

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

45 of 1955

[20th December, 1955]

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SCHEDULE 1 :- 1

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

45 of 1955

[20th December, 1955]

An Act to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments Be it enacted by the Parliament in the Sixth Year of the Republic of India as follows:

CHAPTER 1

Preliminary

1. Short title and commencement :-

2. Definitions :-

In this Act, unless the context otherwise requires-

(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;

CHAPTER 2

Working Journalists

3. Act XIV of 1947 to apply to working Journalists :-

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 day's average pay for every completed year of service under that employer or any part thereof in excess of six months.

5. Payment of gratuity :-

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 p.m. being included therein. Explanation.-For the purposes of this section, "week" means a period of seven days beginning at midnight on Saturday.

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.

8. Fixation or revision of rates of wages :-

(2) The rates of wages may be fixed or revised by the Central Government in respect of working journalist's 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) three persons representing employers in relation to newspaper establishments ;

(b) three persons representing working journalists ;

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 persona 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 rates 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 representation aforesaid, if any, and after examining the materials placed before it make 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.

11. Powers and procedure of the Board :-

(2) Any representation made to the Board and any document 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.

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 afrect important alterations in the character of the recommendations.

(3) Every order made by the Central Government under this section shall be published in the official Gazette together with the recommendations of that Board relating to the order and 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.

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

13AA. Constitution of Tribunal for fixing or revising rates of wages in respect of working journalists :-

(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.

CHAPTER 2A

Non-journalist Newspaper Employees

13B. Fixation or revision of rates of wages of non-journalist newspaper employees :-

(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 revising rates of wages in respect of non-journalist newspaper employees :-

For the 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) three's persons representing employers in relation to newspaper establishment;

(b) three's persons representing non-journalist newspaper

employees; and

(c) four's 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 Section 10 to Section 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-

13DD. Constitution of Tribunal for fixing or revising rates of wages in respect of non-journalist newspaper employees :-

(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 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.

CHAPTER 3

Application of certain Acts to Newspaper Employees

14. Act XX of 1946 to apply to newspaper establishment :-

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 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 XIX of 1952 to apply to newspaper establishments :-

The Employees' Provident Funds Act, 1952 (XIX of 1952) , as 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 (31) of Section 1 thereof, and as if a newspaper employee were an employee within the meaning of that Act.

CHAPTER 4

Miscellaneous

16. Effect of laws and agreements inconsistent with this Act

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(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms 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.

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 employees 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.]

17. Recovery of money due from an employer :-

(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 :-

(1) 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.

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

18. Penalty :-

(1-A) 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.

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(1-C) Notwithstanding anything contained in sub-section (1 -B), 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 shall be liable to be proceeded against and punished accordingly.

(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.

19. Indemnity :-

No suit, posecution or other legal proceeding shall lie against the Chairman or any other member of the Board [or the person constituting the Tribunal] [or an Inspector appointed under this Act] for anything which is in good faith dor e or in ended to be done.

19A. Defects in appointment not to invalidate acts :-

No 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 his Act or the Working Journalists (Fixation of Rates of Wages) Act, 1958 (29 of 1958), shall apply to ¹ [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 Service (Temporary Service) Rules, Revised Leave Rules, 1935, Civil Service Regulations, 1993, 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. Omitted by Act 51 of 1970, Sec. 2 and Schedule for the words "except the State of Jammu and Kashmir".

20. Power to make rules :-

(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

21. Repeal and saving :-

(1) The Working Journalists and other Newspaper Employees (Condition of Service) and Miscellaneous Provisions (Amendment Ordinance), 1979 (30 of 1979) is hereby repealed .

SCHEDULE 1

1

(See Section 2(d)) 1. For the purposes of Cl. (d) of Section 2 - (1) two or more newspaper establishments under common control shall be deemed to be one newspaper establishment; (2) 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; (3) 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 the same State or Union territory shall be deemed to be one newspaper establishment. 2. For the purposes of paragraph 1 (1), 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 establishments."]