
**THE WORKING JOURNALISTS AND OTHER NEWSPAPER
EMPLOYEES (CONDITIONS OF SERVICE) AND
MISCELLANEOUS PROVISIONS ACT, 1955**

(45 OF 1955, DT. 20-12-1955)¹

An Act to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments

Be it enacted by Parliament on the Sixth Year of the Republic of India as follow:-

**CHAPTER I
PRELIMINARY**

1. Short title and extent-(1) This Act may be called the ²[Working Journalists and other Newspaper Employees] (Conditions of Service) and Miscellaneous Provisions Act, 1955.

(2) It extends to the whole of India ³[***]

2. Definitions-In this Act, unless the context otherwise requires,-

- ⁴(a) "Board" means-
- (i) in relation to working journalists, the Wage Board constituted under section 9; and
 - (ii) in relation to non-journalist newspaper employees, the Wage Board constituted under section 13C;
- (b) "newspaper" means any printed periodical work containing public news or comments 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;
- (c) "newspaper employee" means any working journalist, and includes any other person employed to do any work in, or in relation to, any newspaper establishment;
- (d) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate ⁵[and includes newspaper establishments specified as one establishment under the schedule;

Explanation: For the purposes of this clause,-

- (a) different departments, branches and centres of newspaper establishments shall be treated as part thereof;

1 Extended to Goa, Daman and Diu by Reg 11 of 1963, sec. 3 and Sch. and to Pondicherry by Act 26 of 1968, sec. 3 and Sch.
2. Substituted for "Working Journalists" by Act 60 of 1974, sec. 2 (w.e.f 21-12-1974).
3. Words "except the State of J&K" omitted by Act 51 of 1970, sec. 2 and Sch. (w.e.f 1-9-1971).
4. Substituted by Act 60 of 1974, sec 3, for clause (a) (w.e.f 21-12-1974)
5. Inserted by Act 31 of 1989, sec. 2 (w.e.f 28-8-1989).

- (b) a printing press shall be deemed to be a newspaper establishment if the principal business thereof is to print newspaper;]
- ¹[(dd) “non-journalist newspaper employee” means a person employed to do any work in, or in relation to, any newspaper establishment, but does not include any such person who-
- (i) is a working journalist, or
- (ii) is employed mainly in a managerial or administrative capacity, or
- (iii) 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 managerial nature;]
- (e) “prescribed” means prescribed by rules made under this Act;
- ²[(ee) “Tribunal” means-
- (i) in relation to working journalists, the Tribunal constituted under section 13AA; and
- (ii) in relation to non-journalist newspaper employees, the Tribunal constituted under section 13DD;]
- ³[(eee) “wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a newspaper employee in respect of his employment or of work done in such employment, and includes-
- (i) such allowances (including dearness allowance) as the newspaper employee is for the time being entitled to;
- (ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;
- (iii) any travelling concession,
- but does not include-
- (a) any bonus;
- (b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the newspaper employee under any law for the time being in force;
- (c) any gratuity payable on the termination of his service.

Explanation: In this clause, term the “wages” shall also include new allowances, if any, of any description fixed from time to time.]

- (f) “working journalist” means a person whose principal avocation is that of a journalist and ⁴[who is employed as such, either whole-time or part-time, in, or in relation to, one or more newspaper establishments], and includes an editor, a leader writer, news editor, sub-editor, feature-writer, copy-tester, reporter,

1. Inserted by Act 60 of 1974, sec. 3 (w.e.f 21-12-1974).

2. Inserted by Act 6 of 1979, sec. 2 (w.e.f 31-1-1979).

3. Inserted by Act 31 of 1989, sec. 2 (w.e.f 28-8-1989).

4. Substituted by Act 36 of 1981, sec. 2, for certain words (w.e.f 13-08-1980).

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;
- (g) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947 (14 of 1947), shall have the meanings respectively assigned to them in that Act.

CHAPTER II

WORKING JOURNALISTS

3. Act 14 of 1947 to apply to working journalists-(1) The provisions of the Industrial Disputes Act, 1947 (14 of 1947), as in force for the time being, shall, subject to the modification specified in sub-section (2), apply to, or in relation to, working journalists as they apply to, or in relation to, workmen within the meaning of that Act.

(2) Section 25F of the aforesaid Act, in its application to working journalists, shall be construed as if in clause (a) thereof, for the period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a working journalist had been substituted, namely:-

- (a) six months, in the case of an editor, and
- (b) three months, in the case of any other working journalist.

4. Special provisions in respect of certain cases of retrenchment-Where at any time between the 14th day of July, 1954, and the 12th day of March, 1955, any working journalist had been retrenched, he shall be entitled to receive from the employer-

- (a) wages for one month at the rate to which he was entitled immediately before his retrenchment, unless he had been given one month's notice in writing before such retrenchment; and
- (b) compensation which shall be equivalent to fifteen days' average pay for every completed year of service under that employer or any part thereof in excess of six months.

¹[5. Payment of gratuity-(1) Where-

- (a) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment, and-
 - (i) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action; or
 - (ii) he retires from service on reaching the age of superannuation; or
- (b) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than

1 Sections 5 and 5A Substituted by Act 65 of 1962, sec. 3, for section 5 (w.e.f 15-01-1963).

- ten years in any newspaper establishment, and he voluntarily resigns on or after the 1st day of July, 1961, from service in that newspaper establishment on any ground whatsoever other than on the ground of conscience; or
- (c) any working journalist has been in continuous service, whether before or after the commencement of this Act, for not less than three years in any newspaper establishment, and he voluntarily resigns on or after the 1st day of July, 1961, from service in that establishment on the ground of conscience; or
- (d) any working journalist dies while he is in service in any newspaper establishment,

the working journalist or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the working journalist, his family, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947 (14 of 1947), be paid, on such termination, retirement, resignation or death, by the employer in relation to that establishment gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months:

Provided that in the case of working journalist referred to in clause (b), the total amount of gratuity that shall be payable to him shall not exceed twelve and half months' average pay:

Provided further that where a working journalist is employed in any newspaper establishment wherein not more than six working journalists were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a working journalist employed in any such newspaper establishment for any period of service before such commencement shall not be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months but shall be equivalent to-

- (a) three days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service does not exceed five years;
- (b) five days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds five years but does not exceed ten years; and
- (c) seven days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds ten years.

