

THE WORKING JOURNALIST

ORGAN OF THE INDIAN FEDERATION OF WORKING JOURNALISTS

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NO MOVE TO AMEND JOURNALISTS ACT

Dr. Keskar's Assurance

● From Our Special Correspondent

New Delhi, April 24

There is no proposal immediately for amending the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, the Information and Broadcasting Minister, Dr. B.V. Keskar has assured in a communication to the Secretary-General of the Indian Federation of Working Journalists.

It may be recalled that when the Working Journalists Bill, as passed by the Rajya Sabha, was under discussion in the Lok Sabha in December 1955, the Minister for Information and Broadcasting had said that if any difficulties were found or brought to government's notice, they would be given consideration. Following this, employers have been making representations for amendments to the Act so as to whittle down the provisions and in some cases have postponed payment of gratuity and other benefits due to employees on the ground that they had been assured that amendments were to be effected in the law and they proposed to await these amendments.

The Secretary-General of the IFWJ drew the attention of Dr. B. V. Keskar to this "whispering campaign" and requested clarification. In a communication to the Secretary-General, Dr. Keskar has said that as far as he knew, and on enquiries made from the Labour Ministry (which is now administering the law) "it has been found that there is no definite proposal so far for amending the Working

Journalists (Conditions of Service) Act. Representations have been received and talks have taken place regarding certain difficulties and hardships that some newspapers feel they have to face on account of the implementation of the Act. These will, no doubt, be considered in due course. In any case, immediately there is no proposal pending for amending the Working Journalists (Conditions of Service) Act which has been passed by Parliament only recently".

Meanwhile, these issues as well as delay in the framing of rules under the Act, that figured in the Lok Sabha during question hour, is likely to be raised as a debate by members. In this connection, members have pointed out in the lobbies, that even when the bill was under consideration in the Lok Sabha, the temper of the House was clearly indicated by Mr. T. N. Singh, who had said that if there were to be any changes in the bill they would have to be in favour of working journalists and not employers. Lobby circles point out that nothing has happened since then to change the temper of Parliament.

COMPETITIONS ACT STAYED BY SUPREME COURT

The Supreme Court has granted stay of the operation of the Prize Competitions Act of 1955 against RMDC and three other conductors of prize competitions, pending disposal of their petitions challenging the validity of the law.

The petitioners, who have filed petitions under article 32 of the Constitution, have claimed that the Central Law which came into force on April 1, 1956 violated their fundamental right to carry on trade and business under article 19(1)(g) and deprived them of property in violation of article 31.

The petitioners have contended that the restriction of Rs. 1,000/- as the maximum prize money that can be offered in a month, the restriction of a maximum of 2000 entries for each competition and the other restrictions, though they sought to restrict and control the competitions "in effect amounted to total prohibition of a lawful trade" and was hence a violation of their fundamental rights



WELCOME ANDHRA

New Delhi, April 24.

The Andhra Working Journalists Union, formed in January last, has now been registered as a trade union and has been granted affiliation to the Indian Federation of Working Journalists.



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HITLER HAUNTS HEARST

If any individual action of any individual in recent days has done any harm to Indo-American relations, the worst is the statement of Mr. William Randolph Hearst, the Junior, when he suggested that Prime Minister Nehru should gag the Indian Press from writing what he (Mr. Hearst) presumably views as anti-American.

The Junior Hearst has given us an extraordinary insight into his concept of freedom—and consequently that of the chain newspapers over whose destiny he presides. An unfortunate result of the Hearst statement could be the conclusion any ordinary Indian might draw as to what exactly is meant when Americans talk of the Freedom of the Press (as when the *New York Times* and other papers do when pontificating against the Indian Press Commission Report or recent Press enactments). Do American newspapers get any 'official line' to toe and are they compelled to follow it? If the answer is in the affirmative—which presumably is—does not American concept of freedom smack of Fascism?

A similar request like the Hearst request was made by the great dictator, Adolf Hitler, just before launching on his world destruction campaign. He told the British Prime Minister, Mr. Neville Chamberlain that the British papers should stop anti-Nazi writings. That was dismissed as a Nazi idea and ten years after Hitler, an American Newspaper Tycoon has revived it to be implemented by a democracy.

The Indian Press may tell Mr. Hearst Junior that it has the complete liberty to disagree from Mr. Nehru either in his foreign policy or domestic policy and write freely and he (Mr. Nehru) has no authority to tamper with this freedom nor would he like to do so. No Indian

DONATIONS

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Pressmen would ever think of advising President Eisenhower to silence Mr. Hearst or any of his brood in regard to anything they might write.

New Delhi.

B.S.T.

STRANGE CONCEPT

One need not—indeed should not—take offence at Mr. William Randolph Hearst's criticisms of our country's foreign policies. We believe in freedom of speech and writing and we do not mind other people criticising us, just as we expect others to have a thick skin when we criticise their policies.

But it appears that this so-called champion of freedom and of

HEARST SAID :

Mr. William Randolph Hearst, chief editor of the Hearst Chain, writing in the *New York Journal American*, on his recent tour impressions of India, has suggested imposition of certain conditions on India before US should give aid to India.

Mr. Hearst has said :

'We should treat India with unemotional realism. We should tell him quite plainly that he is not going to get any aid without conditions, and one of the first conditions we should insist upon is that the Indian Press should stop turning people against the U.S.A.'

the free world has a colonialist's concept of freedom, i.e. democracy in his own country and oppression abroad. This is what that chief editor of the Hearst chain papers is reported to have said, "We should tell him (Mr. Nehru) quite plainly that he is not going to get any aid without conditions, and one of the first conditions we should insist upon is that the Indian Press should stop turning people against the U.S.A."

Will Mr. Hearst explain how he expects this condition to be observed accepting for the sake of argument that the Indian Press is so bad as he paints it to be—except through Government control of the Press? And if he believes in Government control of the Press what right and title has he to talk of freedom?



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THE WORKING JOURNALIST

INTERIM WAGES

The reply of the Deputy Labour Minister, Mr. Abid Ali, in the Lok Sabha on April 11 regarding the fixation of interim wages is most surprising and shows that the Labour Ministry, which has recently taken over the administration of the law, is ignorant both about the provisions of the law and the intention behind it. The government, it is to be hoped, will clarify the matter.

Section 13 of the Working Journalists Act, which deals with the question of interim wages, was introduced by an official amendment in the Rajya Sabha when the bill was under consideration there. This amendment, and the amendments to Sections 8 to 12 dealing with the Wage Board were, as the Information and Broadcasting Minister admitted on the floor of the House, essentially a compromise agreement that was reached between him and the representatives of the IFWJ.

The Bill, as it was introduced, had provided for the setting up of a Minimum Wage Board to fix minimum wages. The Federation took the stand that there was no need for any further enquiry to fix minimum wages and that the recommendations of the Press Commission in this regard should be brought into force by statute.

The setting up of a Wage Board and a further enquiry, the Federation contended, would arise only for purposes of fixing fair wages

and salary scales. The Government had opposed fixing of the minimum wages in the Statute itself, on among other grounds that it would create a new precedent and might create difficulties for government in other sectors. After a great deal of consideration and discussions, the compromise was evolved, particularly due to the intervention of two Congress Members of Parliament, Messrs. T. N. Singh and Gopinath Singh. The essence of the agreement was that the Minimum Wage Board should be converted into a Wage Board to fix wage scales for journalists and that Government should assume to themselves power to fix interim wages by notification pending the decisions of the Wage Board. The Federation representatives were persuaded to accept this compromise because Dr. Keskar agreed that interim wages should be fixed by notification and in essence the Federation's stand had been conceded.

One of the grounds on which the power to fix interim wages was assumed was the recognition that the Wage Board would take some time to complete its labours since it would have before it, not the question of minimum wages, but fair wages and scales, and working journalists deserved some early relief. In fact during the debates on the bill in the two Houses, members from all sides strongly urged the Government to take early action to fix as interim wages the minima recommended by the Press Commission.

