma: The Law Minister is not the authority.
5—101 L. S.

Mr. Deputy-Speaker: Let not extraneous issues be raised and decided that way.

Dr. Lanka Sundaram: It is on this basis that things are going on. I feel very strongly that there must be co-ordination, because the Minister of Information and Broadcasting is still responsible for the Act, even though the question of constituting a Wages Board is passed on to his colleague to the left, the Minister of Labour, and the Law Ministry has come—I won’t say, with a mischievous intervention—with a most unbelievable interpretation. I hope the position will be clarified as a result of the discussion I have raised. I would like the Ministers here and also the Law Ministry to do the right thing at the right moment.

Please remember that remedies are available, extraordinarily simple remedies are available, for the first time in our legislation, specially made available to the working journalists. They have not gone to the law courts. They could have obtained relief there. I do not think it is the intention of the Minister of Information and Broadcasting, Dr. Keskar to bring about legal squabbles by giving any chance to the Law Ministry’s interpretation to stand and forcing the employees to go to court. That will be a criminal responsibility which will be visited upon the employers.

I think I have done a public duty by raising this discussion. I would like to hear my friends, the Ministers, in this connection.

Mr. Deputy-Speaker: The Minister of Labour.

Shri Kamath : *rose*.

Mr. Deputy-Speaker: According to the interpretation I put on the rule, this is the order. The Minister shall answer now and then. Hon. Members shall have an opportunity to put questions, if they like.

Shri Kamath (Hoshangabad): The procedure followed previously was that the Mover speaks first, then other hon. Members participate and finally the Minister replies.

Mr. Deputy-Speaker: The Member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any Member who has previously intimated to the Speaker

[Mr. Deputy Speaker]

can be permitted to put a question for the purpose of further elucidating any matter of fact.

Shri Kamath: Would it not be better for the others to speak first and then for the Minister to reply?

Mr. Deputy-Speaker: Let us hear the Minister.

The Minister of Labour (Shri Khandubhai Desai): I have heard very carefully what Dr. Lanka Sundaram has said.

There is one point which I hope my colleague, the Minister of Information and Broadcasting, will be able to make very clear, how the word 'proof-reader' was included in the definition of "working journalist".

Now, as he is leaving soon, I would request you to allow him to say a word for a minute or two and then I will take up the other questions.

The Minister of Information and Broadcasting (Dr. Keskar): I would not have intervened as the responsibility is of the Minister of Labour; but I want simply to say, in one minute the intention and the way in which the word 'proof-reader' came in here. I am not commenting here on any of the observations made.

Originally, when the Bill was being drafted, the working journalists—or with the illustrative list given now, including the editor, news-editor etc.—did not include the proof-reader. (*Interruption*). You need not quote from the Bill here. A delegation of working journalists came to see me and it pointed out that there were a number of small papers where the same man was doing sub-editing, proof-reading and also doing a number of other jobs. It was pointed out that it would be unjust to exclude all these people simply because they are also doing other work. After discussion with them, we felt that it would be really unjust to exclude these people who are mainly journalists and not mainly proof-readers. And, it is after discussion with them that the term proof-reader was included.

There is only one more point which I would like to add. The definition is very clear, in the sense that a person must be having as his principal avocation journalism and he can do anything else afterwards and then, he can be included in this Act. Whether a particular person can be or cannot be included, is a specific case about which I

won't be able to give any opinion here. That will have to be decided on merits. But, as far as the history of the inclusion of the term goes, I am afraid I will have to say that unless the proof-reader's main avocation is that of a journalist, it is difficult to include him now. I do not say that proof-readers should not be included. That is a different matter altogether. But, as far as it exists today, this is the history of how the word came to be included.

Of course, the Labour Minister will speak on other points.

Dr. Lanka Sundaram: What about the talk between the hon. Minister and the Federation?

Mr. Deputy-Speaker: It is an interpretation of the Act. He only wanted to explain it now.

Shri Khandubhai Desai: There are three points raised in the course of this short discussion.

An Hon. Member: Four.

Mr. Deputy-Speaker: Some hon. Members want to put questions also; therefore, the Minister will also be very brief.

Shri Khandubhai Desai: One is that the rules have not been framed and it is putting hardships in the way of working journalists. As a matter of fact, the rules are not absolutely essential for the working of the Act. The Act has come into force on the 20th December. If there had been any hardships, they could have gone to the State Governments who are in charge of the administration of the law.