Explanation: For the purposes of this sub-section and sub-section (1) of section 17, "family" means-

- (i) in the case of a male working journalist, his widow, children, whether married or unmarried, and his dependent parents and the widow and children of his deceased son:

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

- (ii) in the case of a female working journalist, her husband, children, whether married or unmarried, and the dependent parents of the working journalist or of her husband, and the widow and children of her deceased son:

Provided that if the working journalist has expressed her desire to exclude her husband from the family, the husband and his dependent parents shall not be deemed to be a part of the working of journalist's family, and in either of the above two cases, if the child of a working journalist or of a deceased son of a working journalist has been adopted by another person and if under personal law of the adopter, adoption is legally recognised, such a child shall not be considered as a member of the family of the working journalist.

(2) Any dispute whether a working journalist has voluntarily resigned from service in any newspaper establishment on the ground of conscience shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947 (14 of 1947), or any corresponding law relating to investigation and settlement of industrial disputes in force in any State.

(3) Where a nominee is a minor and the gratuity under sub-section (1) has become payable during his minority, it shall be paid to a person appointed under sub-section (3) of Section 5A:

Provided that where there is no such person, payment shall be made to any guardian of the property of the minor appointed by a competent court or where no such guardian has been appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor.

Provided further that where the gratuity is payable to two or more nominees, and either or any of them dies, the gratuity shall be paid to the surviving nominee or nominees.

¹[5A. Nomination by working journalist-(1) Notwithstanding anything contained in any law for the time being in force, or in any disposition, testamentary or otherwise in respect of any gratuity payable to a working journalist, where a nomination made in the prescribed manner purports to confer on any person the right to receive payment of the gratuity for the time being due to the working journalist, the nominee shall, on the death of the working journalist, become entitled to the gratuity and to be paid the sum due in respect thereof to the exclusion of all other persons, unless the nomination is varied or cancelled in the prescribed manner.

(2) Any nomination referred to in sub-section (1) shall become void if the nominee predeceases, or where there are two or more nominees, all the nominees predecease, the working journalist making the nomination.

(3) Where the nominee is a minor, it shall be lawful for the working journalist making the nomination to appoint any person in the prescribed manner to receive the gratuity in the event of his death during the minority of the nominee.]

6. Hours of work.-(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 a mid-night on Saturday.

1 Inserted by Act 65 of 1962 (w.e.f 15-01-1963).

7. Leave-Without prejudice to such holidays casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to-

- (a) earned leave on full wages for not less than one-eleventh of the period spent on duty;
- (b) leave on medical certificate on one-half of the wages for not less than one eighteenth of the period of service.

¹[8. Fixation or revision of rates of wages.-(1) The Central Government may, in the manner hereinafter provided,-

- (a) fix rates of wages in respect of working journalists;
- (b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section or specified in the order made under section 6 of the Working Journalists (Fixation of Rates of Wages) Act, 1958 (29 of 1958).

(2) The rates of wages may be fixed or revised by the Central Government in respect of working journalists for time work and for piece work.

9. Procedure for fixing and revising rates of wages.-For the purpose of fixing or revising rates of wages in respect of working journalists under this Act, the Central Government shall, as and when necessary, constitute a Wage Board which shall consist of-

- (a) ²[three person] representing employers in relation to newspaper establishments;
- (b) ³[three persons] representing working journalists;
- (c) ⁴[four independent persons], one of whom shall be person who is, or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by that Government as the Chairman thereof.]

10. Recommendation by Board.-(1) The Board shall, by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the fixation or revision of rates of wages of working journalists to make such representations as they may think fit as respects the rates of wages which may be fixed or revised under this Act in respect of working journalists.

(2) Every such representation shall be in writing and shall be made within such period as the Board may specify in the notice and shall state the relate of wages which, in the opinion of the person making the representation, would be reasonable, having regard to the capacity of the employer to pay the same or to any other circumstance, whichever may seem relevant to the person making the representation in relation to his representation.

(3) The Board shall take into account the representations aforesaid, if any, and after examining the materials placed before it makes such recommendations as it thinks fit to the Central Government for the fixation or revision of rates of wages in respect of working journalists; and any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect.

1. Substituted by Act 65 of 1962, sec. 4, for sections 8 to 13 (w.e.f 15-01-1963).

2. Substituted by Act 34 of 1996, sec. 2 (w.e.f 28-9-1996).

3. Substituted by Act 34 of 1996, sec. 2 (w.e.f 28-9-1996).

4. Substituted by Act 34 of 1996, sec. 2 (w.e.f 28-9-1996).

(4) In making any recommendations to the Central Government, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employment, the circumstances relating to the newspaper industry in different regions of the country and to any other circumstances which to the Board may seem relevant.

¹[*Explanation:* For the removal of doubts, it is hereby declared that nothing in this sub-section shall prevent the Board from making recommendations for fixation or revision of rates of wages on all India basis.]

11. Powers and procedure of the Board.-(1) Subject to the provisions contained in sub-section (2), the Board may exercise all or any of the powers which an Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947), exercises for the adjudication of an industrial dispute referred to it and shall, subject to the provisions contained in this Act, and the rules, if any, made thereunder, have power to regulate its own procedure.

(2) Any representation made to the Board and any documents furnished to it by way of evidence shall be open to inspection on payment of such fee as may be prescribed, by any person interested in the matter.

(3) If, for any reason, a vacancy occurs in the office of Chairman or any other member of the Board, the Central Government shall fill the vacancy by appointing another person thereto in accordance with the provisions of section 9 and any proceeding may be continued before the Board so reconstituted from the stage at which the vacancy occurred.

12. Powers of Central Government to enforce recommendations of the Wage Board.-(1) As soon as may be, after the receipt of the recommendations of the Board, the Central Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, if it thinks fit,-

- (a) make such modifications in the recommendations, not being modifications of the nature referred to in sub-section (1), as it thinks fit:

Provided that before making any such modifications, the Central Government shall cause notice to be given to all persons likely to be affected thereby in such manner as may be prescribed, and shall take into account any representations which they may make in this behalf in writing; or

- (b) refer the recommendations or any part thereof to the Board, in which case, the Central Government shall consider its further recommendations and make an order either in terms of the recommendations or with such modifications of the nature referred to in sub-section (1) as it thinks fit.

(3) Every order made by the Central Government under this section shall be published in the Official Gazette together with the recommendations of the Board relating to the order and the order shall come into operation on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order.