The replies of the Deputy Labour Minister would show either that Government was going back on the essence of the agreement, or what is more likely, he was not aware of the terms of the agreement reached between the Information and Broadcasting Minister and the IFWJ. But the Labour Minister, Mr. Khandubhai Desai, could not have been unaware of the essence of this oral compromise, as is evident from his speech in the Rajya Sabha on the clause.

The fixation of interim wages is not a matter before the Wage Board.

It is to be hoped that the Labour Minister will consider the matter afresh and take the earliest opportunity of clarifying the position. To expect the minimum wages to be enforced by agreement between the employers and workers is to expect too much in an industry where the employers are yet to understand and accept the fundamentals of industrial relations and are motivated by a feudal outlook.

UNWEPT, UNSUNG

One piece of black legislation that has disfigured the statute book of free India for now well over four years has been allowed to lapse. The Press (Objectionable Matter) Act is now a dead law. The Home Minister, Pandit Govind Ballabh Pant, and the Government of India deserve congratulations for not having approached Parliament for extension of the life of the Act.

The Press (Objectionable Matter) Act was one of the most objectionable pieces of Press Laws enacted by the Government of India. It was an instrument forged by one Home Minister and clung to by another, both of whom lacked fundamental faith in democracy. The IFWJ had been opposed to the law, lock, stock and barrel from the very beginning, and has consistently and openly opposed it, even during periods when other press organs, for reasons of expediency, occasionally kept quiet.

The Press Commission saw the inequity of this law and recommended its repeal, the majority and the minority differing only on whether the lapsing of the law should be tied up with the setting up of the Press Council or not. The majority felt that the repeal of the law should be tied up with the creation of the Press Council while the minority wanted its repeal unreservedly.

Though the law has been allowed to lapse, some of the declarations of those in authority on the subject still reveal much confused thinking. The hope has been expressed that the proposed Press Council would keep the "erring journals" in check. Some professional

circles are also looking to the proposed Press Council as some sort of substitute for the processes of law.

The objection of the Press was, and will always continue to be, that in such matters the Press cannot be distinguished from other forms of expressions of opinion. All the matters enumerated in the objectionable law and made punishable by demand and forfeiture of securities, are offences punishable under the ordinary law.

None claims that when a citizen's freedom of speech is restricted by the laws of the land to prevent indecency, obscenity or incitement to crime, the Press should have unrestrained freedom. The Freedom of the Press cannot be any higher than the freedom of the individual and the day these two are separated will be the day of disaster both for the Press and the citizens of this country.

The lapse of the Press (Objectionable Matter) Act does not mean that the Press of India is now free to indulge in indecent or obscene writings or incite people to crime. They will continue to be governed, like other citizens, by the relevant provisions of the Indian Penal Code and the Criminal Procedure Code and other penal laws of the land. In cases of violation of these laws by any newspaper or periodical, as in the case of violation of these laws by individual citizens, remedy lies in their prosecution in the courts of Law. The processes may be slower and tardy but in democracy there are no shortcuts to the Rule of Law. No Press Council, no body of the Press, whether it be the IFWJ, the AINEC or the IENS, can be a substitute for the legal processes.

The influence of a properly constituted Press Council will, in fact, be a slower process; it can only help in mobilising public opinion by a process of free, frank and public discussions of evils of the Press, whether it be in unprofessional writings or evils flowing from ownership.

The earlier government and professional opinion recognises this the better.

The Secretary-General Writes :

Free, But Costly, Advice

The Union Law Minister, Mr. Charu Chandra Biswas told the Lok Sabha the other day that the reason why his Ministry had supplied Parliament this year with only a "summary" of the activities of his Ministry, and not a full report, was because they had not much to report. He could have added, either in his clarifications to the House or in the "summary", that the Law Ministry has now taken upon itself the role of interpreting the statutes of Parliament and giving advice to private parties. Probably the fact that the advice is also incorrect may not be so very pertinent, for it is after all free legal advice.

Readers of the earlier issues of *The Working Journalist* are by now familiar with the extraordinary controversy now going on around the interpretation of the definition of "working journalist" in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act and whether a "proof reader" is a working journalist. Employers have taken the stand that proof-readers are not working journalists while the IFWJ has taken the view that they are.

The Working Journalists Act says in S. 2(f) : "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy taster, reporter, correspondent, cartoonist, news photographer and proof reader, but does not include...etc" (italics ours). The definition is in fact a reproduction of the definition in Act I of 1955.

At a time when precise law-making seems to be at a discount, the present definition is as precise and clear as any legislature could have attempted. And yet a controversy is going on and the Union Law Ministry has added to the prevailing confusion.

The AINEC apparently seems to have asked the Law Ministry or the

I. and B. Ministry for clarification of the definition and what government's views were. It is well accepted that the job of interpreting the statutes is that of courts of law. If anyone had any doubts about the exact meaning of a law, he could take the advice of lawyers and proceed on that basis, but it is still for the courts to interpret the law. Why the Union Law Ministry and I. and B. Ministry should have been a party to giving "legal advice" based on the ideas of officials as to the intentions of the legislature is beyond comprehension.

CLARIFICATION !

The word 'proof-reader' was put among the categories 'included' in the definition in Act I of 1955 at the instance of the Federation. It was not in the original draft. The I. and B. Minister included it after discussions with the Federation's representatives. However, since 'intentions' have no significance in interpreting law, there is no point in raising a controversy now about the 'intentions'.

The Law Ministry in its clarification, circulated by the AINEC, has quoted the definition in S. 2(f) and says : "It appears, therefore, that the section itself is very clear and according to this definition a proof-reader, copy-taster, cartoonist etc. should be a person whose principal avocation is that of a journalist and who is employed as such. In order to come within the scope of the definition of working journalist in section 2(f) of the Act a proof-reader should, therefore, be a journalist and should also be employed as such. 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 journalists 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". What exactly the Law Ministry has sought to

(continued on page 14)

BOMBAY JOURNALISTS INTERIM SCALES

BOMBAY

A conference of representatives of working journalists unions in Bombay State was held at Bombay in the last week of March. The Unions represented were the Maharashtra Union of Working Journalists, the Gujarat Working Journalists Association and the Bombay Union of Journalists.

The idea was first conceived by Mr. M. V. Sane, Regional Secretary of the Federation for the Bombay area. Seeing that the implementation of the Working Journalists Act in Bombay State was very halting he suggested that a meeting of representatives of all the units of the Federation in the State should be held to consider the situation.

The Bombay Union of Journalists readily took up the idea and at a meeting on February 29, the Executive Committee of the Union decided to invite the Maharashtra Union of Working Journalists, Poona and the Gujarat Working Journalists Association to join an inter-Union representatives conference at Bombay.

After due consultation the BUJ executive at a meeting on March 14 fixed the meeting for March 24 and 25 and chose its own team to join the deliberations. The team consisted of Mr. U. G. Sirur (Chairman), Mr. S. B. Kolpe (Secretary), Mr. K. D. Umrigar (Treasurer), Mr. V. N. Bhushanrao, Mr. G. N. Acharya, Mr. G. B. Malkani, Mr. R. G. Desai, Mr. P. V. Shimpi, and Mrs. Aruna Mookherji. The Maharashtra team consisted of Mr. P. D. Abhyankar, (Chairman), Mr. A. V. Patil, (General Secretary), Mr. U. R. Wagle (Secretary) and Mr. B. K. Vaidya. From Gujarat came Mr. P. K. Shah, Secretary of the Gujarat Working Journalists Association and Mr. Venibhai Joshi, Secretary of the Baroda Union of Working Journalists. Other friends from Gujarat could not come because the announcement of the news about the holding of the conference made it difficult to

them to do so. Mr. M. V. Sane, as the inspirer of the idea was present by special invitation.

The conference elected Mr. G. N. Acharya to preside over its deliberations.

UNITY STRESSED

The Bombay Union took advantage of the presence of its guests to arrange a social get together at which Bombay journalists were able to meet their friends from Maharashtra and Gujarat and also get an idea of the scope and purpose of the conference.

The conference was interrupted for this purpose for a pleasant hour. Mr. G. N. Acharya briefly explained the nature of the work on which the conference was engaged and introduced the guests. Mr. M. V. Sane and Mr. P. K. Shah urged the need for united action, suggested that it would weaken the movement of working journalists if they organised themselves on a linguistic or any other basis and appealed to all genuine journalists to join the Federation's fold.

