WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS RULES, 1957¹

S.R.O. 1737, dated the 23rd May, 1957.—In exercise of the powers conferred by Sec. 29 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 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. Definitions.**—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)** "authorized 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 it in the Industrial Disputes Act, 1947 (14 of 1947);
 - (d) "competent officer" means an officer designated as such under rule 17;
 - (e) $^{2}[$ ***]
 - (f) "form" means a form appended to these rules;
- **(g)** "leave" means earned leave, leave on medical certificate, maternity leave, extraordinary, leave not due, casual leave, study leave or quarantine leave;
 - (h) "earned leave" means leave admissible under Cl. (a) of Sec. 7 of the Act;
- (i) "leave on medical certificate" medical leave admissible under Cl. (b) of Sec.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;
- (I) "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 p.m.; "night shift" means a shift when any hours of work fall between the hours of 11 p.m. and 5 p.m.

CHAPTER II GRATUITY

- **3. "IPayment 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.]
- 4. ³[Gratuity due to a deceased working journalist ---- To whom payable.—On death of working journalist—

¹ Published in Gazette of India, Extraordinary, Pt. II, Sec. 3, dated 27th may, 1957, p.7281

² Omitted by G.S.R.1320 dated 1st August, 1963.

³ Subs by ibid

- (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 relate, as the case may be, shall be paid to his family.]
- 5. **Nominations.**—(1) A working journalist shall as soon as he completes three years of the continuous service or in the case of those who have completed three years of continuous 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 his death before the amount has become payable, or where the amount has become payable, before the payment has been made. 1 [Where the nominee is a minor, a working journalist shall appoint any person in Form AA to receive the gratuity in the event off 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.
- ²[* * *]
 ³[(3) A nomination made under sub-rule(1)⁴[* * *] 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.]
- 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.]
- **Deductions from gratuity.**—The gratuity will be subject to deductions on account of overpayments made to a working journalist by the newspaper establishment liable to pay such gratuity and moneys borrowed by the working journalist from such newspaper establishment.

CHAPTER III

Hours of Work

- **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 correspondent, reporter or news photographer stationed at the place at which the newspaper (in relation to which any such person is employed), 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, once 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 interval or intervals 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.

¹ Omitted by G.S.R.1320 dated 1st August, 1963.

² Omitted by ibid., for sub-rules (3) and (4).

³ Re-numbered by ibid., as sub-rules (3) and (4), respectively for sub-rules(5) and (6).

⁴ Omitted by G.S.R. 1320, dated the 1st August, 1963.

(b) Any period of working 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 the 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 exceed six hours per day in the case of a day shift and five and a half hours per day in the case of a night shift and no working journalist shall ordinarily be required of 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 journalist 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 for one hour, and in the case of night shift for half an hour.
- **10.** Compensation for overtime work.—When a working journalist work for morel than six hours on any day in the case of a day shift and more than five and a 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 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 Sec. 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, a 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

- **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 desire 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 traveling allowance if at the time of recall he is spending his leave at a place other than his headquarters.
- (2) The traveling allowance which shall be paid to a working journalist under subrule (1) shall be determined in accordance with the rules of the newspaper establishment governing traveling allowance for journeys undertaken by the working journalists in the course of their duties.
- ¹[23. Production of medical certificate of fitness before resumption of duty.—A working journalist who has availed himself of leave for reasons of health may, before he resumes duty, be required by his employer to produce a medical certificate of fitness from an authorized medical practitioner, or the medical officer who issued the medical certificate under sub-rule (2) of rule.]
- **24. Designation of authorized medical practitioner.**—Every newspaper establishment may designate one or more registered medical practitioners as authorized medical practitioners for the purpose 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 guarantine leave.
- **26. Wages during earned leave.** A working journalist on earned leave 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 month in which the 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 up to a maximum of thirty days:

¹ Subs. By G.S.R. 997, dated the 6th July, 1964.

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 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 up to 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 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 authorized medical practitioner:

Provided that when a 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 local authority or a public organization at the place, like the Kasturba Gandhi Trust, Kamla Devi Nehru Trust or Tata Memorial Trust.]

- (3) Leave on medical certificate may be taken in continuation with earned leave provided that the total of duration 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 of full wages.
- (5) The ceiling laid down in the provision 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.—³[(1) A female working journalist who has put in not less than one year's service in the newspaper establishment in which she is for the time being employed shall be granted maternity leave on full wages, on production of a medical certificate from an authorized medical practitioner, for a period which may extend up to three months from the date of its commencement or six weeks from the date of confinement which ever be earlier.]
 - (2) Leave of any other kind may also be granted in continuation of maternity leave.

¹ Subs. by G.S.R. 997, dated the 6th Jult, 1964.

² Ins. by ibid.

