proceedings re-opened. All that we propose to do by this order is to quash the two orders mentioned above and to leave it to the Lands Commission to enquire into the petitioners' allegation that they were unavoidably prevented from attending the Lands Commission on 7th April, 1961, and adducing their evidence as required. This decision would, of course, be arrived at uninfluenced by the factor of delay caused by the Commission and in accordance with law on the facts established. It is hoped that no further undue delay would now be caused in the disposal of the petitioners' application. Parties are left to bear their own costs in this Court.

R. S.

CIVIL MISCELLANEOUS

Before A. N. Grover, J.

L .D. JAIN,—*Petitioner*

versus

GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, AND OTHERS,—*Respondents*

Civil Writ No. 181-D of 1963.

March 16, 1966.

Working Journalists (Conditions of Service) Miscellaneous Provisions Act (XLV of 1955)—Object of—Ss. 2(b) and 19 B—Gazette of India—Whether a "newspaper"—Government employees working in Government Presses—Whether governed by section 19 B—Section 19 B—Whether violative of Article 14 of the Constitution.

Held, that the Gazette of India is the official publication of all kinds of news and information which the Government wish to be made known to the public and is a "newspaper" within the meaning of section 2(b) of Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. It is not essential for a newspaper to conform strictly to the usual pattern of a daily or weekly or monthly newspaper or a magazine containing news which members of the public ordinarily read in order to get reports of recent events, comments on them, etc.

Held, that Working Journalists (Conditions of Service) and Miscellaneous Provisions Act is meant to protect the working Journalists in the newspaper industry which was privately run with a profit-making motive. The Act was, therefore, not intended or meant for being applied to the employees of the

Government in Government Presses. These employees cannot escape being governed by section 19-B of the Act because they are employees of the Government to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules and the other rules mentioned in the section apply. If they are governed by labour laws, they may have the right or may be subject to the liabilities or limitations imposed by these laws but that will not take them out of the categories of the employees mentioned in section 19-B.

Held, that the employees of the Government form a group or class by themselves as their wages or salaries and conditions of service are governed by the rules mentioned in section 19-B of the said Act and the working journalists who are employed by other newspaper establishments form a distinct class for whose benefit primarily the Act was enacted in order to ameliorate their conditions of service. The Government employees are entitled to various other benefits like pension, etc., to which the working journalists employed in private newspaper establishment are not entitled and it cannot be said that while making provisions with regard to the fixation of wages and other conditions of service and excluding the Government employees from the benefit of these provisions, there was a transgression of the test of classification made on an intelligible differentia nor could it be said that the said differentia did not have a rational relation to the object sought to be achieved, namely, the amelioration of the conditions of service of working journalists. Section 19-B of the Act, therefore, is not violative of Article 14 of the Constitution.

Petition under Articles 226 and 227 of the Constitution of India, praying that an appropriate writ or order or direction may be issued to the effect that the provisions of working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Act No. 45 of 1955) and Rules framed thereunder are applicable to the petitioner and consequently the petitioner is entitled to the benefits of the provisions thereof, and the act of the respondents in denying those benefits to the petitioner is wrong, illegal, void and unjust, and the respondents may be restrained from requiring the petitioner to work in the Government of India Press, New Delhi (a) for more than 144 hours during any period of four consecutive weeks, exclusive of the time for meals :(b) for more than 6 hours per day in the case of a day shift or for more than 5½ hours per day in the case of night shift, exclusive of the time for meals, and all other necessary directions or orders may be issued so as to give complete relief to the petitioner.

N. C. Chatterjee and R. L. Tondon, Advocates, for the Petitioner.

S. N. Shankar, T. N. Srinivasa Rao and Daljit Singh, Advocates, for the Respondents.

ORDER

GROVER, J.—This judgment will dispose of Civil Writs Nos. 181-D of 1963, 333-D to 347-D and 349-D to 352-D of 1963.

