

THE WORKING JOURNALISTS AND OTHER NEWSPAPER
EMPLOYEES (CONDITIONS OF SERVICE) AND MISCEL-
LANEOUS PROVISIONS (AMENDMENT) ACT, 1989

No. 31 of 1989

[28th August, 1989.]

An Act further to amend the Working Journalists and other News-
paper Employees (Conditions of Service) and Miscellaneous
Provisions Act, 1955.

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

1. This Act may be called the Working Journalists and other News-
paper Employees (Conditions of Service) and Miscellaneous Provisions
(Amendment) Act, 1989.

Short
title.

45 of 1955.

2. In section 2 of the Working Journalists and other Newspaper Em-
ployees (Conditions of Service) and Miscellaneous Provisions Act, 1955
(hereinafter referred to as the principal Act),—

Amend-
ment of
section 2.

(i) in clause (d), the following shall be inserted and shall be
deemed always to have been inserted at the end, namely:—

“and includes newspaper establishments specified as one estab-
lishment under the Schedule.

Explanation.—For the purposes of this clause,—

(a) different departments, branches and centres of news-
paper establishments shall be treated as parts thereof;

(b) a printing press shall be deemed to be a newspaper
establishment if the principal business thereof is to print
newspaper;”;

(ii) after clause (ee), the following clause shall be inserted
and shall be deemed always to have been inserted, namely:—

“(eee) “wages” means all remuneration capable of being
expressed in terms of money, which would, if the terms of
employment, expressed or implied, were fulfilled, be payable to
a newspaper employee in respect of his employment or of work
done in such employment, and includes—

(i) such allowances (including dearness allowance) as
the newspaper employee is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food-grains or other articles;

(iii) any travelling concession,

but does not include—

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the newspaper employee under any law for the time being in force;

(c) any gratuity payable on the termination of his service.

Explanation.—In this clause, the term “wages” shall also include new allowances, if any, of any description fixed from time to time.’

Amend-
ment of
section 10.

3. In section 10 of the principal Act, to sub-section (4), the following *Explanation* shall be added, namely:—

“*Explanation.*—For the removal of doubts, it is hereby declared that nothing in this sub-section shall prevent the Board from making recommendations for fixation or revision of rates of wages on all-India basis.”

Insertion
of the
Schedule.

4. After section 20 of the principal Act, the following Schedule shall be inserted and shall be deemed always to have been inserted, namely:—

“THE SCHEDULE

[See section 2(d)]

1. For the purposes of clause (d) of section 2,—

(1) two or more newspaper establishments under common control shall be deemed to be one newspaper establishment;

(2) two or more newspaper establishments owned by an individual and his or her spouse shall be deemed to be one newspaper establishment unless it is shown that such spouse is a sole proprietor or partner or a shareholder of a corporate body on the basis of his or her own individual funds;

(3) two or more newspaper establishments publishing newspapers bearing the same or similar title and in the same language in any place in India or bearing the same or similar title but in different languages in the same State or Union territory shall be deemed to be one newspaper establishment.

2. For the purposes of paragraph 1 (1), two or more establishments shall be deemed to be under common control—

(a) (i) where the newspaper establishments are owned by a common individual or individuals;

(ii) where the newspaper establishments are owned by firms, if such firms have a substantial number of common partners;

(iii) where the newspaper establishments are owned by bodies corporate, if one body corporate is a subsidiary of the other body corporate, or both are subsidiaries of a common holding company or a substantial number of their equity shares are owned by the same person or group of persons, whether incorporated or not;

(iv) where one establishment is owned by a body corporate and the other is owned by a firm, if a substantial number of partners of the firm together hold a substantial number of equity shares of the body corporate;

(v) where one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners if a substantial number of equity shares of such bodies corporate are owned, directly or indirectly, by the same person or group of persons, whether incorporated or not, or

(b) where there is functional integrality between concerned newspaper establishments.”