³ Subs. by G.S.R. 149, dated te 1st February, 1960.

- (3) Maternity leave shall also be granted in cases of miscarriage, including abortion, subject to the condition that the leave does not exceed six weeks.
- **30.** Quarantine leave.—Quarantine leave on full wage shall be granted by the newspaper establishment on the certificate of the authorized medical practitioner designated as such under rule 24 or, where there is no such authorized 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 quarantine purposes in excess of that period shall be adjusted against any other I eave 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.
- **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 no more than five day's 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.
- ¹[35. Wages during casual leave.—A working journalist on casual leave shall be entitled to wages as if he was on duty.]
- **35-A.** Manner of giving notice under Sec. 12 of the Act._ Notice required to be given under proviso to Cl.(a) of sub-section (2) of Sec. 12 of the Act shall be in Form "H" and shall be published in the official Gazette and in leading newspapers.

<u>CHAPTER VI</u>

Miscellaneous

- ²[36. Application under Sec. 17 of the Act.__An application under Sec.17 of the Act shall be made in Form "C" to the Government of the State.where the Central Office or the Branch Office of the newspaper establishment in which the newspaper employee is employed, situated.]
- ²37. Maintenance of registers, record 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 muster-roll in Form G. may not be Maintained by the newspaper establishment to which the Minimum Wages Act,1948 and/or the Shops and Commercial Establishments Act of State concerned apply and which are required under those Acts or the rules made there under to maintain such or similar forms.

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 $^{^{1}}$ Ins. by S.O. 889(E), dated the 11^{th} November, 1980 , published in the Gazette of India, Extraordinary, Pt.II, Sec.3(i), dated the 12^{th} November, 1980.

² Subs. by G.S.R. 1320, dated the 1st August, 1963.

38. **Effect of rules and agreements inconsistent with those rules.** The provisions of these rules shall have shall have effect notwithstanding anything inconsistent 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 benefit 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 Sec. 5 of the Working Journalists

(Conc	litions of Ser	vice) and Miscellaneou	s Provision	s Act, 1955.	· ·
		ock letters)		name (if any)	
	Sex	,		` • • •	
3.	Religion				
	Occupation				
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		Name			
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8	Date of birth		Ja, Widow o	i widowci)	
	Permanent				
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		s not been paid and			it shall be distributed
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the nom	nd address of	Nominee's relationship with the working	Age of nominee	Amount of share of gratuity to be	Contingencies on the happening of which
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iioiiiiie.		Journalist		nominee	become invalid.
1		2	3	4	5
Datad				Signature of	the working journalist
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	Em				
		ployed in	•	-	•
_	•	ne after he has read th	ie entries/tr	ie entries nave t	been read over to min
by me					
Dated.	•••••			Q:	
				•	e of a responsible officer
				of the no	ewspaper establishment.

Signature of witness	(1) Designation
Dated: Signature of witness Dated:	(2) Name and address of the newspaper establishment
Form for payment of gratuity unde	ORM AA er Sec. 5 of the Working Journalists and Other ervice) and Miscellaneous Provisions Act, 1955 in
who has been is standing to my credit, in the event of my de become payable has not been Shri/Smt	_
the minority of Shri/Km	to receive the gratuity in the event of my death during
Certified that the above declaration has been in(the name of the newspaper entires/the entires have been read over to him Dated	estt. to be given) before me after he has read the
Dutcu	Signature of a responsible officer of the newspaper establishment.
Signature of witness Dated:	(1) Designation
Signature of witness Dated:	(2) Name and address of the newspaper establishment
I	FORM B
and Other Newspaper Employees (Cond Act, 1955 Ihereby cancel the ne the disposal in the event of my death of the nominate the person(s) mentioned below to the the event of my death before that amount he	ratuity under Sec. 5 of the Working Journalists ditions of Service) and Miscellaneous Provisions omination made by me on the

¹ Ins. by G.S.R. 1320, dated the 1st August, 1963

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
Dated	Si	gnature of the wor	king journalist.	
	nployed in	(the na	above declaration ha ime of the newspape ne entries have been	r establishment to
			_	responsible officer
				aper establishment.
Signature of witnes Dated:	S		(1) Designation	
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Dated:			newspaper establishr	
			orking Journalists and	Other Newspaper
Employees (Condition	ions of Service) and	Miscellaneous Pro	ovisions Act, 1955	
Government) Depa with the labour ma	rtment of	(here insert	(here insert the rather name of the Department of the name of	rtment which deals
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the name and addr	ess of the newspap (here insert gratu s and Other Newspa	er establishment) ity, wages, etc.	a sum of Rs	on account of payable under the
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registered post on neither paid nor of amount due are me	for for to pay to me ntioned in the statem	the said amount we even though 15 content hereto annexe	ber establishment with a which the said newspaped lays have since lapsed. d. end from the said newspaped.	er establishment has The details of the
•	e said Act, and paid	•	-	