1 Added by Act 31 of 1989, sec. 3 (w.e.f 28-8-1989).

13. Working journalists entitled to wages at rates not less than those specified in the order.-On the coming into operation of an order of the Central Government under section 12, every working journalist shall be entitled to be paid by his employer wages at the rate which shall in no case be less than the rate of wages specified in the order.

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

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

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

¹[13AA. Constitution of Tribunal for fixing or revising rates of wages in respect of working journalists.-(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that the Board constituted under section 9 for the purpose of fixing or revising rates of wages in respect of working journalists under this Act has not been able to function (for any reason whatsoever) effectively, and in the circumstances, it is necessary so to do, it may, by notification in the Official Gazette, constitute a Tribunal, which shall consist of a person who is, or has been, a Judge of a High Court or the Supreme Court, for the purpose of fixing or revising rates of wages in respect of working journalists under this Act.

(2) The provisions of sections 10 to 13A shall apply to, and in relation to, the Tribunal constituted under sub-section (1) of this section, the Central Government and working journalists, subject to the modifications that-

- (a) the references to the Board therein, wherever they occur, shall be construed as references to the Tribunal;
- (b) in sub-section (3) of section 11, -
 - (i) the reference to the office of Chairman or any other member of the Board shall be construed as a reference to the office of the person constituting the Tribunal; and
 - (ii) the reference to section 9 shall be construed as a reference to sub-section (1) of this section; and
- (c) the references in section 13 and section 13A to section 12 shall be construed as references to section 12 read with this section.

(3) The Tribunal, in discharging its functions under this Act, may act on the evidence recorded by the Wage Board or partly recorded by the Wage Board and partly recorded by itself:

Provided that if the Tribunal is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as it may permit, the witness shall be discharged.

¹ Inserted by Act 6 of 1979, sec. 3 (w.e.f 31-1-1979).

(4) On the constitution of a Tribunal under sub-section (1), the Board constituted under section 9 and functioning immediately before such constitution shall cease to exist and the members constituting that Board shall be deemed to have vacated their offices:

Provided that any interim rates of wages fixed by the Central Government under section 13A in respect of working journalists and in force immediately before the constitution of the Tribunal shall remain in force until the order of the Central Government under section 12 read with this section comes into operation]

¹[CHAPTER IIA

NON-JOURNALIST NEWSPAPER EMPLOYEES

13B. Fixation or revision of rates of wages of non-journalist newspaper employees.-(1) The Central Government may, in the manner hereinafter provided,-

- (a) fix rates of wages in respect of non-journalist newspaper employees; and
- (b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

(2) The rates of wages may be fixed or revised by the Central Government in respect of non-journalist newspaper employees for time work and for piece work.

13C. Wage Board for fixing or revising rates of wages in respect of non-journalist newspaper employees.-For purpose of fixing or revising rates of wages in respect of non-journalist newspaper employees under this Act, the Central Government shall, as and when necessary, constitute a Wage Board which shall consist of-

- (a) ²[three persons] representing employers in relation to newspaper establishments;
- (b) ³[three persons] representing non-journalist newspaper employees; and
- (c) ⁴[four independent persons], one of whom shall be a person who is, or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by that Government as the Chairman thereof.

13D. Application of certain provisions.-The provisions of sections 10 to 13A shall apply to, and in relation to, the Board constituted under section 13C, the Central Government and non-journalist newspaper employees, subject to the modifications that-

- (a) the references to the Board and working journalist therein, wherever they occur, shall be construed respectively as references to the Board constituted under section 13C and to non-journalist, newspaper employees;
- (b) the references in sub-section (3) of section 11 to section 9 shall be construed as a reference to section 13C; and
- (c) the references in section 13 and section 13A to section 12 shall be construed as references to section 12 read with this section.]

1 Inserted by Act 60 of 1974, sec. 4 (w.e.f 21-12-1974).

2 Substituted by Act 34 of 1996, sec. 3 (w.e.f 28-9-1996).

3 Substituted by Act 34 of 1996, sec. 3 (w.e.f 28-9-1996).

4 Substituted by Act 34 of 1996, sec. 3 (w.e.f 28-9-1996).

¹[13DD. Constitution of Tribunal for fixing or revising rates of wages in respect of non-journalist newspaper employees.-(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that the Board constituted under section 13C for the purpose of fixing or revising rates of wages in respect of non-journalist newspaper employees under this Act has not been able to function (for any reason whatsoever) effectively, and in the circumstances, it is necessary so to do, it may, by notification in the Official Gazette, constitute a Tribunal, which shall consist of a person who is, or has been, a Judge of a High Court or the Supreme Court, for the purpose of fixing or revising rates of wages in respect of non-journalist newspaper employees under this Act.

(2) The provisions of sections 10 to 13A shall apply to, and in relation to, the Tribunal constituted under sub-section (1) of this section, the Central Government and non-journalist newspaper employees, subject to the modifications that-

- (a) the references to the Board and working journalists therein, wherever they occur, shall be construed respectively as references to the Tribunal and to non-journalist newspaper employees;
- (b) in sub-section (3) of section 11,-
 - (i) the reference to the office of Chairman or any other member of the Board shall be construed as reference to the office of the person constituting the Tribunal; and
 - (ii) the reference to section 9 shall be construed as a reference to sub-section (1) of this section; and
- (c) the references in section 13 and section 13A to section 12 shall be construed as references to section 12 read with this section.

(3) The Tribunal, in discharging its functions under this Act, may act on the evidence recorded by the Wage Board or partly recorded by the Wage Board and partly recorded by itself:

Provided that if the Tribunal is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as it may permit, the witness shall be discharged.

(4) On the constitution of a Tribunal under sub-section (1), the Board constituted under section 13C and functioning immediately before such constitution shall cease to exist and the members constituting that Board shall be deemed to have vacated their offices:

Provided that any interim rates of wages fixed by the Central Government under section 13A read with section 13D in respect of non-journalist newspaper employees and in force immediately before the constitution of the Tribunal shall remain in force until the order of the Central Government under section 12 read with this section comes into operation.]

CHAPTER III

APPLICATION OF CERTAIN ACTS TO NEWSPAPER EMPLOYEES

14. Act 20 1946 to apply to newspaper establishments.-The provisions of the Industrial Employment (Standing Orders) Act, 1946, as in force for the time being, shall apply to every newspaper establishment wherein twenty or more newspaper employees are employed or were employed on any day of the

¹ Inserted by Act 6 of 1979, sec. 4 (w.e.f 31-01-1979).

preceding twelve months as if such newspaper establishment were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if a newspaper employee were a workman within the meaning of that Act.

