

The Gazette  of India

EXTRAORDINARY  
PART II—Section 1  
PUBLISHED BY AUTHORITY

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No. 60] NEW DELHI, WEDNESDAY, DECEMBER 21, 1955

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MINISTRY OF LAW

*New Delhi, the 21st December, 1955*

The following Acts of Parliament received the assent of the President on the 20th December, 1955 and are hereby published for general information:—

THE WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955

No. 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 Parliament in the Sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,—

(a) "Board" means the Wage Board constituted under section 8; Definitions.

(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;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include 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, shall have the meanings respectively assigned to them in that Act.

## CHAPTER II

### WORKING JOURNALISTS

Act XIV of 1947 to apply to working journalists. 3. (1) The provisions of the Industrial Disputes Act, 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. 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—

Special provisions in respect of certain cases of retrenchment.

- (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.

5. (1) Where—

Payment of gratuity.

(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
- (iii) he voluntarily resigns from service from that newspaper establishment, or

(b) any working journalist dies while he is in service in any newspaper establishment,

the working journalist or, as the case may be, his heirs shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 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.

XIV of 1947.

(2) Notwithstanding anything contained in sub-section (1), 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 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.

Hours of work.

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

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

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

Leave.

7. 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.

Constitution of Wage Board.

8. (1) The Central Government may, by notification in the Official Gazette, constitute a Wage Board for fixing rates of wages in respect of working journalists in accordance with the provisions of this Act.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent employers in relation to newspaper establishments and working journalists, and an independent person shall be appointed by the Central Government as the Chairman thereof.

Fixation of wages.

9. (1) In fixing rates of wages in respect of working journalists, the Board shall have regard to the cost of living, the prevalent

rates of wages for comparable employments, 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.

(2) The Board may fix rates of wages for time work and for piece work.

(3) The decision of the Board fixing rates of wages shall be communicated as soon as practicable to the Central Government.

10. (1) The decision of the Board shall, within a period of one month from the date of its receipt by the Central Government, be published in such manner as the Central Government thinks fit.

Publication of decision of Board and its commencement.

(2) The decision of the Board published under sub-section (1) shall come into operation with effect from such date as may be specified in the decision, and where no date is so specified, it shall come into operation on the date of its publication.

11. Subject to any rules of procedure which may be prescribed, the Board may, for the purpose of fixing rates of wages, exercise the same powers and follow the same procedure as an Industrial Tribunal constituted under the Industrial Disputes Act, 1947, exercises or follows for the purpose of adjudicating an industrial dispute referred to it.

Powers and procedure of Board.

XIV of 1947.

12. The decision of the Board 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 rate of wages fixed by the Board.

Decision of Board to be binding on all employers.

13. (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.

Power of Government to fix interim rates of wages.

(2) Any interim rate 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 rate of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (2) of section 10.

## CHAPTER III

## APPLICATION OF CERTAIN ACTS TO NEWSPAPER EMPLOYEES

Act XX of 1946 to apply to newspaper establishments. 14. 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. XX of 1946.

Act XIX of 1952 to apply to newspaper establishments. 15. The Employees' Provident Funds Act, 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 (3) of section 1 thereof, and as if a newspaper employee were an employee within the meaning of that Act. XIX of 1952.

## CHAPTER IV

## MISCELLANEOUS

Effect of laws and agreements inconsistent with this Act. 16. (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.

Recovery of money due from an employer. 17. Where any money is due to a newspaper employee from an employer under any of the provisions of this Act, whether by way of compensation, gratuity or wages, the newspaper employee may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due

to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money 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.

**18.** (1) If any employer contravenes the provisions of section 6, <sup>Penalty.</sup> he shall be punishable with fine which may extend to two hundred rupees.

(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.** No suit, prosecution or other legal proceeding shall lie <sup>Indemnity.</sup> against the Chairman or any other member of the Board for any thing which is in good faith done or intended to be done.

**20.** (1) The Central Government may, by notification in the <sup>Power to</sup> Official Gazette, make rules to carry out the purposes of this Act. <sup>make rules.</sup>

(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 to 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;
- (d) the procedure to be followed by the Board in fixing rates of wages;
- (e) the manner in which the decision of the Board may be published;
- (f) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament.

Repeal of  
Act 1 of  
1955.

21. The Working Journalists (Industrial Disputes) Act, 1955, I of 1955, is hereby repealed.

## THE APPROPRIATION (No. 4) ACT, 1955

No. 46 OF 1955

[20th December, 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1955-56.

