

++MINISTRY OF LABOUR AND MANPOWER
Labour Division)
Islamabad, the 11th July, 1977
FOREWORD

S.R.O. 620(I)/77. – Sub-section (gg) was added to section 23 of the Newspaper Employees (Conditions of Service) Act, 1973 by an amendment in December, 1976, authorizing the Federal Government to make rules for the procedure to be followed by the Implementation Tribunal for Newspaper Employees in determining the categories of the newspaper establishments or grades of newspaper employees or holding an enquiry for the purposes of implementation the decision of the Board. Similarly two new sub-sections have also been added to section 13 of the Act as sub-section 5 and 6. Sub-section 5 provides that subject to rules, which may be prescribed, the Tribunal may for implementing the decision of the Board, exercise the same powers and follow the same procedure so far as may be and with necessary modification as the National Industrial Relations Commission may exercise for the purpose of adjudicating an industrial dispute under the Industrial Relations Ordinance. Sub-section 6 empowers the Tribunal to require a newspaper establishment to file declarations in such form and give such information as the Tribunal may determine or require.

In light of these provisions the rules have been framed

[No.LR-18(3)77-PT.]

ASHRAF ALI
Joint Secretary

Implementation Tribunal For Newspaper Employees
(Procedure And Function) Rules, 1977.

Chapter 1

PRELIMINARY

In exercise of the powers conferred by section 23 of the Newspaper Employees (Conditions of Service) Act, 1973 (LVIII of 1973), the Federal Government is pleased to make the following rules, namely :-

1. **Short Title. Extent and Commencement.-** (1) These rules may be called the Implementation Tribunal for Newspaper Employees (Procedure and Functions) Rules, 1977.

(2) They shall extend to the whole of Pakistan.

(3) They shall come into force with effect from 21st July, 1975.

2. **Definitions.-** In these rules, unless there is anything repugnant in the subject or context:-

(a) "Act" means the Newspaper Employees (Conditions of Service) Act, 1973 (LVIII of 1973);

(b) "Award" means the decision of the Wage Board constituted under sub-section (1) of section 9 and published in the official Gazette under section 12;

- (c) "Bench" means a bench of the Tribunal constituted under section 13B;
- (d) "Chairman" means the Chairman of the Tribunal;
- (e) "Form" means a form appended to these rules;
- (f) "Inspector" means an Inspector appointed under section 20;
- (g) "Member" means a member of the Tribunal;
- (h) "Registrar" means a Registrar of the Tribunal;
- (i) "Section" means a section of the Ordinance and the Act;
- (j) "Tribunal" means the Tribunal constituted under section 12A; and
- (k) words and expressions used but not defined in these rules shall have the same meanings as in the Ordinance and in the Act.

Chapter II

ESTABLISHMENT

3. **Head Office.**- The Tribunal shall have its head office at Islamabad.

4. **Working Hours and Holidays.**- The head office of the Tribunal shall observe such working hours and holidays as are observed by the Federal Government at Islamabad, and each bench, when sitting in the territorial jurisdiction of a Provincial Government, shall observe such working hours and holidays as are observed by the Provincial Government of that Province.

5. **Officers and Staff.**- (1) The Federal Government may and, it authorized by it, the Chairman shall, appoint a Registrar, a Deputy Registrar and one or more Assistant Registrars of the Tribunal, and

(2) The Chairman may appoint such other staff as he may deem fit to perform such functions as may be assigned to him.

6. **Place, date and Time of Sitting of Bench.**- The sitting bench shall be held at such places, days times as the Chairman may fix, provided that no sitting shall be held on a holiday unless the Chairman thinks it expedient to do so.

Chapter III

IMPLEMENTATION OF DECISION OF THE WAGE BOARD

7. The Tribunal may, for the implementation of the decision of the Wage Board, send notice in form "A" to newspaper establishments requiring them to furnish declarations, in triplicate in form "B" for the dailies and periodicals in publication before the 1st July, 1974, and in form "C" for the papers and periodicals in publication after that date and for news agencies.

8. If the declaration is not furnished within the prescribed time and no reasonable cause is given for non-submission the Tribunal may proceed ex-parte and pass such order for the implementation of the decision of the Wage Boards as it may deem fit.