On the first day, Mr. S. B. Kolpe, on behalf of the BUJ, Mr. A. V. Patil on behalf of MUWJ and Mr. P. K. Shah on behalf of the GWJU presented reports concerning their respective areas. A general discussion followed and the chairman of the conference was asked to present the sense of the conference in the form of draft resolutions for consideration next morning.

IMPLEMENT THE ACT

After further discussion the conference adopted four resolutions. The first, on the Working Journalists Act, expressed regret that though the Act had been in force for over three months, "many newspaper establishments in the State have either ignored its beneficial provisions or have been tardy and reluctant to implement them, while some others have made deliberate efforts to evade or circumvent the law."

The resolution further said: "While steps are being taken to

DEMAND

collect and collate the facts relating to such non-implementation, this meeting endorses and draws particular attention of newspaper managements to the resolution passed by the Working Committee of the Indian Federation of Working Journalists appealing to them 'to accept the law and work its provisions in an atmosphere of cordiality and goodwill,' in order to maintain and promote harmonious relations in the industry.

"This meeting also notes with regret that officials of the Labour Department and the Regional Provident Fund Commissioner, Bombay State, seem to be unaware of the urgent need to promote the implementation of the Act and to give sympathetic assistance to Working Journalists to secure effective and expeditious redress of their grievances, through the affiliated units of the IFWJ.

"This meeting calls upon all working journalists to close their ranks and unite under the banner of the Federation, which has already helped to secure invaluable benefits and make it the only forum of working journalists. There should not be any divided loyalty because it is only with the united backing of the entire profession that the Federation and its units will be able to champion effectively the cause of working journalists."

COORDINATING COMMITTEE

By a second resolution the meeting decided to set up a co-ordinating committee to secure prompt and effective implementation of the Act. The Committee is to consist of the Chairman, the Secretary and Treasurer of the BUJ, the Chairman and the General Secretary of the MUWJ, the Chairman and the General Secretary of the GWJA, and the Regional Secretary of the IFWJ for the Bombay area.

The Coordinating Committee will have its headquarters in the office of the BUJ and the Secretary of the BUJ will be its Secretary. It can coopt not more than two members from Bombay. It was "directed to collect facts relating to non-implementation of the Act immediately,

Pepsu Journalists Resign From Press Liaison Committee

prepare a memorandum and submit it to the Minister for Labour, the Labour Commissioner, Regional Labour officers concerned, the Regional Provident Fund Commissioner, Bombay State and the local officers subordinate to the Regional Provident Fund Commissioner."

INTERIM WAGES

The third resolution passed by the meeting concerned Interim Wages. It said that it "draws the urgent attention of the Ministry of Labour, Government of India, to the provisions of Section 13(1) of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act regarding the fixing of interim rates of wages and urges that in view of the delay which has already occurred and the still greater delay that is likely to occur before the Board makes its final decision, the Government should issue the requisite notification fixing interim rates of wages in respect of working journalists.

"The meeting also strongly urges that the minimum wage to be fixed by this notification should under no circumstance be less than the Basic Wage, Dearness Allowance and Metropolitan Allowance indicated by the Press Commission in Para 546 of its report and the table annexed to the paragraph."

WAGE CRITERIA

The last resolution adopted by the meeting dealt with the Wage Board and the criteria for determination of wages. It said that: "The forthcoming appointment of the Wage Board under Section 8 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act provides an opportunity to secure the end of the present confused state of wages of working journalists. At present not only the initial salaries but all subsequent increments are given on a capricious and discriminatory basis and are subject solely to the whims, prejudices, likes and dislikes of the proprietors.

There is also a disparity in the wages not only as between different units in the industry, but there is an unjust disparity between wages and perquisites received by the top men and the wages of other low paid employees. There is also no correlation between the wages and functions of working journalists.

"While offering the fullest co-operation to the Sub-committee set up by the Working Committee of the IFWJ to take steps to collect material and prepare the ground for presentation of our case to the Wage Board, this meeting suggests that the Board should be asked to rationalise the wage structure in the industry, so as :

First, to secure fair payment for journalists whose work is of an arduous nature and calls for special talents and skill;

Secondly, to provide for regular and assured increments;

Thirdly, to see that the wages are related to qualifications, abilities, aptitudes, service designations, functions and retirement benefits; and

Fourthly, to reduce the wide disparities in wages so as to bring them in accord with the accepted national policy of a "Socialist Pattern of Society."

P.E.P.S.U.

The PEPSU Working Journalists Association have withdrawn from the PEPSU State Press Liaison Committee in accordance with a resolution passed by the Indian Federation of Working Journalists and have called upon the State Government to dissolve the Liaison Committee and set up a Credentials Committee in terms of the recommendations of the Press Commission.

Six members of the PEPSU State Working Journalists Association in their communication to the Chief Minister on April 12 said that

the Credentials Committee should be formed in consultation with the Association.

The IFWJ Working Committee at its last meeting in Delhi had asked working journalists to withdraw from any Press Advisory Committees or Liaison Committees since journalists should not become limbs of the administration. The committee had reaffirmed its adherence to the principle that working journalists "cannot take part in the work of accreditation committees unless they get an effective representation on them."

The six journalists who resigned from the PEPSU State Press Liaison Committee are : (1) Mr. P.C. Sheda (2) Mr. Mehar Singh (3) Mr. Bhushan Sirhindi (4) Mr. Sher Singh Gupta (5) Mr. Rajinder Singh and (6) P. R. Roy.

BIHAR

In Bihar the newspaper managements have taken a strange view of the enactment of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act. A situation is being created in which not only the working journalist feels unhappy and dejected, not only his hope and belief that the harmonious implementation of the Act would herald a new era in the Indian Press is belied but also an attitude is indicated that puts to test their patience as well as the sanctity and sanction of Parliament's will. On the one hand the Working Journalists Act is not implemented or implemented with calculated diffidence, delay and nonchalance, and on the other moves are afoot to undermine the working of the Act. And to add to it an orgy of coercion, intimidation and harassment is being let loose to demoralise journalists.

In every newspaper of Patna, the provisions of W.J. Act regarding hours of work etc. were at first extended to proof-readers, but after getting the AINEC circular giving Law Ministry's misinterpretation of the Act the Newspapers and Publications Ltd. (publishers of the English Daily Indian

BIHAR EMPLOYERS DEFY LAW

Nation and Hindi Daily *Aryavarta* and owned by the Maharajadhiraj of Darbhanga) took the lead and deprived the proof-readers of the benefits of the Act. The Behar Journals Ltd. (publishers of the English Daily *Searchlight* and the Hindi Daily *Pradeep* and owned by the Birlas) followed and excluding the proof-readers from the purview of the Act, extended their working hours from six to eight. When a delegation on behalf of the Bihar Working Journalists Union drew the attention of the Information Minister Dr. B. V. Keskar to it, he simply advised them to move the IFWJ to take up the matter. The exclusion of proof-readers has created a serious situation here and BWJU is contemplating to take the matter to court.

In some of the newspapers such as the Hindi daily *Vishwamitra*, the working journalists are still asked to work for seven or eight hours a day. Reporters of almost all the newspapers and news agencies have no fixed hours of duty and often they have to continue for twelve hours.

Excepting the *Indian Nation* and the *Aryavarta*, the benefit of Provident Fund is not available to the journalists of other newspapers. The BWJU has moved the Regional Provident Fund Commissioner for needful action.

STAFF REDUCTION

Sustained efforts are being made in some papers for reduction of staff, in order to circumvent the provisions of gratuity, prospective salary increase and other benefits accruing from the Act. The work-load is increased day by day and conditions are created so that senior members of the staff, comparatively drawing better salary, may leave the profession and new hands on low wages may be taken in. In most of the papers the vacancies are not filled now.