 $^{$^{-1}$}$ Ins. by G.S.R. 1320 , dated the 1^{st} August, 1963

newspaper endue to him. *[I and deceased new entitled to recommendate to reco	nployee) to make n a member of the spaper employee) ceive the payment	this application and to rece family of late, being his	eive the payment o(here insert the	f the aforesaid amount insert the name of the e relationship) and am
Statio	n			
Dated			Signatu Address	re of the applicant
*To be	struck out when the p	ayment is claimed by the newspanness ANNEXUI [*Here insert the details of the service of the se	RE	
		¹ FORM Register of Emp See rule 37	ployees	
Name	of Establishment			
Name	of Establishment.			g Journalists employed
Date as on 1 st of every month			number of Workin	Number who are not being paid in accordance with Central Govt.'s order and reasons Thereof.
Date as on 1 st of	Total number of	Total	Number of Workin Number who are in receipt of wages in accordance with Central Govt.'s	Number who are not being paid in accordance with Central Govt.'s order and reasons
Date as on 1 st of every month	Total number of employees	Category Number employed 3 4 Names of working y Whether retired, Resigned, etc. and the Date of retirement,	Number of Workin Number who are in receipt of wages in accordance with Central Govt.'s Order. 5 Total amount paid as grand the day	Number who are not being paid in accordance with Central Govt.'s order and reasons Thereof. 6 e resigned, retired, etc. ount atuity atte of
Date as on 1 st of every month	Total number of employees	Category Number employed 3 4 Names of working y Whether retired, Resigned, etc. and the	Number of Workin Number who are in receipt of wages in accordance with Central Govt.'s Order. 5 Total among paid as grained as gr	Number who are not being paid in accordance with Central Govt.'s order and reasons Thereof. 6 e resigned, retired, etc. ount atuity atte of made

¹FORM E

 $^{^{\}rm 1}$ Ins. by G.S.R. 1320 , dated the $1^{\rm st}$ August, 1963

Service Register See rule 37(i)

(1)	Name	e of working jou	ırnalist.	• • • • • • • • • • • • • • • • • • • •	••					
(2)										
(3)	Fathe	r's name and re	sidence.							
(4)	Date	of Birth								
(5)	Educa	ational and othe	r qualifi	cations	••					
(6)	Date	of first appointi	nent and	l nature of job.						
(7)	Date	of termination of	of emplo	yment, resigna	tion, ret	irement,	or death.			
(8)	Reasons for termination									
(9)	Personal marks of identification									
(10)	O) Signature of the working journalist									
(11)	Signa	ture with date a	ınd desig	gnation of the e	mployee	e				
Name	of	Scale of pay		Whether:	Emol	ument d	rawn	Peri	od	
Post h	eld	of the post		(i) apprentice;	;					
				(ii) part-time; (iii) permanen (iv) probation (v) temporary	nt er;	Other ments	emolu-	Froi	m	То
1		2		3	4		5	6		7
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	and de	blishment signation of the	workin	g journalist	•••			ace alendar	year	of
		Duty					Earned Le	eave		
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				preceding		Fron		То		
1		2	3		4	5		6	7	

 $[\]overline{}^{1}$ Ins. by G.S.R. 1320 , dated the 1^{st} August, 1963

	Leave on medical certificate						
	Availed						
Due			Balance	Category of leave			
	From	To					
8	9	10	11	12			

Due	Other kinds of	Remarks					
	From	To	Balance				
13	14	15	16	17			

¹FORM G

Muster Roll [See rule 37(iv)]

Name	of Establishment	• • • • • • • • • • • • • • • • • • • •	Place		
	E		Time at which work		Rest intervals
			Commenced	Ceased	
1	2	3	4	5	6

Working hours For the period Ending 1.2.331	Total hours worked in Consecutive period of 4 weeks	Overtime hours worked for period ending. 1.2.331	Rest hours allowed in lieu of the overtime hours worked as in col. 9	Remarks
7	8	9	10	11

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 $[\]overline{\ }^{1}$ Ins. by G.S.R. 1320 , dated the 1^{st} August, 1963

²FORM H

Form of notice to be given under the proviso to Cl. (a) of sub-section (2) of Sec. 12 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

(Rule 35-A)

And whereas the said Board/Tribunal has made its recommendations:

And whereas the Central Government proposes to make the modifications to the said recommendations, which in its opinion effect important alterations in the character of the said recommendations;

Now therefore, in pursuance of the proviso to Cl. (a) of sub-section (7) of Sec. 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.

² Ins by S.O. 889(E), dated the 11th November, 1980, published in the Gazette of India, Extraordinary, Pt.II, Sec. 3(i)dated the 12th November, 1980