The petitioners are employed in the Government of India Press, New Delhi, as proof-readers. The main point raised in their petitions is that although they are governed by the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter called the Act), they are being denied the benefits in the matter of hours of work for which provision is made in the Act and the rules framed thereunder. It is alleged that as far back as 1961, the workers in the Reading Branch of the Government of India Press formed an association called the Reading Staff Association and started making representations to the respondents in respect of their demands, one of which was that the provisions of the Act and rules framed thereunder should be applied to the reading staff of the Press (letter, dated 12th August, 1961, Annexure "Q"). A statement of claims was also submitted to the Labour Commissioner and Conciliation Officer, Government of India. Certain correspondence took place between the Conciliation Officer and the Association and on 12th February, 1962, the said officer discussed the matter with the representatives of the Association. Further correspondence took place as the Conciliation Officer said that the case was under consideration. He intimated by his letter, dated 22nd August, 1962, that the Government had decided that the Gazette of India was not a newspaper within the meaning of the Act, and, therefore, the dispute raised by the Association had no basis. The association, however, pursued the matter but finally a letter was written on 20th December, 1962, by the Under-Secretary to the Government of India saying that the provisions of the Act were not applicable to the reading staff of the press and reference in this connection was made to section 19-B which was inserted by section 8 of the Working Journalists (Amendment) Act, 1962. Thereafter the present petitions were filed and the prayer, as originally made in the petitions, was that the respondents be restrained from requiring the petitioners to work—

> "(a) for more than 144 hours during any period of four consecutive weeks, exclusive of the time for meals;
>
> (b) for more than 6 hours per day in the case of a day shift or for more than 5½ hours per day in the case of a night-shift, exclusive of the time for meals".

There was a general prayer that other necessary directions or orders be issued so as to give complete relief to the petitioners.

In the return, which consists of the affidavit of Shri R. F. Isar, Joint Secretary to the Government of India, Ministry of Works, Housing and Rehabilitation, it was stated *inter alia* that the Gazette of India was an official weekly publication and that the other publications mentioned by the petitioners, namely, Fortnightly News Digest and Atomic News Digest had since been stopped. It was further stated that the petitioners were Government employees to whom the Fundamental and Supplementary Rules, Civil Service (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, revised Leave Rules and Civil Service Regulations applied and in view of the definition of a working journalist contained in section 2(f) of the Act and the saving clause embodied in section 19-B, the petitioners could not claim any right under the Act. It was, however, admitted in paragraph 7 that the petitioners were "workers" in accordance with the definition given under the Factories Act, 1948, and their hours of work were regulated by the provisions contained in that Act under which they were required to work for 48 hours in a week. As against this, however, they were working for 44 hours a week at the most during the day-shift and 38 hours during the night-shift.

The petitioners filed a supplementary affidavit, dated 10th February, 1964, in which it was said *inter alia* that the proof-readers employed by the Government in its various Ministries and Departments to whom only the rules specified in section 19-B of the Act applied were entirely on a different footing and enjoyed different benefits as compared with the proof-readers like the petitioners. In the case of the former there were no shifts and the working hours were 149½ in four consecutive weeks, exclusive of the time for meals, while in the case of the petitioners there were day-shifts and night-shifts and the working hours were 176 for the same period. Moreover, labour laws such as the Factories Act, Payment of Wages Act, Industrial Disputes Act, Trade Unions Act and the rules framed under those Acts were applicable to the petitioners and not to employees of the former class. Therefore, section 19-B of the Act would not apply to them. Alternatively it was pleaded that the aforesaid section must be held to be unconstitutional, *ultra vires*, void and inoperative so far as it excluded the petitioners from enjoying the benefits of the provisions of the Act. It was maintained that section 19-B, as introduced by the amending Act, was opposed

to the provisions of the Act and infringed the fundamental rights of the petitioners and in particular, Article 14 of the Constitution. Further discrimination was being practised inasmuch as the petitioners were being made to work for a greater number of hours than the proof-readers in the various Ministries and Departments to whom the rules specified in section 19-B of the Act were applicable. In the rejoinder filed by Shri R. F. Isar, dated 12th February, 1965, objection was taken to the introduction of new matters and fresh facts in the reply filed by the petitioners to the return. It was denied that section 19-B was unconstitutional, *ultra vires* or void and it was submitted that the proof-readers in the various Departments/ Ministries concerned and the petitioners were not similarly placed for the reason that the former were treated as part of the office establishment and the labour laws did not apply to them while the latter, in addition to being subject to the Fundamental and Supplementary Rules, etc., were also governed by the various labour laws.