There is a growing tendency to suppress trade union activities with a vengeance. In the *Searchlight* and the *Pradeep*, recently there was a strike, because the employees were not given salary for several months and overtime wages for about a year were due. Now, in that concern daily notices of warning and censures are being issued to workers including working journalists, lapses are manufactured, and trifling errors are magnified to terrorise them. Shri Radha Krishna Mishra, a sub-editor of the *Searchlight* and an active worker of the Behar Journals Employees Union, has been summarily dismissed without assigning any reason. The Behar Journals Employees Union and the BWJU has taken up the case of Shri R. K. Mishra with the Labour Commissioner under the Industrial Disputes Act. Mr. M. S. M. Sharma, Editor of the *Searchlight* has issued an order, debarring the working journalists from talking among themselves and from reading newspapers and magazines in the office.

In *Vishwamitra*, a six-page Hindi Daily, only four sub-editors are working. There is neither an editor nor any proof-reader.

Hindi Daily *Navarashtra* has devised a new method of reducing the staff on the pay-roll. Since some time it is systematically retrenching the members of the regular staff and the gap is being made up by increasing the work-load and taking work from outsiders at piece-rates. Local reports, leading articles and features are also taken from them.

Even in those newspapers which are financially stable, making considerable profit, the work is carried on by a skeleton staff. Senior members have left or have been made to leave and in a short period the expenditure on the editorial staff has been cut down to half. Even in these papers

neither increments nor bonus have been given for the last four or five years.

On behalf of the Bihar Working Journalists Union a delegation met Dr. B. V. Keskar, Minister, for Information and Broadcasting on March 11, 1956, when he was at Patna and through a memorandum drew his attention to this deplorable state of affairs in Bihar. Dr. Keskar gave a patient hearing and assured he would look into the matter.

COMPENSATION ISSUE

After the publication of the Press Commission Report in July 1954, many working journalists in Bihar were retrenched on ludicrous grounds. Now after the passing of the W.J. Act, the Union again took up their cases and under Section 4 of the Act asked the management of *Navarashtra* to pay full four months salary as retrenchment compensation to Shri Liladhar Trivedi and the management of *Rashtravani* to pay similar compensation to Shri Ram Nareish Pathak and Shri R. P. Sharma. The managements have either not replied or replied unsatisfactorily to the communication of the Union and so the Union is now moving the State Government for the recovery of the amount under Section 17 of the Act.

Sometime ago the Deputy Director of Public Relations in a communication to the BWJU, announced the decision of the Bihar Government to reconstitute the Press Accreditation Committee on the lines recommended by the Press Commission and asked the Union to elect or nominate one representative for the same. For the last two months the correspondence over it has been going on but so far the State Government has not disclosed its full proposals for the reconstitution of the Committee. The BWJU has decided to keep aloof unless it is satisfied about the basis.

Proprietors Form United Front

MADRAS

Newspaper bosses have now started ganging up against working journalists. Proprietors who have never seen eye to eye on any issue in the past have now become very "friendly".

Madras members of the Indian and Eastern Newspaper Society met in Madras city in the third week of March and took some vital decisions. One of these was that there should be a heavy retrenchment in the ranks of city reporters and mofussil correspondents. The meeting decided that the Press Trust of India should be asked to cover city news items and also start a kind of District News Agency to serve all the papers. The latter is the pet idea of one of the city newspaper bosses, whose paper has no independent correspondent at any district centre—for a small additional remuneration paid to correspondents of another daily his paper gets a copy of the news messages sent by these correspondents.

Though the plan evoked general acceptance, it is however learnt that the bigger units did not favour retrenchment at this stage but preferred to wait and see.

Another decision of the meeting was to deny to proof readers benefits conferred under the Working Journalists Act. The *Hindu* and the *Mail* excluded them from such benefits from the beginning and following the IENS meeting, about 30 proof readers in the Express Group—*Indian Express*, *Dinamani* and *Andhra Prabha*—who had been enjoying the benefits of the shorter hours of work from January 10, have been deprived of the same and were told they should work the hours prescribed under the Factories Act. A letter to the Managing Director of the Express Newspapers that the alteration was unwarranted elicited the laconic reply: "We are in receipt of your letter. Please find enclosed herein a clarification issued by the Ministry of Law on the subject mentioned by you". The same attitude was also taken by the management of the *Hindu* and the

Labour Officer of the Madras Government. The Labour Officer in fact has sent an unusual request to the Union, namely that the Union should obtain further clarification from the Law Ministry.

TO PLEASE THE REST

The Union addressed the Labour Officer as also Mr. Goenka and inter alia pointed out that the definition in the act was clear and unambiguous and there could be no doubt or dispute about the categories mentioned in the definition. Mr. Goenka sent for Mr. C. N. Chittaranjan, General Secretary of the Union and had a half-hour discussion with him. Mr. Goenka agreed with the Union's interpretation regarding proof-readers, but gave the impression that he was excluding them only because he did not want to displease the other newspaper bosses. The conversation was followed up by a three-line letter that he had nothing further to add to his previous letters.

The executive committee of the Union adopted the following resolution on the subject: This meeting of the Executive Committee of the MUJ expresses grave concern at the deliberate action of newspaper managements against the provisions of the Working Journalists Act in denying to proof-readers the facilities and benefits they are entitled to under the Act. The Committee is distressed at the move made by the AINEC in circulating among its members the so-called clarifications obtained from the Ministry of Law which seeks to misinterpret the specific provision of the Act in regard to proof-readers. Sec. 2(f) of the Act clearly defines a working journalist as a person whose principal avocation is that of a journalist and lists all possible categories of working journalists including proof-readers. As such, the Law Ministry's clarification is ill-conceived and misleading, and tends to help the proprietors who have, since the enactment of the Journalists Bill, adopted a defiant attitude and are trying to whittle

down the very meagre benefits conferred on working journalists by the measure. The Committee calls upon the Government to take steps immediately to put a stop to this flagrant violation of the law".

The Union's hopes that this issue may be settled without recourse to legal proceedings is slowly evaporating.

OTHER CASES

The present position in the Union's various disputes with managements is as follows:

Andhra Patrika: After a four-month fight retrenchment compensation was secured for Sri Venkatasubbiah Sastry who was compulsorily retired. The case of Sri M.S. Sarma, formerly Treasurer and now Joint Secretary of the Union, who was arbitrarily dismissed has now been referred for adjudication. At the time of writing a third case is pending before the Labour Officer, that of Sri D. Vamana Rao, who has not been paid the retrenchment compensation due to him under Sec. 4 of the Journalists Act.

The Hindu: The Union has so far raised two questions with the management. The Union's letters have never been acknowledged. The Managing Editor told Vice-President of the Union, that the Union's letters would be ignored. One of the issues raised by the Union was the reduction in the contribution to the P.F. The Union also informed the Provident Fund Commissioner about this, and on his intervention the original P.F. contribution was restored. The second issue is that of denial to proof-readers of the benefits they are entitled to under the Working Journalists Act. It is still hanging fire.

The Mail: The issue of proof-readers was taken up with the management of this paper, who promptly informed the Union that the question was under discussion with the Simpson Group Employees' Union.

Swadesamitran: Soon after the management of the *Swadesamitran* were informed of the Union's

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Journalists and Security of Service

By J. P. Chaturvedi

Till very recently in this country a journalist was not considered worth his name if he had not served at least two or three bosses and been sacked by some, if not all of them. In other industries and avocations too employees are discharged or retrenched. But these happen ordinarily when the employer is not satisfied with the conduct of the employee or when the concern is working at serious loss. But in the newspaper industry, before the protection of the Industrial Disputes Act was extended to working journalists in March 1955, journalists had no guarantee of employment, and even if the journalist maintained the most exemplary conduct and was efficient, he was liable to discharge if the newspaper management or even the top executives changed. The exemplary conduct of the journalist has itself been a liability in the past. Discharges for political reasons were not unknown.

Though with the application of Industrial Disputes Act to working journalists, there has to be an abatement of such arbitrary discharge or dismissals, many employers are acting as if there was no such law.

According to industrial law, termination of services will fall under three categories—retrenchment, discharge and dismissal. The Industrial Disputes Act lays down that an employee can be “retrenched” only in accordance with certain procedure. It was held in the leading case of Vishwamitra, Kanpur (1) that for retrenchment of employees the principle of ‘last-come-first-go’ should apply. Since then it has been the leading law for all purposes and has been put on the statute.