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 4) Act, 1955. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of fifteen crores twenty-five lakhs and twelve thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1955-56, in respect of the services specified in column 2 of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

### THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Conso- lidated Fund	Total
		Rs.	Rs.	Rs.
4	Miscellaneous Departments and Expenditure under the Ministry of Commerce and Industry	5,00,000	..	5,00,000
9	Aviation . . . . .	..	8,000	8,000

Issue of Rs.  
15,25,12,000  
out of the  
Consolidated  
Fund of India  
for the year  
1955-56.

Appropriation.



1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
22	External Affairs . . . . .	23,48,000	..	23,48,000
37	Miscellaneous Departments and Other Expenditure under the Ministry of Finance . . . . .	..	5,000	5,000
40	Pre-partition Payments . . . . .	..	21,85,000	21,85,000
46	Ministry of Health. . . . .	1,27,000	..	1,27,000
65	Ministry of Irrigation and Power . . . . .	6,87,000	..	6,87,000
76	Ministry of Natural Resources and Scientific Research . . . . .	3,50,000	..	3,50,000
82-A	Exploration of Oil and Natural Gas . . . . .	41,76,000	..	41,76,000
85	Ministry of Production . . . . .	4,27,000	..	4,27,000
90	Ministry of Rehabilitation . . . . .	2,93,000	..	2,93,000
91	Expenditure on Displaced Persons . . . . .	2,85,00,000	..	2,85,00,000
	<i>Charged—Staff, Household and Allowances of the President.</i> . . . .	..	56,000	56,000
120	Loans and Advances by the Central Government. . . . .	11,28,49,000	..	11,28,49,000
131	Capital Outlay of the Ministry of Production . . . . .	1,000	..	1,000
	TOTAL . . . . .	15,02,58,000	22,54,000	15,25,12,000

## THE APPROPRIATION (No. 5) Act, 1955

No. 47 OF 1955

[20th December, 1955]

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1951, in excess of the amounts authorised or granted for the said services.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 5) Act, 1955. **Short title.**

issue of Rs.  
31,91,000  
out of the  
Consolidated  
Fund of  
India to meet  
certain excess  
expenditure  
for the  
year ended  
on the 31st  
March, 1951.

2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of four crores, thirty-one lakhs and ninety-one thousand rupees shall be deemed to have been paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1951, in excess of the amounts authorised or granted for those services for that year.

Appropriation.

3. The sums deemed to have been paid and applied from and out of the Consolidated Fund of India under this Act shall be appropriated, and shall be deemed to have been appropriated, for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1951.

### SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Excess		
		Voted Portion	Charged Portion	Total
		Rs.	Rs.	Rs.
8	Indian Posts and Telegraphs Department . . . . .	..	13,273	13,273
28-A	Ministry without Portfolio . . . . .	1,097	..	1,097
40	Botanical Survey . . . . .	6,384	..	6,384
51	Agriculture . . . . .	28,30,744	..	28,30,744
54	Salt . . . . .	28,88,199	..	28,88,199
64	Miscellaneous Departments . . . . .	23,52,190	..	23,52,190
65	Currency . . . . .	..	3,158	3,158
69	Other Civil Works . . . . .	..	42,729	42,729
74	Expenditure on Displaced Persons . . . . .	6,25,810	..	6,25,810
78	Defence Services Non-effective . . . . .	..	832	832
80	Miscellaneous Adjustments between the Union and the State Governments . . . . .	47,864	..	47,864
82	Civil Defence . . . . .	8,287	..	8,287
83	Pre-partition Payments . . . . .	58,62,358	32,89,050	91,51,408
89-A	Vindhya Pradesh . . . . .	2,83,049	..	2,83,049

1 No. of Vote	2 Services and purposes	3 Excess		
		Voted Portion	Charged Portion	Total
		Rs.	Rs.	Rs.
	<i>Charged—Interest on debt, etc.</i>	..	1,04,40,054	1,04,40,054
	<i>Charged—Union Public Service Commission</i>	..	43,012	43,012
96	Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue)	30,79,935	..	30,79,935
97	Indian Posts and Telegraphs—Stores suspenses (Not met from Revenue)	1,13,72,975	..	1,13,72,975
	<b>TOTAL</b>	<b>2,93,58,892</b>	<b>1,38,32,108</b>	<b>4,31,91,000</b>

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