Mr. N. C. Chatterji, learned counsel for the petitioners, has sought to raise two main contentions before me. The first is that the publication made by the Government of India Press in which the petitioners are employed would be covered by the definition of the word "newspaper" contained in section 2(b) and that the petitioners, who are proof-readers, would be included in the definition of the expression "working journalist" in section 2(f) and, therefore, they would be entitled to the benefit of section 6 of the Act which has fixed the maximum hours of work for the working journalist. The second contention is that the saving provision does not apply to the petitioners and if it be held to be applicable, it would be unconstitutional as violative of Article 14. The relevant provisions of the Act may be reproduced—

> "2(b) 'newspaper' means any printed periodical work containing public news or contents on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government in the Official Gazette;
>
> (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 tesser, reporter, correspondent, cartoonist; news-photographer and proof-reader, but does not include any such person who—
>
> (i) is employed mainly in a managerial or administrative capacity; or

(ii) being employed in a supervisory capacity, performs, either by the nature of the duties attached to his office or by reason of the powers vested in him functions mainly of a managerial nature,

6. (1) Subject to any rules that may be made under this Act, no working journalist shall be required or allowed to work in any newspaper establishment for more than one hundred and forty-four hours during any period of four consecutive weeks, exclusive of the time for meals.

(2) Every working journalist shall be allowed during any period of seven consecutive days rest for a period of not less than twenty-four consecutive hours, the period between 10 p.m. and 6 a.m. being included therein.

Explanation.—For the purposes of this Section, 'week' means a period of seven days beginning at mid-night on Saturday.

19-B. Nothing in this Act or the Working Journalists (Fixation of Rates of Wages) Act, 1958, shall apply to any working journalist who is an employee of the Government to whom the Fundamental and Supplementary Rules, Civil Services. (Classification, Control and Appeal) Rules, Revised Leave Rules, Civil Services (Classification Control, and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the Central Government in the Official Gazette, apply".

Now, admittedly the various parts of the Gazette of India which is published weekly as also of the Delhi Gazette are published by the Government of India Press. The synopsis of debates of both the Houses of Parliament are also published by this Press. Mr. Chatterji has placed before me printed copies of the Gazette of India, Extraordinary, Part I, Section I, published on Friday, the 29th May, 1964, when the late Prime Minister Pt. Jawahar Lal Nehru passed away and in that notification a historical background of the life and achievements of the late Prime Minister were summarised. Similarly, the Gazette of India, Extraordinary, Part I, Section 4, published on Saturday, the 23rd November, 1963, contains a notification of the Ministry of Defence, dated 22nd November, 1963, saying that the President had learnt with the deepest

regret of the death of six distinguished officers of the Armed Forces, etc. A very brief summary was then given in respect of each distinguished officer who had died in the air crash on 22nd November, 1963. These have been marked by me as Annexure C/1 and C/2, respectively, and have been directed to be placed on the record. Mr. Chatterji contends that the Gazette of India, the copies of which have also been filed with the petition as Annexure, as also the publication of the synopsis of the debates of the Houses of Parliament and other similar publications by the Government of India Press fall squarely within the definition of "newspaper" in section 2(b) of the Act. According to him, these are printed periodical works containing public news. Moreover, these works are sold at scheduled price to the public. What has, therefore, to be seen is whether the information which is published in these publications can be regarded as public news. The meaning of the word "news" as given in the Webster's New International Dictionary is—

"* * * * *

2. A report of a recent event; information about something before unknown; fresh tidings; recent intelligence.

* * * * * *".

