



ASSAM

MEGHALAYA

NAGALAND

MANIPUR

TRIPURA

MIZORAM

ARUNACHAL PRADESH

NORTH EASTERN REGION

LOCAL ACTS AND RULES

BY

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Advocate

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ORIENT LAW HOUSE

CAT# 75228

NORTH-EASTERN REGION LOCAL ACTS

OF

Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh

(CIVIL • CRIMINAL • LABOUR • REVENUE • TAXATION)

WITH

RULES, REGULATIONS & ORDERS
COMMENTARY & UP-TO-DATE CASE-LAW

By

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Gauhati High Court

With a Foreword by

The Hon'ble Shri Justice M. C. Pathak,
Ex-Chief Justice, Gauhati High Court

Vol. VII

Land & Revenue Regulation Rules (Assam)

to

Motor Vehicles Tax. (Amendment) Act, 1973 (Meghalaya)

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THE ASSAM MINIMUM WAGES RULES, 1952

CHAPTER I

PRELIMINARY

1. Short title and extent.—(1) These rules may be called the Assam Minimum Wages Rules, 1952.

(2) They extend to the State of Assam.

NOTES

Rule 1.—*These rules were made in exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948, vide Notification No. GLR 44/51 dated 16-4-1952. The primary object of the Act is to ensure that the minimum wage must be at a level above the bare minimum required for mere subsistence and bare physical needs of the worker and his family and must provide also for the preservation of the efficiency of the worker and for some measure of education for his children, medical requirements and amenities. It is the lowest limit or the floor below which no worker would be paid. (Express Newspaper v. Union of India, AIR 1958 SC 578). At the bottom of the ladder, there is the minimum basic wage which the employer of any industrial labour must pay in order to be allowed to continue in industry. [Hindustan Times Ltd. v. Their Workmen, (1963) 1 LLJ 108 (SC)]. The provisions of the Act are intended to achieve the object of doing social justice to workmen employed in the scheduled employments by prescribing minimum rates of wages for them. (Madhya Pradesh Mineral Industry Association v. Regional Labour Commissioner, AIR 1960 SC 1068). This Act was passed for the welfare of labour as envisaged in the Constitution of India. (Panihati Municipality v. Secretary, P. M. L. W. Union, AIR 1965 Cal. 229). The Act aims at statutory fixation of minimum wages with a view to obviate the chance of exploitation of labour. (Edward Mills Co. v. State of Ajmer, AIR 1965 SC 25). It aims at the protection against exploitation of the labourers by the employers. (Bijay Cotton Mills Ltd. v. State of Ajmer, AIR 1955 SC 33). (U. Unichoyi v. State of Kerala, AIR 1962 SC 12). The Act ensures regular payment of minimum rates of wages to the employees so that they may be able to make both ends meet. (Madhya Pradesh Mineral Association v. Regional Labour Commissioner, AIR 1960 SC 1068). If a social legislation confers certain benefits on workmen, then it should receive a liberal and beneficent construction from the courts. (Buckingham and Carnatic Co. v. Venkatiah, AIR 1968 SC 1272).*

2. Interpretation.—In these rules, unless the context otherwise requires—

- (a) 'Act' means the Minimum Wages Act, 1948 ;
- (b) [Omitted] ;
- (c) 'Authority' means the authority appointed under sub-section (1) of Section 20 ;
- (d) 'Board' means the Advisory Board, appointed under Section 7.

- (e) 'Chairman' means the Chairman of the Advisory Board, the Committee, as the case may be, appointed under Section 9 ;
- (f) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of Section 5 and includes a sub-committee appointed under that section ;
- (g) 'form' means a form appended to these rules ;
- (h) 'Inspector' means a person appointed as Inspector under Section 19 ;
- (i) 'Registered trade union' means a trade union registered under the Indian Trade Unions Act, 1926 ;
- (j) 'Section' means a Section of the Act ; and
- (k) all other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

NOTES

Rule 2.—*The clause (b) in this rule has been deleted vide Notification No. GLR 118/67/41, dated 19-1-1971 and read as follows :*

"(b) 'advisory committee' means an advisory committee appointed under Section 6 and includes an advisory sub-committee appointed under that section".

In clause (e), the words, "or the Advisory committee", occurring between the words, "the committee", and, "as the case may be", were deleted vide an addendum issued under Notification No. GLR. 118/67/48, dated 16-10-1971, to the Notification No. GLR 118/67/41, dated 19-1-1971.

CHAPTER II

MEMBERS AND STAFF AND MEETINGS OF THE BOARD, COMMITTEE

3. Term of office of the members of the Committee.—The term of office of the members of the Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of the constitution of the Committee, as the case may be, fix such terms and may, from time to time extend it as circumstances may require.

NOTES

Rule 3.—*In the subject heading above this rule the words, "an Advisory Committee", were deleted, vide Notification No. GLR 118/67/41, dated 19-1-1971. In this rule the words, "or an Advisory Committee", were deleted by the same Notification.*

In Chapter II, wherever the words, "Advisory Committee" occur, were deleted by the same notification.