15. Act 19 of 1952 to apply to newspaper establishments.-The Employees' Provident Funds Act, 1952, ¹as in force for the time being, shall apply to every newspaper establishment in which twenty or more persons are employed on any day, as if such newspaper establishment were a factory to which the aforesaid Act had been applied by a notification of the Central Government under sub-section (3) of section 1 thereof, and as if a newspaper employee were an employee within the meaning of that Act.

CHAPTER IV MISCELLANEOUS

16. Effect of laws and agreements inconsistent with this Act.-(1) The provisions of this Act shall have effect notwithstanding anything consistent therewith contained in any other law or in the term of any award, agreement or contract of service, whether made before or after the commencement of this Act:

Provided that where under any such award, agreement, contract of service or otherwise, a newspaper employee is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the newspaper employee shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude any newspaper employee from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.

²[16A. Employer not to dismiss, discharge, etc., newspaper employees.-No employer in relation to a newspaper establishment shall, by reason of his liability for payment of wages to newspaper employee at the rates specified in an order of the Central Government under section 12, or under section 12 read with section 13AA or section 13DD, dismiss, discharge or retrench any newspaper employee.]

³[17. Recovery of money due from an employer.-(1) Where any amount is due under this Act to a newspaper employee from any employer, the newspaper employee from any employer, the newspaper employee himself, or any person authorized by him in writing in this behalf, or in the case of the death of the employee, any member of his family may, without prejudice to any other mode of recovery, make an application to the State government for the recovery of the amount due to him, and if the State government, or such authority, as the State Government may specify in this behalf, is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Government may, on its own

1. Now the Employees' Provident funds and Miscellaneous Provisions Act, 1952.
2. Inserted by Act 36 of 1981, sec. 3 (w.e.f 13-08-1980)
3. Substituted by Act 65 of 1962, sec. 5, for section 17 (w.e.f 15-01-1963).

motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947), or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section(1).

17A. Maintenance of registers, records and muster-rolls.-Every employer in relation to a newspaper establishment shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

17B. Inspectors.-The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions.

(2) Any Inspector appointed under sub-section (1) may for the purpose of ascertaining whether any of the provisions of this Act or of the Working Journalists (Fixation of Rates of Wages) Act, 1958 (29 of 1958), have been complied with in respect of a newspaper establishment-

- (a) require an employer to furnish such information as he may consider necessary;
- (b) at any reasonable time enter any newspaper establishment of any premises connected therewith and require any one found in charge thereof to produce before him for examination any accounts, books, registers and other documents relating to the employment of persons or the payment of wages in the establishment;
- (c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer, his agent or servant or any other person found in charge of the newspaper establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be or to have been an employee in the establishment;
- (d) make copies of or take extracts from any book, register or other documents maintained in relation to the newspaper establishment;
- (e) exercise such other powers as may be prescribed.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

(4) Any person required to produce any document or thing or to give information by an Inspector under sub-section (2) shall be legally bound to do so.]

18. Penalty.-¹[(1) If any employer contravenes any of the provisions of this Act or any rule or order made thereunder, he shall be liable to be punishable with fine which may extend to two hundred rupees.

1 Substituted by Act 65 of 1962, sec. 6, for sub-section (1) (w.e.f 15-01-1963).

(1A) Whoever, having been convicted of any offence under this Act, is again convicted of an offence involving the contravention of the same provision, shall be punishable with fine which may extend to five hundred rupees.

(1B) Where an offence has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this section if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(1C) Notwithstanding anything contained in sub-section (1B), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to, any gross negligence on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

(1D) For the purposes of this section,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.]

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this section.

(3) No court shall take cognizance of an offence under this section, unless the complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

19. Indemnity.-No suit, prosecution or other legal proceeding shall lie against the Chairman or any other member of the Board ¹[or the person constituting the Tribunal] ²[or an Inspector appointed under this Act] for anything which is in good faith done or intended to be done.

³[19A. Defects in appointments not to invalidate acts.-Not act or proceeding of the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

19B. Saving.-Nothing in this Act or the Working Journalists (Fixation of Rates of Wages) Act, 1958 (29 of 1958), shall apply to ⁴[any newspaper employee] who is an employee of the Government to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, civil Service Regulations, Civilians in Defence 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.]

1 Inserted by Act 6 of 1979, sec. 5 (w.e.f 31-1-1979).

2 Inserted by Act 65 of 1962, sec.7 (w.e.f 15-01-1963).

3 Inserted by Act 65 of 1962, sec.8 (w.e.f 15-01-1963).

4. Substituted for "any working journalist" by Act 60 of 1974, sec. 5 (w.e.f 21-12-1974).

20. Power to make rules.-(1) the Central Government may, by notification in the Official Gazette, makes rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) payment of gratuity of working journalists;
- (b) hours of work of working journalists;
- (c) holidays, earned leave, leave on medical certificate, casual leave or any other kind of leave admissible to working journalists;
- ¹[(d) the procedure to be followed by the Board ²[or, as the case may be, the Tribunal,]
- (e) the form of nominations, and the manner in which nominations may be made;
- (f) the manner in which any person may be appointed for the purposes of sub-section (3) of section 5A;
- (g) the variation or cancellation of nominations;
- (h) the manner of giving notice under clause (a) of sub-section (2) of section 12;
- (i) the registers, records and muster-rolls to be prepared and maintained by newspaper establishment, the forms in which they should be prepared and maintained and the particulars to be entered therein;
- (j) the powers that may be exercised by an Inspector;
- (k) any other matter which has to be, or may be, prescribed.]

³[(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is session for a total period of thirty days which may be comprised in one session ⁴[or in two or more successive sessions], and if before the expiry of the session ⁵[immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

21. Repeal of Act 1 of 1955.-[Repealed by the Repealing and Amending Act, 1960 (58 of 1960)]

1. Substituted by Act 65 of 1962, sec 9 for clauses (d), (e) and (f) (w.e.f 15-01-1963).
 2. Inserted by Act 6 of 1979, sec. 6 (w.e.f 31-01-1979).
 3. Substituted by Act 65 of 1962, sec. 9, for sub-section (3) (w.e.f 15-01-1963).
 4. Substituted by Act 60 of 1974, sec 6, for certain words (w.e.f 28-12-1974).
 5. Substituted by Act 60 of 1974, sec 6, for certain words (w.e.f 28-12-1974).