The meaning of "news" has to be read along with the word "newspaper" as given in the same dictionary which is as follows:—

"A paper printed and distributed, at stated intervals, usually daily or weekly , to convey news, advocate opinions, etc., now usually containing also advertisements and other matters of public interest;

* * * * *".

In Words and Phrases by Roland Burrows, Volume III, a case from Australia is mentioned with reference to the meaning of the word "newspaper" in which the question was whether Bradshaw's Guide was not a publication 'known and recognised as a newspaper in the generally accepted sense of the word'. The answer was given in the negative by Hood, J., in *Ex. P. Stillwell* (1) who said that in its real nature the Bradshaw's Guide was essentially a book of reference and lacked every element of what could be called a newspaper. Its form, its contents, and its use all pointed

(1) (1903) 29 C.L.R. 415.

to something totally different to an ordinary newspaper, whose main object was to give information about recent events, and which was not a record but was in its nature ephemeral. Narasisham, C.J., delivering the judgment of the Bench in *P.S.V. Iyer* v. *Commissioner of Sales-tax* (2), applied these observations to the case of Cuttack Law Times which was held not to fall within the meaning of the word "newspaper" for the purposes of section 24(1) of the Orissa Sales Tax Act.

Thus, the short question is whether the information or reports which are published in the Gazette of India would be news because it is not disputed that the Gazette is a printed periodical work. The Annexures, which have been filed, show a variety and diversity of matters which are published in the Gazette, for instance in Annexure "A" there is a notification, dated 26th January, 1963, which relates to the award of Maha Vir Chakra for acts of gallantry to various Army Officers mentioned therein as also the award of Police Medal to a Police Officer. It is unnecessary to refer to all the notifications contained in Annexure "A" but Mr. Chatterji has relied particularly on the notification dated 14th January, 1963 in which the prices fixed with regard to *soda ash* have been published. Annexure "B" contains notifications with regard to various officers in different Ministries who have been appointed to certain posts. Particular attention has been invited to the notification, dated 15th February, 1963, saying that consequent on his appointment as an Additional Judge of the Calcutta High Court Shri Durga Das Basu relinquished charge of the office of Member, Law Commission, with effect from the afternoon of the 5th February, 1963. Annexure "E" contains the publication of the Goa, Daman and Diu Scheduled Goods (Movement Control) Regulation, 1963. Annexure "L", a printed copy of the Delhi Gazette, contains Court notices of the Circuit, Civil and Criminal, Courts and in Annexure "M" is published notification relating to the Municipal Corporation of Delhi containing a statement showing errors in the Summaries of Monthly Abstracts of Receipts and Expenditure of the Water Supply and Sewage Disposal Undertaking. Annexure "P" contains a copy of an arbitration agreement entered into between the management of Partap Press, New Delhi, and its workmen. As stated previously, Annexures C/1 and C/2 relate to the passing away of the late Prime Minister Pt. Jawahar Lal Nehru on 27th May, 1964 and the death of six distinguished

(2) A.I.R. 1960 Orissa 221.

officers of the Armed Forces in an air crash on 22nd November, 1963. Now, although it is true that the Gazette contains numerous matters which it is necessary to publish under various statutes, statutory rules, regulations, etc., but it cannot be said nor has it been shown that the notifications of the nature contained in Annexure C/1 and C/2 as also the reports about the awards for gallantry have been published owing to any requirements of the laws of the land. It may be that when the Prime Minister passed away that fact has to be notified for public information and similarly the fact of the senior officers of the Armed Forces having died in an air crash may have to be notified but what has been stated in these notifications appears to indicate that they are more in the nature of such public news as would be published even in a newspaper as read and understood by all members of the public. Moreover, it seems to me that even the other matters which are published in the Gazette cannot but be regarded as reports of recent events which it is necessary to be conveyed to the public in an authentic and official periodical. It is not essential for a newspaper to conform strictly to the usual pattern of a daily or weekly or monthly newspaper or magazine containing news which members of the public ordinarily read in order to get reports of recent events, comments on them, etc., but that cannot be the prime consideration in deciding whether the Gazette of India can be called a newspaper within the meaning of section 2(b) of the Act. Mr. Chatterji appears to be right in saying that the Gazette of India is the official publication of all kinds of news and information which the Government wish to be made known to the public. In Aiyer's Law Terms and Phrases (4th Edition), Gazette is stated to be official publication of news of all kinds the Government desire to make known to the public. The meaning of this word as given in the Oxford English Dictionary is—