In the Bank Award this issue was discussed in great detail. The Shastri Tribunal had directed that the principle of ‘last-come-first-go’ should be followed subject to the clarification ‘that the junior-most also happens to be the least efficient’. The Labour Appellate

Tribunal overruled this and said that the lower tribunal was wrong in its direction as it was open to misuse. Adhering to its earlier decision in the Indian Navigation and Industries Ltd., Allepy Vs. their workmen (2) it directed that in place of the words “the junior-most also happens to be the least efficient” the following should be substituted:—

“unless exceptional circumstances justify a departure from this principle.”

In its decision in the Indian Navigation case, the L.A.T. had observed that the rule of ‘last-come-first-go’ should generally be followed and that an employer may weed out the inefficient and the unreliable but the power must be used sparingly and will always be open to the closest scrutiny.

The employer’s right to retrench is not unfettered; he has to justify it by both the need and the quantum.

There are a number of cases where the tribunals scrutinized the reasons and came to the conclusion that the retrenchments were *mala fide* or not justified. In the case of Prakrit Bhushan Gupta and others Vs. Chief Mining Engineer, Railway Board (3) the Appellate Tribunal held that where in retrenching or proposing to retrench the management was acting with an ulterior motive, its right was not unfettered and the tribunal must in the case scrutinize the matter and the employer must establish to the satisfaction of the tribunal that the number of workmen to be retrenched or proposed to be retrenched was justified, even when a case for retrenchment was made out. This decision was based upon the earlier decision in the Vishwamitra Press Karyalaya Vs. its workmen where the tribunal held that there was occasion for the management being influenced by extraneous considerations or improper motives and, therefore, the lower tribunal ought

to have scrutinized the matter with great circumspection and confined the number of retrenched workmen strictly within the limits or actual requirement. This principle was further reiterated in the case of Allenberry and Co. Ltd. Vs. their workmen (4) and the Labour Appellate Tribunal held that the company had effected the retrenchment with improper motives—unfair labour practice and victimization—and confirmed the lower court award directing the workers’ reinstatement and compensation.

Similar considerations have been applied also to cases of discharge and dismissals of individual workmen. The leading law in such cases has been laid down in the Buckingham and Carnatic case (5) Four principles were enunciated therein in respect of discharge and dismissal. They are: that the termination should not be a case of unfair labour practice, victimization or violation of the principles of natural justice; that it is *bona fide*; that there must not be basic error of facts and that there should not be perverse finding on the material. In the case of A. N. Parab Vs. Seksaria Cotton Mills Ltd., Bombay, (6), the Labour Appellate Tribunal remarked that “where an employee is discharged (without holding proper enquiry) merely on the ground that the employer had lost confidence in him, the assertion that an employer’s powers to discharge or dismiss were uncontrolled is archaic and, therefore, unless the tribunal is satisfied as to the justification of the discharge on merits, it would

1. 1952 (1) Labour Law Journal (Madras) 181.
2. 1952 Labour Law Journal 611.
3. 1953 L. A. C. 373.
4. 1953-54 (V) F. J. R. 52.
5. 1951 (I) L. L. J. 318.
6. 1953 (II) L. L. J. 261.

not grant permission to discharge the employee." In another case of the Co-operative Insurance Company Employees Union. Amritsar Vs. Co-operative Insurance Company, Amritsar (7) the L.A.T. went further to say "where an employee was discharged without enquiry and without giving him an opportunity to explain the charges against him, it was a clear case of violation of the principles of natural justice", and confirmed the lower tribunal's order of reinstatement with full compensation. In a third case of L. N. Dutta Vs. Jorhat Tea Estates Company Limited, (8) the company had discharged the workman after giving him a charge-sheet in which details of his lapses were given but no enquiry was held and no opportunity given to the workman to explain the charges. Realising the mistake, the Engineer-in-charge later wrote a long letter to the workman in which he dealt with his alleged inefficiency and alleged misconduct. On these facts the Labour Appellate Tribunal held that the order of discharge was improper and observed that the tribunal had in the past condemned the contrivance of discharging the workman summarily. Other judgements of the Labour Appellate Tribunal disclose that where an employee was discharged from service because he was working elsewhere also, but with the knowledge of the company, his subsequent discharge on that ground was wrong. It also held that the tribunal was entitled to know whether the conduct of the management was arbitrary in discharging a workman on the plea that the company did not need his services. Where the workers refused to accept a charge-sheet and the company discharged them with one month's pay, the order was held to be *mala fide* and workmen were ordered to be reinstated and paid compensation (10) It has also been held that the notice of termination of service cannot properly take the place of charge-sheet. If the allegations in the notice are denied, the only course open to the management is to hold a proper enquiry (11).

Sometimes managements discharge employees on the plea that their services were not required. When such action was challenged in

a court of law, they took the plea that the employee was inefficient, negligent or undesirable in any other manner. In the case of United Manufacturers, Agra Vs. Abdul Razaq, the Appellate Tribunal came to the conclusion that when the services had been terminated on the basis that they were surplus to the requirements of the management, the management could not plead later on that the services were terminated on account of attendance (12).

In cases of dismissal the procedure has to be still more elaborate. It is necessary that there should be enquiry and the worker concerned should have a right not only to produce his evidence but to cross-examine the witnesses of the management and should have the right to be represented either through the union or through a lawyer. There are a number of cases to support this, prominent among them being the Upper India Sugar Mills, Ltd., Khatauli Vs. its workmen (13), J. K. Cotton Spinning and Weaving Company Ltd., Kanpur Vs. their workmen (14), Kirlam Pudi Sugar Mills Vs. their workmen (15), Messrs. Bawa Crockery House Limited, Calcutta Vs. N. R. Bhowmic (16), and Rohtas Industries Ltd., Dalmianagar Vs. Byahuta K.N. (17). In these cases the L.A.T. not only upheld the judgement but gave illustrations to prove what was a violation of natural justice. In the case of Newspapers Ltd. Vs. State Industrial Tribunal, Uttar Pradesh, it was held that a man, who had maintained a clean record of service, could hardly be called a habitual negligent worker and the various instances of mistake said to have been committed by him went to show that he was not negligent but they were occasional mistakes committed in the rush of work and were never repeated after they were corrected at the time of proof-reading. The L.A.T. therefore confirmed State Tribunal's award granting him reinstatement and compensation (18). When a workman was dismissed for an alleged misconduct which was serious but without giving him any charge-sheet and without making enquiry, the L.A.T. held that though the alleged offence may have been very serious in the

absence of an enquiry and the failure to observe the rules of natural justice, the order of the lower tribunal refusing reinstatement could not be upheld. The tribunal held in another case that when a servant was absent for a short time without justification, it could not be regarded as a gross breach of discipline or a gross neglect of duty and the company had no right to dismiss him summarily, nor could the employer dismiss a person for his domestic or social activities or an intrigue against a workman in connection with social or domestic relations with which the employer was not concerned. An employee cannot also be dismissed on the mere allegation of the employer or management that they had lost confidence in him, for in that case there would be no security of service. When a workman overstayed his leave and the company treated his services as terminated for absence for more than seven consecutive days, the Labour Appellate Tribunal held that the termination of services without a proper charge-sheet and without giving him proper opportunity for explaining his absence violated the principles of natural justice.

So, it is clear that the power of the management to discharge or dismiss has been severely limited by various labour tribunals and any discharge or dismissal should be proved to be *bona fide* and absolutely justified. These cases apply with equal force to working journalists as they apply to any other category of workmen.

7. 1954 (I) L. L. J. 28.
8. 1954-55 (VI) F. J. R. 604.
9. 1953-54 (V) F. J. R. 674.
10. 1954 (I) L. L. J. 144
11. 1954 (I) L. L. J. 332
12. 1953-54 F. J. R. 690
13. 1953 (II) L. L. J. 854
14. 1953 (II) L. L. J. 257
15. 1953 (II) L. L. J. 352
16. 1954 (I) L. L. J. 335
17. 1953 (II) L. L. J. 679
18. 1953-54 (V) F. J. R. 771. This case was fought by U.P. Working Journalists Union against Leader office.