Certain rules have to be framed with regard to holidays, earned leave, leave on medical certificate, casual leave or any other kind of leave admissible to working journalists. In the case of all these categories, certain conditions do exist now in every establishment and, till the rules are finally decided upon, they have to be carried out. The rules are now in the course of being drafted and, I think, they will be drafted very soon and we propose to consult the parties concerned with regard to the rules. I thought that it may not be possible to place the rules on the Table of the House before the session ends. But, I now understand that the session is likely to be prolonged and I hope that I will be able to place the rules on the Table of the House before the session ends.

The other question which was raised was about the Wage Board. A Wage Board has to be constituted according to the Act by inviting the representatives of both the parties concerned. It did take some time before we decided to have a Chairman. We had decided upon one person to be the Chairman but, afterwards, he said that he would not be able to work.

We have now been able to fix up the Chairman of the Board. Then we communicated to the various associations to send in the names of their representatives. The names we have received now, but before we include them on the Wage Board, we have got to get their consent. By yesterday evening we got the consent of all the six members to be appointed on the Board, and I hope to announce the composition of the Board early next week.

As far as the interim scale of wages to be granted to the working journalists is concerned, it is already in the statute. Government may issue a notification by which an interim scale of wages can be given, but it has to be done in consultation with the Wage Board. So, unless the Wage Board comes into existence, how is the Government going to consult anybody and issue such a notification? As the Board is going to be constituted soon—on that Board there will be the representatives of both sides—it will go into all the questions. If the representatives of labour or the working journalists on the Board come to the conclusion that it will take more time for fixing the final wages, they might recommend to the Government, and Government will certainly give weight to the recommendations which will come from them.

Dr. Lanka Sundaram: His junior colleague said that it will take six or more months after the Board.

Mr. Deputy-Speaker: The subsequent statement by the senior colleague perhaps will hold the field.

The Minister of Defence Organisation (Shri Tyagi): I hope it is not your ruling.

Mr. Deputy-Speaker: No question of a ruling.

Shri Feroze Gandhi: (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East) : He—I mean Shri Tyagi—has no right to sit here, Sir.

Mr. Deputy-Speaker: Let us hear what the hon. Minister has to say.

Shri Khandubhai Desai: Regarding the proof-readers, my colleague, Dr. Keskar, explained under what circumstances proof-readers were included in the definition of working journalists. As the Bill was originally placed before the House, proof-reader was not included in it. But a point was made by some of the Members of the House that an employer will engage a working journalist and will designate him as a proof-reader. Therefore, proof-reader was included. But the essential fact is that the person employed must be mainly a working journalist. That is the intention of the law. But, as Dr. Lanka Sundaram has put it, if there is any doubt about it, the question can go to the court and we may get a decision.

There is one other thing that I wish to say. It has been brought to my notice that some people have been dealt with rather strongly. I would like the working journalists to go through the law; the remedies are already there in the statute itself.

Dr. Lanka Sundaram: Where is the money for it?

Shri Khandubhai Desai: If any breach of the law has been expected, there are two remedies for the journalist. If no gratuity is given, if no compensation is given or anybody is sent away without compensation being paid, the matter can go straightaway to the State Government on an application by an employee. The Government can send it on to the Collector to get the compensation collected as arrears of land revenue. This is a remedy which is there. It has not been brought to my notice at least, that any journalist has been dealt with under any of these provisions whereby he has not got any compensation or gratuity or things of that sort allowed under this law.

Shri Kamath : Mr. Deputy-Speaker, I will take only a minute and a half—one question and one sentence preamble. With the general elections in the offing the alliance between the political lords and the Press barons seems to be

Shri Khandubhai Desai : Questions can be put to me.

Mr. Deputy-Speaker : He is formulating this question.

Shri Kamath : That will appeal to you better. The unholy alliance between the political lords and the press barons seems to be getting stronger and stronger as the

[Shri Kamath]

general elections approach, and in the bargain, the working journalist is threatened with a dirty deal. I will only put two questions to the Minister. One is, whether the interpretation which he— he has disappeared, I mean, the Minister of Information and Broadcasting—put on the proof-reader would at all be sustained in a court of law in view of the clear provision in section 2 (f).

Mr. Deputy-Speaker: I would ask the hon. Member how he can put the interpretation. It is the court which would put that interpretation.

Shri Kamath: There is no question of interpretation. Proof-reader is there. Therefore, the interpretation put by the Minister here and the other Minister—his cabinet colleagues—is wholly wrong.

Shri Khandubhai Desai: We got the interpretation of the Law Ministry which is our legal adviser and that is our interpretation. If anybody disagrees with that interpretation then it is a matter for the court of law to decide.