> "* * * to be the subject of an announcement in the official gazette; to be named, in the gazette as appointed to a command, etc.; also, in early use, to be mentioned or discussed in the newspaper".

In my opinion, there can be no manner of doubt that the Gazette of India is a newspaper within the meaning of section 2(b) of the Act.

The next question is whether the saving provision contained in section 19-B applies to the petitioners and if it does, whether it

is unconstitutional. According to Mr. Chatterji, it applies only to those employees of the Government whose conditions of service are regulated by the rules, etc., mentioned in the section. It is pointed out that the petitioners, apart from being governed by those rules, are also subject to the labour laws as has been admitted on behalf of the respondents. Thus their case cannot fall within the section. In this connection it is necessary to advert to the background in which the Act was passed which fortunately has been discussed in *Express Newspaper (Private) Ltd.* v. *The Union of India* (3). It has been said that the newspaper industry in India did not originally start as an industry but started as individual newspapers founded by leaders in the national, political, social and economic fields and during the last half a century it developed characteristics of a profit-making industry. Certain attempts were made in some of the States to tackle the problem of ensuring the fixation of just and reasonable terms and conditions of service for working journalists. A press commission was ultimately appointed by the Government of India in 1952 which submitted its report in 1954. The commission found that proof-readers could not be classed as working journalists, for there were proof-readers even in presses doing job work. It recommended that they should be regarded as working journalists if they had been employed as proof-readers only for the purpose of making them more efficient sub-editors. It made other recommendations also and expressed the view that the working journalists did not fall within the meaning of "workmen" as defined by the Industrial Disputes Act at that time. After the publication of this report, the Working Journalists (Industrial Disputes) Act, 1955, was enacted. The Act also was passed and it received the assent of the President on 20th December, 1955. According to Mr. Shankar, the entire history and background of the legislation in the present case show that the Act was meant to protect the Working Journalists in the newspaper industry which was privately run with a profit-making motive. The Act, was, therefore, not intended or meant for being applied to the employees of the Government in Government Presses and that is the reason why section 19-B came to be inserted. It may be mentioned that this section did not exist in the original Act but was for the first time inserted by the Working Journalists (Amendment) Act, 1962. The position of the petitioners strikes one as most peculiar. On the one hand they are Government employees to whom all the rules mentioned in section 19-B apply but at the same time they can also

(3) A.I.R. 1958 S.C. 578.

take advantage of the entire labour legislation being governed by the same. Mention may be made in particular of the Factories Act, the Industrial Disputes Act, the Trade Unions Act and the rules framed under these Acts. However, the immediate question that calls for determination is whether section 19-B would debar the petitioners from taking advantage of the provisions contained in the Act. It seems to me that the petitioners cannot escape being governed by the section because it can hardly be denied or disputed that they are employees of the Government to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules and the other rules mentioned in the section apply. If they are governed by the labour laws mentioned before they may have the rights or may be subject to the liabilities or limitations imposed by those laws but that will not take them out of the categories of the employees mentioned in section 19-B.