My Entry Into The Profession

By Mrinal Kanti Bose

As a junior lawyer I had all that I could have wished—money and encouragement from the seniors. I had every prospect of rising to the top at a not too distant date. But these did not lessen my dislike for the profession or my resolve to become a journalist, however meagre the remuneration.

In a moment of excitement I wrote an article entitled "Freedom from within" in which I wanted to give expression to the idea, then shared by the younger generation, that freedom would not come as a gift from the foreign rulers, but would have to be earned by ourselves. I decided to take that article to Surendranath Banerjee who was the editor of the *Bengalee* and was one of the foremost leaders of India. I was his student in the Ripon College. I knew however that he could not possibly recognise me as he did not care at all to get acquainted with the boys to whom he lectured as Professor of English. I had however a fellow-student who was then a sub-editor of his paper. Kiron Chandra Ghosh (that was his name) was himself a practising lawyer who supplemented his income by working as a part-timer in the *Bengalee*. Kiron introduced me to Surendranath who was then busy in his editorial chair. Surendranath thought that I had come to him for a job in his paper. Before I had the opportunity to explain my business he said that he had no vacancy there. I said that I had not come for a job but only to show him an article written by me and have it published in his paper if he thought fit. Surendranath took the article, began to go through it and expressed his approval by quick movements of his head and body (as was his wont). Finally, he said that the article was excellent and would be published as the leading article of the *Bengalee* next day. He expressed his satisfaction that he would not have to write (he used to dictate) the editorial article. With these words he immediately

left the office. Next day, the *Bengalee* published my article as its leading article. I was overwhelmed with joy when I read it. At last I had found my job! So far as I remember I wrote five or six articles for the *Bengalee* and all these were published as the leader. I attended the courts as usual but my soul was elsewhere.

MOTILAL GHOSH

It was about this time (1918) that the Montague-Chelmsford scheme, proposing to grant a modicum of self-government to India was published. Mr. Montague, Secretary of State for India was then in Calcutta and had talks with some of our distinguished leaders. I wrote an article—a critical analysis of the scheme and wanted to show that it was altogether inadequate and could not be accepted. I knew that the *Bengalee* would not publish it as an editorial; for it was then widely known that Surendranath had given his approval to the scheme. Some of the other leaders invited by Mr. Montague expressed their dissatisfaction. One of them was Babu Motilal Ghosh, Editor of the *Amrita Bazar Patrika*, and my 'guru' in after-days. I saw Surendra Nath with my article and said that I knew that he could not publish it, like my previous articles, as editorial, but I suggested that it might be published in my name as a "correspondence" or a contributed article. Surendra Nath refused to use the article in any manner and returned it to me. He did not care to explain why he could not utilise the article. Disappointed and in great disgust I left the *Bengalee* office and started immediately for Bagh-bazar where the *Amrita Bazar Patrika* office was situate. I did not know personally any one in the *Patrika*, either employer or employee, but I was determined to try my luck. Arriving at the *Patrika* office, then an old dilapidated building at 2, Ananda Chatterjee Lane, I met an old man near the entrance

and enquired if I could see Moti Babu. He did not enquire what my business was and who I was, but asked me to go up-stairs straight and see the person in question. This gentlemen, as I subsequently came to know, was Babu Golap Lal Ghosh, younger brother of Moti Babu and my colleague in later days in the *Patrika*. Arriving at the top of the stair-case and on the verandah I saw an old man seated on a dilapidated chair with an even more antiquated table before him on which he was busy writing. As I opened my lips to speak he signalled me to keep quiet. I took my seat on a bench near by, and watched the wrinkled face of the old man, his eye-brows closely knit, immersed in thought as his pen was moving. I watched him and contrasted his bodily frame with that of his great political rival Surendra Nath Banerjee. After a few minutes Moti Babu finished his writing, looked up to me and enquired what my business was. I explained. He wanted to see my article, and after going through it, called an assistant and directed him to publish my article on the editorial page in double column with my name inscribed on the top as the writer.

TO ACTIVE JOURNALISM

Thereafter Moti Babu had a long and intimate talk with me. He said that he could have published my article in the editorial column, but for a certain undertaking he had given to Mr. Montague. The latter had told him (other leaders including Surendranath were present) that the Indian public were generally very appreciative of the policy and measures of the British Government; it was only the editors of newspapers who poisoned their mind by adversely criticising everything the Government did. Let the editors, for once allow the public to express their views on the scheme without prejudice. On this appeal, Moti Babu said, he promised not to write anything for or against the scheme editorially for a week but allow the public to express their opinion in the correspondence column. I told Moti Babu that Surendranath had refused to publish my article even as from a correspondent who was giving his own name and address. Moti Babu told me that Surendranath had pledged

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Frame Rules, Fix Interim Wages Early

Demand In Lok Sabha

Early formulation of rules under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act and fixation of interim scales of wages were urged by several members at question time in the Lok Sabha on April 11.

The Labour Minister, Mr. Khandubhai Desai, whose Ministry has now taken over the administration of the Act, however said that it might not be possible to place the rules before Parliament during the current session. The Wage Board, he said, would be announced within a few days and it would be for the Board to decide from what date its decisions should have effect. Earlier his deputy, Mr. Abid Ali said that government did not want to fix any interim scales in the meantime.

Mr. Abid Ali told Mr. Bhakta Darshan that the Labour Ministry was now responsible for the administration of the Working Journalists Act. Action to frame rules under the Act and to set up a Wage Board was under way. The government expected to announce the names of the Chairman and members of the Board shortly.

FRAMING OF RULES

Mr. Bhakt Darshan asked whether the Government were aware of the fact that due to the rules not being framed under the Act, many managements of newspapers had put forward the excuse that they could not put the regulations into practice. He also asked whether in view of this, Government proposed to make quick arrangements to frame the rules.

Mr. Abid Ali replied that these rules had not yet been framed. They were being framed and would be announced after the work was completed. It was a difficult task and it would take some time. However, the Government had not received any complaint about the management as the member had stated.

Mr. R. P. Garg (Congress): Have Government realised that

this work should be given top priority in order to ensure a fair deal to the Working Journalist?

Mr. Abid Ali: We have directed that the full details should be worked out and it would take some time because of the bulk of the work.

INTERIM SCALES

Mr. Bhakt Darshan wanted to know whether there was any idea of having interim pay scales fixed as it was felt that the work of the Board would take a long time.

Mr. Abid Ali: After the Board is set up, it will take six months or more. In the meantime, we do not want to fix any interim scales. But if the employers and the employees come to an agreement and represent to us we will give all possible help.

Mr. Jaipal Singh: If I understand the Deputy Minister correctly, there are certain difficulties that stand in the way. Have these difficulties arisen because Government are deviating from the pattern that the Press Commission gave to them, or is it because Government find the Press Commission's recommendations unacceptable to them?

Mr. Khandubhai Desai: "There is no question of deviating from the law as it is passed. But by their very nature, the rules to be framed are not as simple as the ordinary Labour law and therefore we would like to consult all the interests concerned.

Mr. D. C. Sharma: May I know whether any arrangement will be made for the interim period between the formation of the Wage Board and active working of the Wage Board?

Mr. Khandubhai Desai: Within a few days the announcement of the Wage Board will be made and immediately after the announcement the Board will take up this question.

Dr. Lanka Sundaram: When the final decisions are taken will the Minister give an assurance that they will have retrospective effect from the date on which the bill was

passed by the House?

The Labour Minister: At this stage it is not possible for the Government to give any assurance to the House. It is for the Wage Board to decide what it wants and from what date its decision should be implemented.

Dr. Lanka Sundaram: I seek your protection, Sir, on this point. Legislation has been passed by the House and rules are to be made. My question is whether the decisions when they are reached, will have retrospective effect? The Minister says that he cannot give an assurance. What is the purpose of the law, then?

Speaker: That is another matter. All that the Minister said is that there is some Board to be constituted and that the Board will decide from what date this ought to be given effect to. I do not disagree with this point. This is the opinion of the Government.

Mr. Kamath: Is the Minister in a position to definitely assure the House that no dilatory tactics of any kind are being adopted in the Ministry and that the rules will be brought before this House during this session?

