

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

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In exercise of the powers conferred by section 29 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), the Central Government hereby makes the following Rules, namely—

1. **Vide S.R.O. 1737, dated 23rd May, 1957.**

CHAPTER I

PRELIMINARY

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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)"Authorised 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 office designated as such under rule 17; ¹[***]

(f)"Form" means a form appended to these rules;

(g)"Leave" means earned leave, leave on medical certificate, maternity leave, extraordinary leave, leave not due, casual leave, study leave or quarantine leave;

(h)"Earned leave," means leave admissible under clause (a) of section 7 of the Act;

(i)"Leave on medical certificate" means leave admissible under clause (b) of section 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;

(l)"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 A.M.; 'night shift' means a shift when any hours of work fall between the hours of 11 P.M. and 5 A.M.

1 Clause (e) emitted by G.S.R. 1320, dated 1st August 1963.

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CHAPTER II

GRATUITY

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3.Payment 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.]

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

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4.Gratuity due to a deceased working journalist to whom payable. -On death of a working journalist-

- (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.]

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

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5.Nominations. –

- (1) A working journalist shall, as soon as he completes three years of continuous service, or in the case of those who have completed three years of continuous service 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 this death before the amount has become payable of, 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 of working journalist's death during the minority of the nominee.]

- (2)A working journalist may, in his nomination distribute the amount that may be come 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.

³[(4)] 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.

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

2.Sub-rules (3) and (4) emitted by G.S.R. 1320, dated 1st August, 1963.

3.Clauses (5) and (6) renumbered as clauses (3) and (4) by G.S.R. 1320, dated 1st August, 1963.

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

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6.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 monies borrowed by the working journalist from such newspaper establishment.

CHAPTER III

HOURS OF WORK

7.Special provisions regarding editor's etc.-

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- (1) he provision 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) is published, 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 in 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;

- (b) Any period of work in 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.

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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 not exceed six hours per day in the case of a day shift and five and half hours per day in the case of a night shift and no working journalist shall ordinarily be required or 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 journalists 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 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 works for more than six hours on any day in the case of a day shift and more than five and-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 shift 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 section 6 of the Act.

CHAPTER IV

HOLIDAYS

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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.