**¹[THE SCHEDULE
[SECTION 2(D)]**

1. For the purposes of clause (d) of section 2,-
 - (a) two or more newspaper establishments under common control shall be deemed to be one newspaper establishment;
 - (b) two or more newspaper establishments owned by an individual and his or her spouse shall be deemed to be one newspaper establishment unless it is shown that such spouse is a sole proprietor or partner or a shareholder of a corporate body on the basis of his or her own individual funds;
 - (c) two or more newspaper establishments publishing newspapers bearing the same or similar title and in the same language in any place in India or bearing the same or similar title but in different languages in the same State or Union territory shall be deemed to be one newspaper establishment.
2. For the purposes of paragraph 1(a), two or more establishments shall be deemed to be under common control-
 - (a)
 - (i) where the newspaper establishments are owned by a common individual or individuals;
 - (ii) where the newspaper establishments are owned by firms, if such firms have a substantial number of common partners;
 - (iii) where the newspaper establishments are owned by bodies corporate, if one body corporate is a subsidiary of the other body corporate, or both are subsidiaries of a common holding company or a substantial number of their equity shares are owned by the same person or group of persons, whether incorporated or not;
 - (iv) where one establishment is owned by a body corporate and the other is owned by a firm, if a substantial number of partners of the firm together hold a substantial number of equity shares of the body corporate;
 - (v) where one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners if a substantial number of equity shares of such bodies corporate are owned, directly or indirectly, by the same person or group of persons, whether incorporated or not, or
 - (b) where there is functional integrality between concerned newspaper establishment.]

1. Substituted by Act 31 of 1989, sec 4 (w.e.f 288-1989).

THE WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS RULES, 1957

(S.R.O. 1737, DT. 23-5-1957)

In exercise of the powers conferred by section 29 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), the Central Government hereby makes the following Rules, namely:-

CHAPTER I PRELIMINARY

1. Short title.-These rules may be called the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957.

2. Definition.-In these rules, unless the context otherwise requires,-

- (a) "Act" means the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);
- (b) "authorised medical practitioner" means a registered medical practitioner designated as such under rule 24 and where no such practitioner has been designated, any registered medical practitioner;
- (c) "average pay" shall have the meaning assigned to in the Industrial Disputes Act, 1947 (14 of 1947);
- (d) "competent officer" means an officer designated as such under rule 17;
1[***]
- (f) "form" means a form appended to these rules;
- (g) "leave" means earned leave, leave on medical certificate, maternity leave, extraordinary leave, leave not due, casual leave, study leave or quarantine leave;
- (h) "earned leave" means leave admissible under clause (a) of section 7 of the Act;
- (i) "Leave on medical certificate" means leave admissible under clause (b) of section 7 of the Act;
- (j) "leave not due" means leave which is not due to a working journalist but which may be granted to him in anticipation of its being earned subsequently;
- (k) "quarantine leave" means leave of absence from duty by reason of the presence of an infectious disease in the family or household of a working journalist;
- (l) "study leave" means leave granted to a working journalist to enable him to undergo any special course of training which may be of use to him in his journalistic career; and
- (m) "shifts" : 'day shift' means a shift when any hours of work of the shift do not fall between the hours of 11 P.M. and 5 A. M.; 'night shift' means a shift when any hours of work fall between the hours of 11 P.M. and 5 A.M.

1. Clause (e) omitted vide G.S.R. 1320, dt.1.8.1963.

**CHAPTER II
GRATUITY**

¹**[3. Payment of gratuity.**-Gratuity shall be paid to a working journalist or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the working journalist, his family, as soon as possible after it becomes due and in any case not later than three months.]

²**[4. Gratuity due to a deceased working journalist to whom payable.**-On death of a working journalist-

- (a) If a nomination made by him in accordance with Rule 5, subsists, the gratuity shall be paid to his nominee or nominees in accordance with such nomination; and
- (b) If no nomination subsists or if that nomination relates only to a part of the gratuity, the amount of the gratuity or the part thereof to which the nomination does not relates, as the case may be, shall be paid to his family.]

5. Nominations.-(1) A working journalists shall, as soon as he completes three years of continuous service, or in the case of those who have completed three years of continuous service at the commencement of the Act, as soon as may be after these rules come into force, make a nomination in Form A conferring the right to receive any gratuity payable under the Act, in the event of this death before the amount has become payable or, where the amount has become payable, before the payment has been made. ³[Where the nominee is a minor, a working journalist shall appoint any person in Form AA to receive the gratuity in the event of working journalist's death during the minority of the nominee.]

(2) A working journalist may, in his nomination distribute the amount that may become due to him amongst his nominees at his own discretion.

⁴[***]

⁵[(3) A nomination under sub-rule (1) ⁶[***] may at any time be modified by the working journalist after giving a written notice of his intention to do so in Form B. If the nominee predeceases the working journalist, the interest of the nominee shall revert to the working journalist, who may make a fresh nomination in accordance with these rules.

(4) A nomination or its modification shall take effect, to the extent it is valid on the date on which it is received by the newspaper establishment.]

6. Deductions from gratuity.-The gratuity will be subject to deduction on account of overpayments made to a working journalist by the newspaper establishment liable to pay such gratuity and monies borrowed by the working journalist from such newspaper establishment.

1. Substituted by G.S.R. 1320, dt. 1.8.1963.

2. Substituted by G.S.R. 1320, dt. 1.8.1963.

3. Inserted by G.S.R. 1320, dt. 1-8-1963.

4. Existing sub-rules (3) and (4) omitted vide G.S.R. 1320, dt. 1-8-1963.

5. Existing clauses (5) and (6) renumbered as clauses (3) and (4) vide G.S.R. 1320, dt.1-8-1963.

6. Omitted by G.S.R 1320, dated 01-08-1963.

**CHAPTER III
HOURS OF WORK**

7. Special provisions regarding editors etc.-(1) The provisions of this Chapter shall not apply to editors, or to correspondents, reporters or news-photographers.