It has next to be decided whether section 19-B is violative of Article 14 of the Constitution. The submission of Mr. Chatterji is that there could be no rational basis for discrimination between private working journalists and the petitioners when they do the same kind of work, and are similarly circumstanced. Mr. Shanker has met this argument by saying that the petitioners being Government employees to whom the rules mentioned in section 19-B are applicable form a distinct class and, therefore, there is no violation of Article 14. Mr. Chatterji has relied on *Shree Meenakshi Mills Ltd.* v. *A. V. Vishwanatha Sastri* (4), in which it was said that assuming that evasion of tax to a substantial amount could form a basis of classification at all for imposing a drastic procedure on that class under the Taxation on Income (Investigation Commission) Act of 1947, the inclusion of only such of them whose cases had been referred before 1st September, 1948, into a class for being dealt with by the drastic procedure, leaving other tax evaders to be dealt with under the ordinary law would be a clear discrimination because the reference of the case within a particular time had no special or rational nexus with the necessity for drastic procedure. The law enunciated in that case may be stated in the words of Mahajan, C.J., at page 15:—

> "This article not only guarantees equal protection as regards substantive laws but procedural laws also come within its ambit. The implication of the article is that all

(4) A.I.R. 1955 S.C. 13.

litigants similarly situated are entitled to avail themselves of the same procedural rights for relief, and for defence with like protection and without discrimination".

It is not possible to see how this case can be of any help to Mr. Chatterji. What weighed with their Lordships was the fixing of an arbitrary date, e.g., 1st September, 1948 for forming a class of tax evaders who were to be dealt with by the drastic procedure provided by that Act. Mr. Chatterji has also relied on the well-known case of *The State of West Bengal* v. *Anwar Ali Sarkar* (5), in which it has been laid down that the mere fact of classification is not sufficient to relieve a statute from the reach of the equality clause of Article 14 and to get out of its reach it must appear that not only a classification has been made but also that it is one based upon a reasonable ground on some difference which bears a just and proper relation to the attempted classification and is not a mere arbitrary selection.

The first objection of Mr. Shanker is to the entertainability of the contention now sought to be advanced on the basis of Article 14 of the Constitution because in each of the petitions no foundation was laid in that behalf. It was only in the rejoinder to the return filed by the respondents that the constitutionality of section 19-B was canvassed. Mr. Shanker says that the petitioners are not entitled to agitate such contentions unless they have been squarely raised in the petition and proper facts have been given on which the Court can pronounce whether the impugned section is valid or void. It cannot be disputed that the submission on the basis of Article 14 does not appear to have been present to the mind of the draftsman of the petitions and it is only when the respondents set up the defence based on section 19-B that this question was mooted. Normally, the practice of allowing a new contention not raised in the petition to be canvassed has never been approved or encouraged by the Courts. However, the respondents have also filed a further rejoinder in which the above objection was taken as also the other facts were stated which it was considered necessary for the purpose of meeting the case of the petitioners in their rejoinder. Although I consider that there is a good deal of force in the objection raised by Mr. Shanker but even if this matter is allowed to be raised, I can find little merit in it. Mr. Shanker has relied on the decision in *Express Newspaper (Private) Ltd.* v. *The Union*

(5) A.I.R. 1952 S.C. 75.

of India (3), in which the validity of the Act was challenged on various grounds including the ground that it was violative of Article 14 of the Constitution. He points out that in this case it has been held that the working journalists are a group by themselves and could be classified as such apart from the other employees of newspaper establishments and if the Legislature embarked upon a legislation for the purpose of ameliorating their conditions of service, there was nothing discriminatory about it. They could be singled out for preferential treatment against the other employees of newspaper establishments. In paragraph 211 Bhagwati, J., delivering the judgment of the Court reproduced the law enunciated in an earlier decision in *Bhudhan Choudhry* v. *State of Bihar* (6), with regard to the scope and effect of Article 14. It was said in that case—

> "It is now well established that while Article 14 forbids class legislation, it does not forbid reasonable classification for the purposes of legislation. In order, however, to pass the test of permissible classification, two conditions must be fulfilled, namely, (i) that the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and (ii) that that differentia must have a rational relation to the object sought to be achieved by the statute in question. The classification may be founded on different bases, namely, geographical, or according to objects or occupation or the like. What is necessary is that there must be a nexus between the basis of classification and the object of the Act under consideration. It is also well established by the decisions of this Court that Article 14 condemns discrimination not only by substantive law but also by a law of procedure".