9. When the declaration form or other information is submitted by a newspaper establishment, a copy thereof alongwith form "D", if considered necessary, may be sent to the collective bargaining agent if any, or to the employees union of the region concerned, for comments.

10. If the comments are not received within the prescribed period, ex-parte proceedings may be taken.

11. (1) When the case is fixed for hearing the management and the employees, through their collective bargaining agent, if any, or their organization and, if there be no such organization, then through the trade union of the newspaper employees of the region concerned, shall be informed of the place, date and time of hearing by the Tribunal by serving a notice in form "E" through registered post and if considered necessary by issuance of press note in such newspaper as may deem fit;

(2) At the time of hearing, the management, in case it is a corporate body, may appear through a duly authorized agent, and in other cases, any person controlling the newspaper, may appear either personally or through a duly authorized agent or a legal representative and the employees may appear personally or through their collective bargaining agent or union, if any, or through their trade union of the region, or through a duly authorized agent or a legal representative; and

(3) If after due service of notice, all or anyone of the parties is absent at the time of hearing, the Tribunal may proceed with the case.

12. The parties shall be entitled to:-

(a) appear as their own witness and produce evidence, oral or documentary, in support of their case, and

(b) summon witnesses to give evidence or produce documents and the expenses incurred in this connection shall be borne by the party summoning the witness, which amount shall be deposited with the Tribunal in advance against receipt.

13. Every witness shall be served with a notice in form "G" for appearance, either through a special messenger or through registered post.

Chapter IV

PROCEDURE FOR THE RE-CATEGORISATION OF NEWSPAPER ESTABLISHMENT

14. (1) If an application, in triplicate, is made before the Tribunal either by the employer or the employee asking for the re-categorization of a newspaper establishment the Tribunal may issue notice to the opposite party accompanied by a copy of the application for filing written statement.

(2) The applicant may file application, if allowed by the Tribunal.

(3) The procedure for the disposal of the application made under sub-rule (1) shall, so far as may be applicable, be the same as prescribed for the implementation of the decision on the Wage Board.

Chapter V

DISPOSAL OF INDIVIDUAL GRIEVANCES

15. (1) If a newspaper employee feels aggrieved for the reasons that:-

- (i) his name was not included in the declaration forms submitted by the management, or;
- (ii) he joined service after the date of submission of the declaration forms, he can file an application in triplicate before the Tribunal indicating his grievances in detail, whereupon, after hearing him and recording his evidence, if necessary, a notice in form "G" shall be issued to the management concerned, alongwith a copy of the complaint.

(2) After receipt of the notice under sub-rule (1), the management shall file a written statement, where-after for the disposal of the application, similar procedure shall be followed as prescribed for the implementation of decision of the Wage Board as far as applicable.

Chapter VI

RECOVERY OF MONEY DUE FROM AN EMPLOYER

16. (1) On receipt of an application, in triplicate, from an employee, who may be entitled to receive any money or wages from his employer, complaining that the employer has refused or failed to pay the money or wages due to him, the Tribunal may issue a notice in form "G" to the employer, accompanied by a copy of the complaint, and the employer shall, on the date, time and place fixed in the notice, submit his written statement.

(2) The applicant may, if allowed by the Tribunal, file replication and after hearing the parties the Tribunal may pass such orders as envisaged in sub-section (1) of section 51 read with sub-section (4) of section 13 of the Act.

17. Subject to the provisions of these rules, the procedure prescribed under the Civil Procedure Code, 1908

Chapter VII

SUMMONING OF WITNESS AND DOCUMENTS BY THE TRIBUNAL SUO-MOTO

18. The Tribunal may, if it considers fit to do so, at any stage for the purposes of adjudication of any matter pending before it, summon, by issue of process in form "H", any person as a witness to give statement or produce documents.

Chapter VIII

MISCELLANEOUS

19. Proceedings before the Tribunal shall be held in public unless it decides to hold them in camera at any stage, of its own accord or at the request of any party, if considered necessary.

20. **Decision of the Tribunal.**—(1) The decision of the Tribunal shall be in writing and notified in the official Gazette, if approved by the Chairman.

(2) Two copies of the decision shall be sent to the Federal Government and a copy shall be sent in criminal cases to the parties concerned and in all other cases to the newspaper establishment and the employees' organization, if any, or the trade union concerned.