(2) Notwithstanding anything contained in sub-rule (1), the following provisions shall apply to every correspondents, reporters or news-photographer stationed at the place at which the newspaper (in relation to which any such person is employed) is published, namely:-

- (a) subject to such agreement as may be arrived at either collectively or individually between the parties concerned, every such correspondent, reporter or news-photographer shall, one he enters upon duty on any day, be deemed to be on duty throughout that day till he finishes all the work assigned to him during that day:

Provided that if such correspondent, reporter or news-photographer has had at his disposal for rest any intervals or interval for a total period of two hours or less between any two or more assignments of work, he shall not be deemed to be on duty during such period:

Provided further that where the total period of such interval or intervals exceeds two hours, he shall be deemed to be on duty during the period which is in excess of the said period of two hours;

- (b) Any period of work in excess of thirty-six hours during any week (which shall be considered as a unit of work for the purposes of this sub-rule) shall be compensated by rest during succeeding week and shall be given in one or more spells of not less than three hours each:

Provided that where the aggregate of the excess hours worked falls short of three hours, the duration of rest shall be limited only to such excess.

8. Normal working day.-The number of hours which shall constitute a normal working day for a working journalist exclusive of the time for meals shall not exceed six hours per day in the case of a day shift and five and half hours per day in the case of a night shift and no working journalist shall ordinarily be required or allowed to work for longer than the number of hours constituting a normal working day.

9. Interval for rest.-Subject to such agreement as may be arrived at between a newspaper establishment and working journalists employed in that establishment, the periods of work for working journalists shall be so fixed that no working journalist shall work for more than four hours in the case of day shift and three hours in the case of night shift before he had an interval of rest, in the case of day shift and three hours in the case of night shift for half an hour.

10. Compensation for overtime work.-When a working journalist works for more than six hours on any day in the case of a day shift and more than five and-half hours in the case of a night shift he shall, in respect of that overtime work, be compensated in the form of hours of rest equal in number to the hours for which he has worked overtime.

11. Conditions governing night shifts.-No working journalist shall be employed on a night shift continuously for more than one week at a time or for more than one week in any period of fourteen days:

Provided that, subject to the previous approval of the State Labour Commissioner or any authority appointed by the State Government in this behalf, the limit prescribed in this rule may be exceeded where special circumstances so require.

12. Interval preceding change of shift.-In the case of change of shift from night shift to day shift or *vice versa*, there shall be an interval of not less than twenty-four consecutive hours between the two shifts and in the case of a change from one day shift to another day shift or from one night shift to another night shift there shall be interval of not less than twelve consecutive hours:

Provided that no such interval may be allowed if such interval either coincides with, or falls within, the interval enjoyed by a working journalist under sub-section (2) of section 6 of the Act.

CHAPTER IV HOLIDAYS

13. Number of holidays in a year.-A working journalist shall be entitled to ten holidays in a calendar year.

14. Compensatory holidays.-If a working journalist is required to attend on a holiday, compensatory holiday shall be given to him, within thirty days immediately following the holiday, on a day mutually agreed upon by him and his employer.

15. Wages for holidays.-A working journalist shall be entitled to wages on all holidays as if he was on duty.

16. Wages for weekly day of rest.- A working journalist shall be entitled to wages for the weekly day of rest as if he was on duty.

CHAPTER V LEAVE

17. Competent Officers.-Every newspaper establishment may designate one or more officers in that establishment as competent officers for the purposes of this Chapter.

18. Application for leave.-(1) A working journalist who desires to obtain leave of absence shall apply in writing to the competent officer.

(2) Application for leave, other than casual leave, leave on medical certificate and quarantine leave, shall be made not less than one month before the date of commencement of leave, except in urgent or unforeseen circumstances.

19. Recording of reason for refusal or postponement of leave.-If leave is refused or postponed, the competent officer shall record the reasons for such refusal or postponement, as the case may be, and send a copy of the order to the working journalist.

20. Affixing of holidays to leave.-Holidays, other than weekly days of rest, shall not be prefixed or suffixed to any leave without the prior sanction of the competent officer.

21. Holidays intervening, during period of leave.-A holiday, including a weekly rest day, intervening during any leave granted under these rules shall form part of the period of leave.

22. Recall before expiry of leave.-(1) A newspaper establishment may recall a working journalist on leave if that establishment considers it necessary to do so. In the event of such recall such working journalist shall be entitled to travelling allowance if at the time of recall he is spending his leave at a place other than his headquarters.

(2) The travelling allowance which shall be paid to a working journalist under sub-rule (1) shall be determined in accordance with the rules of the newspaper establishment governing travelling allowance for journeys undertaken by working journalists in the course of their duties.

¹**23. Production of medical certificate of fitness before resumption of duty.**-A working journalists who has availed himself of leave for reason of health may, before he resumes duty, be required by his employer to produce a medical certificate of fitness from an authorised medical practitioner, any registered medical practitioner or the medical officer who issued the medical certificate under sub-rule (2) of rule 28.]

24. Designation of authorised medical practitioner.-Every newspaper establishment may designate one or more registered medical practitioner as authorised medical practitioners for the purposes of these rules.

25. Earned leave.-(1) A working journalist shall be entitled to earned leave on full wages for a period not less than one month for every eleven months spent on duty:

Provided that he shall cease to earn such leave when the earned leave due amounts to ninety days.

(2) The period spent on duty shall include the weekly days of rest, holidays, casual leave and quarantine leave.

26. Wages during earned leave.-A working journalist on earned shall draw wages equal to his average monthly wages earned during the period of twelve complete months spent on duty, or if the period is less than twelve complete months, during the entire such period, immediately preceding the months in which leave commences.

27. Cash compensation for earned leave not availed of.-(1) When a working journalist voluntarily relinquishes his post or retires from service on reaching the age of superannuation, he shall be entitled to cash compensation for earned leave not availed of upto a maximum of thirty days:

Provided that a working journalist who has been refused earned leave due to him shall be entitled to get cash compensation for the earned leave so refused:

Provided further that in the case of a working journalist who dies while in service and who has not availed himself of the earned leave due to him immediately preceding the date of his death, his heirs shall be entitled to cash to each compensation for the leave not so availed of.

(2) When a working journalist's services are terminated for any reason, whatsoever, other than as punishment inflicted by way of disciplinary action, he shall be entitled to cash compensation for earned leave not availed of upto a maximum of ninety days.

(3) The cash compensation shall not be less than the amount of wages due to a working journalist for the period of leave not availed of, the relevant wage being that which would have been payable to him had he actually proceeded on

1. Substituted by G.S.R.997, dt.6.7.1964.

leave on the day immediately preceding the occurrence of any of the events specified in sub-rule (1) or (2), as the case may be.

28. Leave on medical certificate.-(1) A working journalist shall be entitled to leave on medical certificate on one-half of the wages at the rate of not less than one month for every eighteen months of service:

Provided that he shall cease to earn such leave when the leave on medical certificate amounts to ninety days.

