

Rep. by Act.....19.....of 1988, s.2 & Sch. I

THE WORKING JOURNALISTS AND OTHER NEWSPAPER
EMPLOYEES (CONDITIONS OF SERVICE) AND
MISCELLANEOUS PROVISIONS (AMENDMENT)
ACT, 1979

No. 6 OF 1979

[19th March, 1979.]

An Act further to amend the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

WHEREAS the Wage Board constituted under section 9 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 by the notification of the Government of India in the Ministry of Labour, No. S.O. 809, dated the 6th February, 1976 for fixing and revising rates of wages in respect of working journalists and the Wage Board constituted under section 13C of the said Act by the notification of the Government of India in the Ministry of Labour, No. S.O. 1958, dated the 11th June, 1975 for fixing and revising rates of wages in respect of non-journalist newspaper employees have not been able to function effectively;

45 of 1955.

AND WHEREAS the consequent delay on the part of the said Boards in making their recommendations to the Central Government has impeded the making of proper provision for securing to working journalists and non-journalist newspaper employees just conditions of work;

AND WHEREAS for dealing with the situations referred to in the foregoing paragraphs and matters arising therefrom it is necessary in the public interest to make alternative arrangements for the purpose of fixing and revising rates of wages in respect of working journalists and in respect of non-journalist newspaper employees under the said Act and thereby securing to them speedily just conditions of work;

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

1. (1) This Act may be called the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1979.

Short
title and
com-
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ment.

(2) It shall be deemed to have come into force on the 31st day of January, 1979.

45 of 1955.

2. In section 2 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the principal Act), after clause (e), the following clause shall be inserted, namely:—

Amendment of section 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. In Chapter II of the principal Act, after section 13A, the following section shall be inserted, namely:—

Insertion of new section 13AA.

“13AA. (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.

Constitution of Tribunal for fixing or revising rates of wages in respect of working journalists.

(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.

(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."

Insertion of new section 13DD.

4. In Chapter IIA of the principal Act, after section 13D, the following section shall be inserted, namely:—

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

"13DD: (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 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.

(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."

5. In section 19 of the principal Act, after the words "member of the Board", the words "or the person constituting the Tribunal" shall be inserted. Amendment of section 19.

6. In section 20 of the principal Act, in clause (d) of sub-section (2), after the word "Board", the words "or, as the case may be, the Tribunal," shall be inserted. Amendment of section 20.

7. (1) The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1979 is hereby repealed. Repeal and saving.

3 of 1979.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.