Mr. Khandubhai Desai: No delaying tactics are being adopted by us.

Mr. Kamath: Will the rules be brought before the House? I seek your protection again, Sir. The second part of my question remains unanswered.

Dr. Lanka Sundaram: May I know whether there is any intention on the part of the Government to place the rules to be framed on the table of the House for its approval?

Speaker: It is a part of the Act itself?

Dr. Lanka Sundaram: Yes.

Speaker: Then they are bound to do so.

Mr. Khandubhai Desai: We are bound to.

Speaker: What is the meaning of asking questions when the things are clear? If an Act provides, they are bound to do so.

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PRIVILEGE BILL SENT TO COMMITTEE

● *From Our Parliamentary Correspondent*

Mr. Feroze Gandhi's Bill to protect publication of reports in the Press of Parliamentary or legislative proceedings was another landmark in the fight for a free press. The bill which was referred to a Select Committee by the Lok Sabha on a motion of Shri S. R. Rane, seeks to protect publication if it was in public interest and without malice. The Select Committee has been asked to submit its report by May 1.

The Minister for Legal Affairs, Mr. Pataskar, indicated in his speech that the Government was not opposed to the Bill but he suggested that the scope of the Bill might be restricted to the Parliamentary proceedings and it might be left to the States concerned to follow or adapt the Bill with proper modifications.

The Secretary-General of the Indian Federation of Working Journalists and 37 members of the Press Gallery submitted two petitions to the Parliament praying for enactment of the Bill as early as possible. The Petitions Committee decided to circulate the petitions to all the members of Lok Sabha for the information.

SUCCESS OF DEMOCRACY

Moving the Bill, Shri Feroze Gandhi expressed thanks "to the Law Minister for all the help he has so kindly given me in drafting the Bill and to the Indian Federation of Working Journalists and all friends who have helped me and inspired me to bring the Bill before the House".

Mr. Gandhi referred to the fact that the Indian Federation of Working Journalists and the All-India Newspaper Editors Conference had demanded the freedom to report the proceedings of the legislatures without fear of any legal action. He also pointed out that the Press Commission had recommended amendment of the Indian Penal Code to that effect. Mr. Gandhi said: "For the success of our Parliamentary Government and democracy and in order that the will of the people prevails, it is necessary that our people should know what transpires in this House.

"The extent to which democracy has succeeded can be judged by the extent to which we have successfully compelled the Government to function in the full limelight of publicity. The entire machinery of Parliament is geared to that. It is here that we run into the first hurdle. The newspaper which is the means of conveyance and giving expression to our ideas, belongs to the private sector. The second and perhaps the biggest obstacle is the law of libel or defamation. The law of libel hangs like the sword of Damocles over the head of every editor and correspondent and keeps impressing on him how precarious his existence is. A newspaper which today publishes the proceedings of our legislatures does so at a considerable risk and throws itself open to both civil and criminal action."

A REPORTER'S STORY

Mr. Gandhi then quoted Mr. K.S. Ramachandran, Chief Correspondent of the PTI, who is reported to have told the Press Commission that he could not report the proceedings of the Parliament "truthfully" because of lack of privilege. Mr. Gandhi said that as far as the members were concerned, they had absolute privilege. Similarly proceedings published by order of the House were also privileged but newspapers that published day-to-day proceedings had no privilege. Mr. Gandhi quoted a statement of the Minister for Revenue and Civil Expenditure, Mr. M. C. Shah, in the Rajya Sabha where he had mentioned a prominent industrial house in connection with the complaint of the leakage of information about the Insurance Ordinance and consequent heavy selling of iron and steel company shares on the Calcutta Stock Exchange. Mr. Gandhi said that due to lack of privilege even an important statement of a Central Minister could not be published completely. He then quoted the practice and procedure in Great Britain and the famous judgement of Wason Vs. Walter where Chief Justice Cockburn extended the privilege allowed to court proceedings to Parliamentary proceedings also.

The judgement said: "The same reasons which applied to the reports of the proceedings of courts of justice apply also to proceedings in Parliament. It seems to us impossible to doubt that it is of paramount public and national importance that the proceedings of the Houses of Parliament should be communicated to the public who have the deepest interest in knowing what passes within their walls seeing that on what is said and done there the welfare of the community depends".

Mr. Gandhi also quoted a draft Indian Bill on copyright, which wanted to privilege proceedings of legislatures proposed as early as 1922.

SUPPORT FROM ALL QUARTERS

Mr. Gandhi was supported by a number of speakers. Dr. Suresh Chandra quoted the example of Australia, Canada and France where this practice existed. Shri S. S. More said that it was recognised that subject to the control of the Chair a Member of Parliament should be given full freedom to speak out the people's grievances. The corollary of this would be to extend the same privilege to the Press. Mr. Chatur Narain Malaviya, Mr. K. C. Sharma, Prof. D. C. Sharma, Mr. R. D. Misra, Mr. Tek Chand, Mr. Rane and Mrs. Ila Pal Choudhary spoke in favour of the Bill and gave many weighty arguments to support it. Mr. N.V. Gadgil said the Bill had come not a minute too early. The President, two Houses of Parliament and the Press were the apex of the whole Constitution and it was necessary that the same privilege was given to the Press in reporting the proceedings of the Parliament and Legislatures. But he wanted that a provision should be included in the Bill to give protection to a member from being misreported. Mr. N. C. Chatterjee, after quoting a number of cases, said that there was no difference between a speech delivered in Parliament and the submission made in the Supreme Court and it was unfair that privilege should be

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'INCLUDES' MEANS 'EXCLUDES' !

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convey by the words quoted above is probably clear only to those who wrote it. Anyhow, it has been interpreted to mean that "a proof-reader, copy taster, cartoonist or news photographer" in order to come within the definition of a working journalist should be performing other journalistic work—editing, feature-writing, reporting etc. Why this ingenious interpretation is to be confined only to these categories and not to the other categories enumerated in the definition is also not quite clear. In fact an ordinary reader might almost be tempted to say that what the Law Ministry and the AINEC have attempted to do is to prove that 'includes' in English language really means excludes. Commonsense would show that when the law says certain things are 'included' in something the meaning is plain and simple.

STROUD ON 'INCLUDES'

In attempting to interpret S. 2(f) the use of the italicised words '*means..and includes*' are of great significance. These two words are frequently used in statutes. Stroud in his Judicial Dictionary says about the use of the word 'includes' as follows: "'includes' is very generally used in interpretation clauses in order to enlarge the meaning of words or phrases occurring in the body of the statute; and when it is so used, these words or phrases must be construed as bringing not only such things as they signify according to their natural import but also, those things which the interpretation clause declares that they shall include." Again, Stroud says: "A difference, in grammatical sense, in strictness exists between the words 'namely' and 'including'. 'Namely' imports interpretation i.e. indicates what is included in the previous term; 'including' imports addition i.e. indicates something not included." This is accepted case law and has been consistently followed in various judicial decisions in India.

In the light of the above, how anyone can say that a proof-reader working in a newspaper establishment is not *prima facie* to be deemed a working journalist is beyond

understanding. Even the decisions that it is not the designation that matters but the actual work has no significance here—that will arise only if a person is designated as proof-reader, or for that matter a reporter or editor but does not perform the work of proof-reading, or reporting or editing as the case may be. If this is proved then, no doubt, the person concerned may be excluded. But is it being seriously contended that when the Legislature has in its wisdom categorised certain types of work and says these shall be included within the meaning of the word journalists, it is open to anybody, even to a court of law, to go into the question whether it does so include or should be categorised as such?

EMPLOYERS' QUANDRY

Apart from anything else the Union Law Ministry's clarification has landed many employers in a quandry. By accepting the interpretation and excluding proof-readers for example from the benefits of the 144 hours of work in a four-week period, they have made themselves liable to criminal action. The fact that the IFWJ or its constituent units have till now refrained from legal action does not mean they are going to "wait and pray" for all times for enforcement of the law. And when the courts are moved, not all the clarifications can save employers from criminal responsibility. The fact that the Union Government had so advised them would not also avail.