¹[(2) The medical certificate shall be from an authorised medical practitioner:

Provided that when working journalist has proceeded to a place other than his headquarters with the permission of his employer and falls ill, he may produce a medical certificate from any registered medical practitioner:

Provided further that the employer may, when the registered medical practitioner is not in the service of the Government, arrange at his own expense, the medical examination of the working journalist concerned, by any Government Medical Officer not below the rank of a Civil Assistant Surgeon or any other Medical Officer in Charge of a hospital run by a local authority or a public organisation at that place like the Kasturba Gandhi Trust, Kamladevi Nehru Trust or Tata Memorial Trust.]

(3) Leave on medical certificate may be taken in continuation with earned leave provided that the total duration of earned leave and leave on medical certificate taken together shall not exceed a hundred and twenty days at any one time.

(4) A working journalist shall be entitled at his option to convert leave on medical certificate on one-half of the wages to half the amount of leave on full wages.

(5) The ceiling laid down in the provisos to sub-rule (1) and sub-rule (3) on the accumulation and total duration of leave may be relaxed by the competent officer in the cases of working journalists suffering from lingering illness such as tuberculosis.

²[(6) Leave on medical certificate or converted leave on medical certificate referred to in sub-rules (1) and (4) may be granted to a working journalist at his request notwithstanding that earned leave is due to him.]

29. Maternity leave.-(1) A female working journalist who has put in not less than one year's service in the newspaper establishment in which she for the time being employed shall be granted maternity leave on full wages for a period which she may extend up to three months from the date of its commencement or six weeks from the date of confinement whichever be earlier.

(2) Leave of any other kind may also be granted in continuation of maternity leave.

(3) Maternity leave shall also be granted in cases of mis-carriage, including abortion, subject to the condition that the leave does not exceed six weeks.

30. Quarantine leave.-Quarantine leave on full wages shall be granted by the newspaper establishment on the certificate of the authorised medical practitioner designated as such under rule 24 or where, there is no such authorised medical practitioner by a district public health officer or other Municipal Health Officer of similar status, for a period not exceeding twenty-one days, or, in exceptional circumstances, thirty days. Any leave necessary for

1. Substituted by G.S.R.997, dt.6.7.1964.

2. Inserted by G.S.R.997, dt.6.7.1964.

quarantine purposes in excess of that period shall be adjusted against any other leave that may be due to the working journalist.

31. Extraordinary leave.-A working journalist who has no leave to his credit may be granted extraordinary leave without wages at the discretion of the newspaper establishment in which such working journalist is employed.

32. Leave not due.-A working journalist who has no leave to his credit may be granted at the discretion of the newspaper establishment in which such working journalist is employed leave not due.

33. Study leave.-A working journalist may be granted study leave with or without wages at the discretion of the newspaper establishment in which such working journalist is employed.

34. casual leave.-(1) A working journalist shall be eligible for casual leave at the discretion of the newspaper establishment for fifteen days in a calendar year:

Provided that not more than five days' casual leave shall be taken at any one time and such leave shall not be combined with any other leave.

(2) Casual leave not availed of during a calendar year will not be carried forward to the following year.

35. Wages during casual leave.-A working journalist on casual leave shall be entitled to wages as if he was on duty.

CHAPTER VI MISCELLANEOUS

¹[**35A. Manner of giving notice under section 12 of the Act.**-Notice required to be given under proviso to clause (a) of sub-section (2) of section 12 of the Act shall be in Form H and shall be published in the Official gazette and in leading newspapers.]

²[**36. Application under section 17 of the Act.**-An application under section 17 of the Act shall be made in Form 'C' to the Government of the State, where the Central Officer or the Branch Office of the newspaper establishment in which the newspaper employee is employed, is situated.]

³[**37. Maintenance of registers, records and muster-rolls.**-Every newspaper establishment shall prepare and maintain the following registers, records and muster-rolls:

- (i) A register of employees in Form D.
- (ii) Service Registers in respect of all working journalists in Form E.
- (iii) Leave Register in respect of all working journalists in Form F.
- (iv) A muster-roll in Form G:

Provided that the leave register in Form F and the muster-roll in Form G may not be maintained by the newspaper establishments to which the Minimum Wages Act, 1948 and/or the Shops and Commercial Establishments Act of the State concerned apply and which are required under those Acts or the rules made thereunder to maintain such or similar forms.]

38. Effect of rules and agreements inconsistent with these rules.-The provisions of these rules shall have effect notwithstanding anything inconsistent

1. Inserted by G.S.R.899 (E), dt.11.11.1980 (w.e.f 12-11-1980).

2. Substituted by G.S.R. 1320, dt.1.8.1963.

3. Substituted by G.S.R. 1320, dt.1.8.1963.

therewith contained in any other rule or agreement or contract of service applicable to a working journalist:

Provided that where under any such rule, agreement or contract of service or otherwise, a working journalist is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under these rules, the working journalist shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under these rules.

FORM A
NOMINATION FORM FOR PAYMENT OF GRATUITY UNDER SECTION 5 OF
ACT
[RULE 5(1)]

1. Name (in block letters).....
Surname (if any).....
2. Sex.....
3. Religion.....
4. Occupation.....
5. Father's name.....
6. Husband's name (for married women only)
7. Marital Status.....
whether bachelor, spinster, married, widow or widower
8. Date of Birth..... day..... Month..... Year
9. Permanent address..... Village.....
Thana..... District State.....

I hereby nominate the person/s mentioned below to receive the amount of gratuity standing to my credit, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:-

Name and address of the nominee or nominees	Nominee's relationship with the working journalist	Age of nominee	Amount of share of gratuity to be paid to each nominee	Contingencies of which the nomination shall become invalid
1	2	3	4	5

Date.....

Signature of the working journalist

Certified that above declaration has been signed by employed in(the name of the newspaper establishment to be given) due me afterbefore me after he has read the entries/the entries have been read over to him by me.

Date.....

Signature of a responsible officer of the Newspaper establishment

Signature of witness.....

(1) Designation.....

Date.....

Signature of witness.....

(2) Name and address of the newspaper establishment.....

Dated.....