4. Term of office of members of the Board.—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member

of the Board, shall be two years commencing from the date of his nomination :

Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

(2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the State Government.

5. Travelling allowance.—A non-official member of the Committee, or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the rules of the State Government.

6. Staff.—(1) The State Government may appoint a Secretary to the Committee, or the Board, and such other staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, or the Board, as the case may be. He may attend the meetings of such Committee, or Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, or the Board, as the case may be.

7. Eligibility for renomination of the members of the Committee and the Board.—An outgoing member shall be eligible for renomination for the membership of the Committee, or the Board of which he was a member.

8. Resignation of the Chairman and members of the committee and the Board and filling of casual vacancies.—(1) A member of the Committee, or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by letter addressed to the State Government.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, or the Board, the Chairman shall submit a report to Government immediately. The Government shall then take steps to fill the vacancy.

9. Cessation and restoration of membership.—(1) If a member of the Committee, or the Board fails to attend three consecutive meeting, he shall, subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefore

within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. Disqualification.—(1) A person shall be disqualified for being nominated as and for being a member of the Committee, or the Board, as the case may be—

- (i) if he is declared to be of unsound mind by a competent court ; or
- (ii) if he is an undischarged insolvent ; or
- (iii) if before or after the commencement of the Act he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1) the decision of the State Government thereon shall be final.

11. Meetings.—The Chairman may, subject to the provision of Rule 12, call a meeting of the Committee, or the Board, as the case may be, at any time he thinks fit :

Provided that on a requisition in writing from not less than one-half of the members, the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

12. Notice of meetings.—(1) The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars alongwith a list of business to be conducted at the meeting shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting :

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

13. Chairman.—(1) The Chairman shall preside at the meetings of the Committee, or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from amongst themselves one member by a majority of votes, who shall preside at such meeting.

14. Quorum.—No business shall be transacted at any meeting unless at least one representative of both employers and employees are present :

Provided that when at any meeting no representative of the employers or employees has turned up, or less than one-third of the members are present the Chairman may adjourn the meeting to a date not later than 7 days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting, irrespective of the member or class of members present.

NOTES

Rule 14.—*This rule was substituted vide Notification No. GLR 118/67/41, dated 19-1-1971,*

15. Disposal of business.—All business shall be considered at a meeting of the Committee, or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote :

Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and securing written opinion of the members :

Provided further that no decision of any question which is referred under the first proviso shall be taken unless supported by not less than a two-thirds majority of the members.

16. Method of voting.—Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by secret ballot, and shall be held in such manner as the Chairman may decide.

17. Proceedings of the meeting.—(1) The proceeding of each meeting showing *inter alia* the names of the members present thereat shall be forwarded to each member and to the State Government as soon as after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III

SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS

18. Summoning of witness and production of documents.—(1) A Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

(2) A summons under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers.

(3) A summons under this rule may be served—

(i) in the case of an individual, by being delivered or sent to him by registered post ;

(ii) in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or union, as the case may be.

(4) The provisions of the Civil Procedure Code relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, or the Board,

(5) All books, papers, and other documents or things produced before a committee or the Board in pursuance of summons under sub-rule (i) may be inspected by the Chairman and the independent members, and also by

such parties as the Chairman may allow with the consent of the other party, but the information obtained shall not be made by public. Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under Section 193 of the Indian Penal Code (Central Act XLV of 1860).

19. Expenses of witnesses.—Every person who is summoned and appears as a witness before the Committee, or the Board, shall be entitled to an allowances for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

NOTES

Rules 18 and 19.—*In these rules, the words, "Advisory Committee", were deleted vide Notification No. GLR. 113/67/41, dated the 19-1-1971 and sub-rule (5) inserted by the said notification.*

CHAPTER IV

COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS

20. Mode of computation of the cash value of wages.—The retail prices at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. Time and conditions of payment of wages and the deductions permissible from wages.—(1) (i) The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day before the expiry of the seventh day after the last day of the wage period.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

Explanation.—Every payment made by the employed person to the employer or his agent shall, for the purposes of these rules, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely :

(i) fines ;

(ii) deductions for absence from duty ;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;

- (iv) deductions for house accommodation supplied by the employer ;
- (v) deductions for such amenities and services supplied by the employer as the Government may, by general or special order, authorise.

Explanation.—The words ‘amenities and services’ in this clause do not include the supply of tools and protectives required for the purposes of employment ;

- (vi) deductions for recovery of advances or for adjustment of over payments of wages :

Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall, the monthly instalment of deduction exceed one-fourth of the wages earned in that month ;

- (vii) deductions of income-tax payable by the employed person ;
- (viii) deductions required to be made by order of a court or other competent authority ;
- (ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925 applies or any recognised provident fund as defined in Section 58-A of the Indian Income Tax Act, 1922, or any provident fund approved in this behalf by the Government during the continuance of such approval ;
- (x) deductions for payment to co-operative societies or deductions made with the written authorisation of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956).