Legislative Reporting

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The only Member who opposed the Bill was Mr. U. M. Trivedi who maintained that the provisions of the Indian Penal Code were adequate. When he said that the Bill had been brought *mala fide*, the Deputy Speaker, Mr. Hukam Singh, pulled him up and a number of members protested against Mr. Trivedi's remarks. Mr. Feroze Gandhi said Mr. Trivedi's remarks should also be reported.

The Minister for Legal Affairs Mr. Pataskar, referred to the opinions received from States. Only seven States had expressed their views.

Canada's Impost on U.S. Journals

Canada will impose a 20-per cent tax on all the advertising revenues of American magazines publishing Canadian editions and distributing them in Canada, whether printed in Canada or outside. This was among the budget proposals, announced yesterday.

The tax will not apply to magazines which sell their regular editions in Canada, but only to those which print so-called Canadian editions carrying advertising specially directed at the Canadian market and containing a few pages of editorial matter of special Canadian interest.

The new tax will hit magazines like *Time* and *Reader's Digest* which bring out Canadian editions.

—The Hindu

Something in Reserve

Don't try to exhaust yourself or your subject in one article. Make your article complete within its limits, but always, if you can, leave in the reader the sense of something in reserve, something which you will develop next day or as the debate goes forward. On all great subjects you will have to write a hundred perhaps a thousand, leading articles; you will approach them from a hundred, perhaps a thousand different angles of vision according to the exigencies of the day. Your work is and ought to be ephemeral. Your reader will not give you concentrated attention and respect he will pay to the immortals; he will read you loosely and quickly and you must not give him indigestion. There are some people who think that what is read lightly and quickly may be written hastily and without thought. The very contrary is the truth. To catch the reader on the wing and make him stop and think is a great art which calls for a high degree of skill and thought. But the writing which is to do this must not be too condensed or overlaid with fact or argument. It must be open and clear and have a certain rapidity of movement to correspond with the reader's mood.

J. A. Spender

Sympathy Agalore, But No Action

(continued from page 8)

resolution urging restoration of the employer's contribution to the Provident Fund, which was suspended in this paper over a year ago, they reconsidered the matter and announced the restoration of their contribution with retrospective effect. In other respects the paper has implemented the provisions of the Journalists Act.

Express Newspapers: The Management of the three newspapers in this group—the *Indian Express*, *Dinamani* and the *Andhra Prabha*—were among the first to implement the provisions of the Act in respect of proof-readers. But following a meeting of the Madras members of the I.E.N.S. and the "clarification" sent out by the AINEC, they cancelled their order dated Jan. 10, 1956, fixing a 144-hour-a-month rota for the proof-readers. The Union requested the management to rescind their latest order. The reply was brief, and in the negative.

Tamil Nadu: The Union wrote to the proprietor of this paper in Madurai requesting that all the provisions of the Act may be implemented and received a reply to the effect that the matter was receiving "sympathetic consideration."

The Union also lent its services to a non-member who was retrenched by the management of the *My Magazine of India*. As a result, an agreement was reached under which the retrenched sub-editor, will receive his compensation in instalments.

* * *

The MUJ Executive Committee passed a condolence resolution touching the death of Sri A. Srinivasan, aged 30 proof-reader in the *Mail* and a member of the Union. It also sanctioned payment of Rs. 220 to Sri Srinivasan's widow.

CALCUTTA

West Bengal's Labour Minister has expressed sympathy for the working journalists. But no action has been so far taken by the State Government on the representation

of the Indian Journalists' Association for the introduction of Standing Orders in the newspaper establishments, and this appears to have encouraged the newspaper proprietors to ignore the provisions of the Working Journalists (Conditions of Service) and Miscellaneous Provision Act. Even those proprietors who appeared to respond favourably to the Association's appeal for implementation of the Act have stiffened their attitude.

ACCUMULATION OF ARREARS

The proprietor of *Lokamanaya* has refused to sign the Agreement he had reached with the President of the I.J.A. The latter accordingly has reported to the Labour Commissioner about the failure of negotiations and has simultaneously filed a case on behalf of the entire editorial staff of the paper for the realisation of the arrears of salary running into several months in some cases.

A similar complaint of heavy accumulation of arrears has been received by the I.J.A. from two members of the editorial staff of the Urdu journal *Al Hug*. The Association has given an ultimatum to the employer on the expiry of which the issue will be taken to the

Labour Commissioner.

The annual general meeting of the Association will be held on May 6 next.

REMINISCENCES

(continued from page 11)

his unconditional and whole hearted support to the Scheme, and that was perhaps the reason why he was not prepared to publish any adverse comment in his paper.

After this Moti Babu entered into a personal and intimate talk with me. He got all the particulars about me, my name, address, home district and town (Moti Babu and his family came from the same district as I) my occupation, etc. I frankly told him that I did not like the profession of law and wished to be a journalist. He encouraged me, but said that journalism had little monetary prospect. He however asked me to see him again and bring articles written by me. He gave an account of his own life as a journalist and said that his physical infirmity did not permit him to write as frequently as he wished. He informed me that Babu Bipin Chandra Pal wrote most of the editorial articles for his paper.

(To be continued)

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WAGE BOARD

(continued from page 12)

Dr. Lanka Sundaram: On a point of order, Sir, the question I put and submit to your ruling is this. We have the Wage Board to be created within the ambit of the Act. The Minister's answer showed that the Wage Board will have competence to decide whether, and if so, from what date it should have effect. The question is now that the rules have to be framed, will they place them before the House for its approval before the rules are implemented. This is my question.

Labour Minister: The rules to be framed have nothing to do with the Wage Board. The Wage Board under the law stands by itself and

whatever decisions are made by the Wage Board under the statute, are final.

Mr. Kamath: Will they come before the House? Let the Minister say, yes or no.

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

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

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

Mr. Kamath: Dilatory.

Speaker: Next question.

Mr. Jaipal Singh wanted to ask one more question by way of clarification, but the Speaker directed that the next question be taken up.

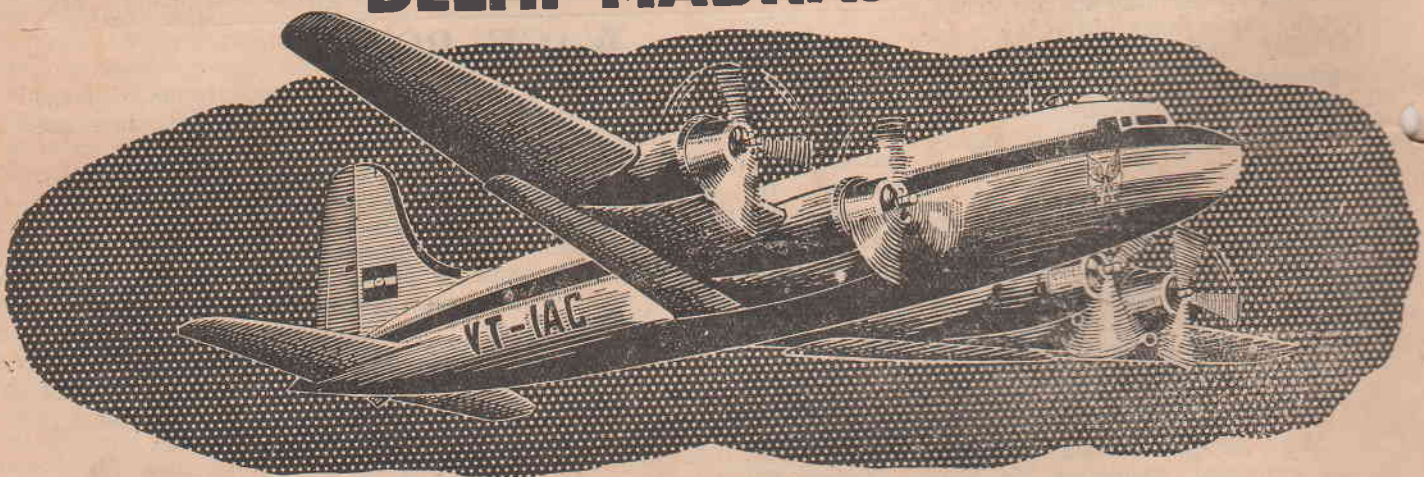
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