While examining the application of these principles to the provisions of the Act, Bhagwati, J., said at page 631—

> "What was contemplated by the provisions of the impugned Act, however, was a general fixation of rates of wages of working journalists which would ameliorate the conditions of their service and the constitution of a wage

(6) A.I.R. 1955 S.C. 191.

board for this purpose was one of the established modes of achieving that object. If, therefore, such a machinery was devised for their benefit, there was nothing objectionable in it and there was no discrimination as between the working journalists and the other employees of newspaper establishments in that behalf".

It was further held that the classification was based on intelligible differentia which distinguished the working journalists from other employees of newspaper establishments and that differentia had a rational relation to the object sought to be achieved, viz., the amelioration of the conditions of service of the working journalists. According to Mr. Shanker, the employees of the Government form a group or class by themselves as their wages or salaries and conditions of service are governed by the rules mentioned in section 19-B and the working journalists who are employed by other newspaper establishments form a distinct class for whose benefit primarily the Act was enacted in order to ameliorate their conditions of service. It is also pointed out that the petitioners are entitled to various other benefits like pension, etc., to which the working journalists employed in private newspaper establishments are not shown to have been entitled and it cannot be said that while making provisions with regard to the fixation of wages and other conditions of service and excluding the petitioners from the benefit of these provisions, there was a transgression of the test of classification made on an intelligible differentia nor could it be said that the said differentia did not have a rational relation to the object sought to be achieved, namely, the amelioration of the conditions of service of working journalists. It seems to me that there is a good deal of force in the submissions of Mr. Shanker and I am inclined to agree with them.

Mr. Chatterji finally demonstrated the discrimination practised by the respondents between the petitioners and the other employees working in the various Ministries and doing the same kind of work which the petitioners are doing. In their case the working hours are stated to be 149½ in four consecutive weeks, exclusive of the time for meals, whereas the petitioners have day as well as night shifts, the total working hours being 176 during the same period, exclusive of the time for meals in the day-shifts. The reason given by the respondents in their counter to the rejoinder of the petitioners is that the former are treated as part of the office establishment and the labour laws do not apply to them while the petitioners in addition to being governed by the Fundamental and other rules mentioned in section 19-B are also governed by the various labour laws

which confer on them special privileges. *Ex facie* it does not look eminently just or fair that the petitioners should be made to work for a greater number of hours than the other employees of the Government who are doing exactly the same sort of work as proof-readers, but that is not a matter which will render section 19-B unconstitutional and void. It is well known that if a statutory provision is good and valid, it does not become bad and void because in actual practice some discrimination is being exercised between one set and another set of employees doing the same kind of work. It may also seem anomalous that, as held by me, the definition of working journalist in the Act should cover the petitioners, but by section 19-B, they should have been deprived of the benefits of the Act. These are, however, matters which it is for the Parliament to look into and further clarify its intention by proper amending legislation, if considered necessary, but it is not possible to say that section 19-B suffers from the vice of discrimination and is liable to be struck down under Article 14 of the Constitution.

In the result, this petition fails but in the circumstances there will be no order as to costs.

K.S.K.

CIVIL MISCELLANEOUS

Before Inder Dev Dua and R. S. Narula, JJ.

KANSHI RAM AND OTHERS,—*Petitioners*

versus

UNION OF INDIA AND OTHERS,—*Respondents*

Civil Writ No. 2054 of 1963

March 17, 1966

Land Resettlement Manual for Displaced Persons—Chapter VI, Part I, Rule 3—Land to be transferred to displaced persons—Whether to be evaluated in terms of standard acres—Entries in Revenue records—Whether decisive—Admitted and real facts—Whether to be taken into account—Land entered as Chahi *in last* Khasra girdawari *but in which there is no well—Whether can be classed as* Chahi *for allotment to a displaced person.*