

The Working Journalists (Fixation Of Rates Of Wages) Act, 1958

UNION OF INDIA

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Act 29 of 1958

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The Working Journalists (Fixation Of Rates Of Wages) Act, 1958[16th September, 1958.]ACT NO. 29 OF 1958An Act to provide for the fixation of rates of wages in respect of working journalists and for matters connected therewith.PREAMBLEBE it enacted by Parliament in the Ninth Year of the Republic of India as follows:□

1. Short title.—

This Act may be called the Working Journalists (Fixation of Rates of Wages) Act, 1958.

2. Definitions.—

In this Act, unless the context otherwise requires,—(a)“Committee” means the Committee constituted under section 3;(b)“prescribed” means prescribed by rules made under this Act;(c)“Wage Board” means the Wage Board constituted under the Working Journalists Act by Notification No. S.R.O. 1075 of the Government of India in the Ministry of Labour, dated the 2nd May, 1956;(d)“Wage Board decision” means the decisions of the Wage Board published in the Gazette of India, Extraordinary, Part II, Section 3, dated the 11th May, 1957;(e)“wages” means wages as defined in the Industrial Disputes Act, 1947 (14 of 1947);(f)“Working Journalists Act” means the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);(g)words and expressions used but not defined in this Act, and defined in the Working Journalists Act, shall have the meanings respectively assigned to them to in that Act.

3. Constitution of Committee.—

(1) For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists in the light of the Judgment of the Supreme Court, dated the 19th day of March, 1958, relating to the Wage Board decision, and in the light of all other relevant circumstances, the Central Government shall, by notification in the Official Gazette, constitute a Committee consisting of the following persons, namely:—(i) an officer of the Ministry of Law not below the rank of Joint Secretary, nominated by the Central Government, who shall be the Chairman of the Committee, (ii) three persons nominated by the Central Government from among the officers of each of the Ministries of Home Affairs, Labour and Employment and Information and Broadcasting, (iii) a chartered accountant nominated by the Central Government. (2) If for any reason a vacancy (other than a vacancy by reason of temporary absence) occurs in the office of the Chairman or any other member of the Committee, the Central Government may appoint another person in accordance with the provisions of sub-section (1) to fill the vacancy, and the inquiry before the Committee may be continued from the stage which had been reached when the vacancy arose. (3) The Central Government may appoint a Secretary to the Committee, and may also provide the Committee with such other staff as may be necessary. (4) The Secretary shall perform such functions of a ministerial or other nature as the Committee or the Chairman thereof may assign or delegate to him.

4. Functions of Committee.—

(1) The Committee shall, by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the Wage Board decision to make such representations as they may think fit as respects the Wage Board decision and the rates of wages which may be fixed under this Act in respect of working journalists. (2) Every such representation shall be in writing and shall be made within such period not exceeding thirty days, as the Committee may specify in the notice, and shall state—(a) the specific grounds of objection, if any, to the Wage Board decision, (b) 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, (c) the alterations or modifications, if any, which, in the opinion of the person making the representation, should be made in the Wage Board decision and the reasons therefor. (3) The Committee shall take into account the representations aforesaid, if any, and after examining the materials placed before the Wage Board and such further materials as have since been obtained by or made available to it under this Act, make such recommendations, as it thinks fit, to the Central Government for the fixation of rates of wages in respect of working journalists, whether by way of modification or otherwise, of the Wage Board decision; and any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect. (4) In making any recommendations to the Central Government, the Committee shall have regard to all the matters set out in sub-section (1) of section 9 of the Working Journalists Act. (5) The Committee may, if it thinks fit, take up for consideration separately groups or classes of newspaper establishments, whether on the basis of regional classification or on any other basis, and made recommendations from time to time in regard to each such group or class.

5. Powers of Committee.—

(1) Subject to the provisions contained in sub-section (2), the Committee 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 representations made to the Committee 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 in the course of any inquiry it appears to the Committee that it is necessary to examine any accounts or documents or obtain any statements from any person, the Committee may authorise any officer of the Central Government (hereinafter referred to as the authorised officer) in that behalf; and the authorised officer shall, subject to the directions of the Committee, if any, examine the accounts or documents or obtain the statements from the person. (4) The authorised officer may, subject to the directions of the Committee, if any, exercise all or any of the powers which an industrial tribunal may exercise under sub-section (2) or sub-section (3) of section 11 of the Industrial Disputes Act, 1947 (14 of 1947). (5) Nothing in sub-section (1) of section 54 of the Indian Income-tax Act, 1922 (11 of 1922), or in any corresponding provision in any other law for the time being in force relating to the levy of any tax shall apply to the disclosure of any of the particulars referred to therein in any report made to the Committee by an authorised officer. (6) Any information obtained by an authorised officer in the exercise of any of his powers and any report made by him shall, notwithstanding anything contained in this Act, be treated as confidential but nothing in this sub-section shall apply to the disclosure of any such information or report to the Central Government or to a court in relation to any matter concerning the execution of this Act. (7) The authorised officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

6. Power of Central Government to enforce recommendations of Committee.—

(1) As soon as may be, after the receipt of the recommendations of the Committee, 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 Committee, 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 shall be published in the Official Gazette together with the recommendations of the Committee 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.

7. Working journalists entitled to wages at rates not less than those specified in the order.—

Subject to the provisions contained in section 11, on the coming into operation of an order of the Central Government, every working journalist shall be entitled to be paid by his employer wages at a rate which shall in no case be less than the rate of wages specified in the order.

8. Review of order of Central Government.—

Rep. by the Working Journalists (Amendment) Act, 1962, sec. 10 (w.e.f. 15-1-1963).

9. Recovery of money due to working journalists.—

(1)Where any amount is due under this Act to a working journalist from an employer, the working journalist himself, or any other person authorised by him in writing in this behalf or in the case of the death of the working journalist, 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 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.(2)If any question arises as to the amount due under this Act to a working journalist from his employer, the State Government may on its own 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).

10. Authentication of orders, letters, etc., of the Committee.—

All notices, letters authorisations, orders or other documents to be issued or made by the Committee under this Act may be authenticated by the Chairman or the Secretary thereof or any other officer authorised by the Committee in this behalf and any notice, letter authorisation, order or other document so authenticated shall be presumed to have been duly issued or made by the Committee.

11. Effect of Act on Working Journalists Act, etc.—

(1)Sections 8, 10, 11, 12 and 13 of the Working Journalists Act shall have no effect in relation to the Committee.(2)The provisions of this Act shall have effect notwithstanding anything inconsistent

therewith 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 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 this Act, 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 this Act. (3) Nothing contained in this Act shall be construed to preclude any working journalist from entering into any 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.

12. Vacancies, etc., not to invalidate proceedings of Committee.—

No act or proceeding of the Committee shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the constitution thereof.

12A. Penalty.—

(1) Any employer who contravenes the provisions of section 7 shall be punishable with fine which may extend to two hundred rupees. (2) Whoever, having been convicted of any offence under sub-section (1), is again convicted of an offence under that sub-section, shall be punishable with fine which may extend to five hundred rupees. (3) 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. (4) Notwithstanding anything contained in sub-section (3), 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. (5) 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.

13. 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. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—(a) the manner in which notices under this Act may be published; (b) the procedure to be followed by the Committee in the exercise of its powers under this Act; (c) the powers and functions of the Committee which may be delegated to any of its members; (d) the fees to be paid for inspection of documents furnished to the Committee. (3) Every rule made under this Act, shall be

laid as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the sessions 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.

14. Repeal and saving.—

Rep. by the Repealing and Amending Act, 1960, sec. 2 and Sch. I.