Shri Kamath: Anyway, the employers are taking advantage of these dilatory tactics on the part of the Government and do not implement the provisions of the Act on the ground that the rules are not framed. The other day, I put a separate question to the Minister why somewhere, in some corner or in the Ministry dilatory tactics are being employed. He evaded that question for some time—I am sorry to say so—but ultimately the answer came because I persisted in that question and wanted a clear yes or no. After that he said that it was not possible to bring the rules before this session of Parliament. I would remind him of this. We passed a big election law in 1951. You, Sir, were here, in this House. In May 1951, we passed that law and by September the rules were ready and were laid on the Table. It was a big law.

Mr. Deputy-Speaker: Now, there should be no complaint when the Minister says that it will be laid during this session.

Shri Kamath: They have already taken six months.

An Hon. Member: Eleven months.

Shri Kamath: I would next invite the attention of the House to section 13. (*Interruptions.*) It provides for interim fixation of wages in respect of working

journalists. I understand that there was a pact of agreement or understanding—call it what you like—between the hon. Minister of Information and Broadcasting and the Federation of the Working Journalists on this particular matter and the bipartite agreement was that the Government would fix interim rates in respect of wages. Is this a fact or not? If it is a fact, why is it not being implemented and why is the agreement being broken?

Shri Khandubhai Desai: I have already replied that section 13 lays down this. There has to be a wage board. In consultation with the wage board, if necessary, we will certainly notify any interim scale of wages, if necessary.

Shri C. R. Narasimhan (Krishnagiri): I want to put one simple question. Instead of allowing this tension between the working journalist and those who manage the industry, to grow, will he not arrange for a tripartite conference of all the parties concerned and persuade them to have an agreed solution for the full benefit of all, instead of taking recourse to the letter of the law and taking things to the law courts?

Shri Khandubhai Desai: In the first place, there is no tension as he has tried to make out. Within a week or so, there will be a bipartite conference of the representatives of both the parties presided over by a High Court Judge. If there is anything which may be discussed and if they come to any kind of settlement, we will be very happy.

We will be happy if they can come to certain conclusions with regard to the implementation of the law itself. They will be meeting each other almost every day. (*Interruptions.*)

6 P.M.

Shri C. K. Nair (Outer Delhi): No doubt it is a laudable object which Dr. Lanka Sundaram has raised, but I want to bring a wider issue for the consideration of the hon. Ministers and that is with regard to better relations between the employees and employers. As a field worker in trade unionism I have been noticing...

Mr. Deputy-Speaker: The issue should not be so wide that it could not be covered in the half-an-hour discussion.

Shri C. K. Nair: The more the number of laws we pass to safeguard the interests of employees, the greater is the

heart-burning that is created in the minds of the employers. I know some of the very sincere

Mr. Deputy-Speaker: I may inform the hon. Member that the only scope in this discussion is that he may put a question for further elucidation.

Shri C. K. Nair: I only want to put this question. The Ministry should not lose sight of the real object of creating better relations. Such laws are on the other hand creating greater heart-burning and greater dislocation of not only the Press work but the work in all the industries. That is what I want to say.

Mr. Deputy-Speaker: This is an answer rather than a question.

Shri Sadhan Gupta (Calcutta South—East) : I want to ask the Minister one or two questions.

Mr. Deputy-Speaker: One would suffice.

Shri Nambiar: The other is supplementary.

Shri Sadhan Gupta: Firstly, there has been delay in the creation of Wage Board and my information is that the employers have already started manipulating their accounts in order to resist the claim for wages. What is the Minister going to do about it.

My second question is, whether in view of the interpretation put as regards the position of proof-readers, the cases of wages payable to proof-readers will also be referred to Wage Board?

Thirdly I want to know whether the Government is considering the question of payment of interim wages to journalists pending the final decision of the Wage Board.

Shri Khandubhai Desai: I have already replied to the last two questions. As far as the first question is concerned, it has not been brought to our notice that the employers have begun manipulating the accounts. Even if they are manipulating the representatives of the employees are there to look after their interests.

Mr. Deputy-Speaker: Now I call upon Shri D. C. Sharma to put the last question.

Shri D. C. Sharma (Hoshiarpur): May I know if any cases of hardship have come to the notice of the Labour Minister? He said that no cases of hardship had come to his notice. But there have been so many cases reported in the Press. May I know why such cases have not come to the notice of the Minister?

Shri Khandubhai Desai: If any cases of hardship have arisen from the working of this law, the working journalists, intelligent as they are, know what are the remedies. They can straightaway go to the State Government and complain if they have any hardship. They are quite capable of rectifying the hardships, if any.

6-03 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Monday, the 30th April, 1956.