¹[FORM AA]**PAYMENT OF GRATUITY UNDER SECTION 5 OF THE ACT IN THE CASE OF MINORS
[RULE 5(1)]**

Whereas Shri/Kumari.....son/daughter of.....who has been nominated by me to receive the amount of gratuity to my credit, in the event of my death before the amount has become payable, or having become payable has not been paid, is a minor, I hereby appoint Shri/Kumari/Shrimati.....son/daughter/wife of.....to receive the gratuity in the event of my death during the minority of Shri/Kumari.....

Dated.....

Signature of Working Journalist

Certified that the above declaration has been signed by.....employed in(the name of the newspaper establishment to be given) before me after he has read the entries/the entries have been read to him by me.

Date.....

Signature of a responsible officer
of the Newspaper establishment

Signature of witness.....

(1) Designation.....

Date.....

Signature of witness.....

(2) Name and address of the newspaper
establishment.....

Dated.....]

FORM B**NOMINATION FORM FOR PAYMENT OF GRATUITY UNDER SECTION 5 OF THE ACT, 1955
[RULE 5(5)]**

I,.....hereby cancel the nomination made by me on the.....regards the disposal in the event of my death of the amount of gratuity standing to my credit and hereby nominate the person/s mentioned below to receive the amount of gratuity standing to my credit, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:-

Name and address of the nominee or nominees	Nominee's relationship with the working journalist	Age of nominee	Amount of share of gratuity to be paid to each nominee	Contingencies on the happening of which the nomination shall become invalid
1	2	3	4	5

Date.....

Signature of the working journalist

1. Inserted by G.S.R. 1320, dt. 1.8.1963.

Certified that above declaration has been signed before me by employed in (the name of the newspaper establishment to be given).

Date.....

Signature of a responsible officer
of the Newspaper establishment

Signature of witness.....

(1)

Designation.....

Date.....

Signature of witness.....

(2)

Name and address of the
newspaper
establishment.....

Dated.....

¹[FORM C

APPLICATION UNDER SUB-SECTION (1) OF SECTION 17 OF THE ACT 45 OF 1955 (RULE 36)

To

The Secretary to the Government of.....(here insert the name of the State Government).

Department of.....(here insert the name of the Department which deals with labour matters).....(here insert the name of the place where the headquarters of the State Government are situated).

Sir,

I have to state that I Shri/ Shrimati/ Kumari son/ widow/ daughter of, a working journalists, was entitled to receive from.....(here insert the name and address of the newspaper establishment) a sum of Rs.....on account of.....(here insert gratuity, wages, etc., as the case may be), payable under the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955).

I further state that I was appointed by Shri.....by an instrument datedto receive the amount of the gratuity on behalf of Shri/Kumari.....

I further state that I served the said newspaper establishment with a demand notice by registered post on.....for the said amount which the said newspaper establishment has neither paid nor offered to pay to me even though 15 days have since lapsed. The details of the amount due are mentioned in the statement hereto annexed.

I request that the said sum may kindly be recorded from the said newspaper establishment under section 17 of the said Act, and paid to me as early as possible.

*[I have been duly authorised in writing by.....(here insert the name of the newspaper employee) to make this application and to receive the payment of the aforesaid amount due to him]

*[I am a member of the family of late.....(insert the name of the deceased newspaper employee), being his.....(here insert the relationship) and am entitled to received the payment of the aforesaid amount due to late.....(here insert the name of the deceased newspaper employee).]

*To be struck out when the payment is claimed by the newspaper employee himself.

Station.....

Signature of the applicant

Date.....

Address.....

.....

ANNEXURES

(Here insert the details of the amount claimed)

¹[FORM H]**NOTICE TO BE GIVEN UNDER THE PROVISO TO CLAUSE (A) OF SUB-SECTION (2) OF SECTION 12 OF THE WORKING JOURNALISTS AND OTHER NEWSPAPER EMPLOYEES (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955.****(RULE 35A)**

Whereas the Central Government by notification No..... dated constituted a board/tribunal for fixing or revising rates of wages of.....

And whereas the said board/tribunal has made its recommendations;

And whereas the Central Government proposes to make the modifications to the said recommendations;

Now, therefore, in pursuance of the proviso to clause (a) of sub-section (2) of section 12 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, notice is hereby given to all persons likely to be affected by the following modifications to make their representation in writing within a period of thirty days from the publication of this notice.

Proposed Modifications:]

1. Form H inserted by G.S.R. 899(E), dated 11th November, 1980.

**THE WORKING JOURNALISTS AND
OTHER NEWSPAPER EMPLOYEES TRIBUNAL RULES,
1979**

(S.O.1294, DT. 4-4-1979)

In exercise of the powers conferred by clause (d) of sub-section 20 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), the Central Government hereby makes the following rules, namely:-

1. Short title.-The rules may be called the Working Journalists and Other Newspaper Employees Tribunal Rules, 1979.

2. Calling of parties.-A Tribunal under section 13AA or, as the case may be, under section 13DD of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), shall, subject to the provisions of rule 3, call at such date, time and place, as may be appointed by it, from time to time, the parties representing employers in a newspaper establishment and the parties representing the working journalists, or, as the case may be, the non-journalist newspaper employees in such newspaper establishment.

3. Notice.-Not less than ten days before the date fixed by the Tribunal for calling the parties, a notice containing the date, time and place of the meeting, together with a list of business to be conducted at the meeting, shall be sent to both the parties referred to in rule 2 by registered post by an officer authorised by the Tribunal in this behalf.

4. Proceedings before the Tribunal.-The proceedings before the Tribunal shall ordinarily be open to the public:

Provided that the Tribunal may, at any stage, direct that any witness shall be examined, or its proceedings shall be held, in camera.

5. Summoning of witness and production of documents.-(1) The Tribunal may summon any person to appear as a witness in the course of and inquiry. Such summons may require the witness to appear before it on a date specified therein and to produce any books, papers or other documents and information in his possession or under his control relating in any manner to the inquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation or employers or a trade union of working journalists or, as the case may be, of non-journalist newspaper employees, or the other workmen as the tribunal may think fit.

(3) A summons under this rule may be served-

- (a) in the case of an individual, by being delivered or sent to him by registered post; and
- (b) in the case of an organisation, or as the case may be, trade union, referred to in sub-rule (2), by being delivered or sent by registered post to the Secretary or other principal officer of the organisation or trade union, as the case may be.

6. Expenses of witnesses.-Every person who is summoned and appears before the Tribunal shall be paid by the Tribunal such sum of money as appears to the Tribunal to be sufficient to defray the travelling and other expenses incurred by the person so summoned in passing to and from the place where he is required to attend.