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer an explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in Forms I, II of the forms prescribed under the Assam Payment of Wages Rules, 1937 as the case may be.

(4-A) Every employer shall send annually a return in Form III so as to reach the Inspector not later than the 1st February, following the end of the year to which it relates.

(5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the State Government.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936.

NOTES

Rule 21.—*In this rule the sub-rule (4-A) was inserted vide Notification No. GLR 137/64/25, dated 19-2-65 and in sub-rule (4), the expression "and IV", and the words, "A return in form IV of the forms prescribed under the Assam Payment of Wages Rule, 1937 shall be submitted annually by the employee", were deleted vide Notification No. GLR. 118/67/41, dated 19-1-1971.*

22. Publicity to the minimum wage fixed under the Act.—Notices in Form III-A containing the minimum rates of wages fixed together with abstracts of the Act the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in clean and legible condition. Such notices shall also be displayed on the notice boards of all Subdivisional and District Offices.

NOTES

Rule 22.—*In this rule the words, "in Form III-A", were added vide Notification No. GLR. 425/58/54, dated 24-5-1960.*

23. Weekly day of rest.—(1) Subject to the provisions of this rule, an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as the 'rest day') which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees in that scheduled employment :

Provided that the employee has worked in the scheduled employment under the same employer for a continuous period of not less than six days :

Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected by display of a notice to that effect in the place of employment at the place specified by the Inspector in this behalf.

Explanation.—For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule—

- (a) any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work ;
- (b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 ; and
- (c) any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days, immediately preceding the rest day,

shall be deemed to be days on which the employee has worked.

(2) Any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless he has or will have a substituted

rest day for a whole day on one of the five days immediately before or after the rest day :

Provided that no substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

(3) Where in accordance with the foregoing provisions of this rule any employee works on a rest day and has been given a substituted rest day on any of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hour of work, be included in the week in which the substituted rest day occurs.

(4) An employee shall be granted for the rest day wages calculated at the rate applicable to the next preceding day and in case he works on the rest day and has been given a substituted rest day, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day :

Provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six daily rate of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid, only for the rest day on which he worked an amount equal to the wages payable to him at the overtime rate ; and if any dispute arises whether the daily rate of wages has been worked out as aforesaid, the Labour Commissioner, may, on application made to him in this behalf decide the same, after giving an opportunity to the parties concerned to make written representation :

Provided further that in the case of an employee governed by a piece rate scheme, the wages for the rest day or, as the case may be, the rest day and the substituted rest day, shall be such as the State Government may, by notification in the Official Gazette prescribe having regard to the minimum rate of wages fixed under the Act in respect of the scheduled employment.

Explanation.—In this sub-rule, 'next preceding day' means the last day on which the employee has worked, which precedes the rest day or the substituted rest day, as the case may be ; and where the substituted rest day falls on a day immediately after the rest day the next preceding day means the last day on which the employee has worked which precedes the rest day.

(5) The provisions of this rule shall apply to the employees in scheduled employments other than agricultural employment.

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to the more favourable terms aforesaid.

Explanation.—For the purposes of this rule 'week' shall mean a period of seven days beginning at mid-night on Saturday night.

NOTES

Rule 23.—In sub-rule (1) (a), the word “and” was omitted vide Notification No. GLR 137/64/25, dated 19-2-1965, and after sub-rule (1) (b), the word “and” was inserted vide the same Notification.

24. Number of hours of work which shall constitute a normal working day.—(1) The number of hours which shall constitute a normal working day shall be—

(a) in the case of an adult, 9 hours, subject to a maximum of 48 hours in a week,

(b) in the case of a child, 4-1/2 hours.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(3) The periods of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2) they shall spreadover more than ten and a half-hour in any day :

Provided that the Inspector may, for reasons to be specified in writing, increase the spreadover to twelve hours.

(4) No child shall be employed or permitted to work for more than four and half hours on any day.

(5) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the State Government. Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

(6) The provisions of sub-rules (1) to (5) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the State Government.

25. Extra wages for overtime.—(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work be entitled to wages,—

(a) in the case of employment in Agriculture, at one and a half time the ordinary rate of wages ;

(b) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation.—The expression “ordinary rate of wages” means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of food grains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payments shall be kept in Form IV.

(3) Nothing in this rule shall be deemed to affect the provision of the Factories Act, 1948.

26. Form of registers and records.—(1) A Register of wages shall be maintained by every employer at the workshop and kept in such form as may be notified by the Government and shall include the following particulars—

- (a) The minimum rates of wages payable to each person employed ;
- (b) The number of days for which each employed person worked overtime for each wage period ;
- (c) The gross wages of each person employed for each wage period ;
- (d) All deductions made from wages with an indication in each case of the kinds of deductions mentioned in sub-rule (2) of Rule 21 ;
- (e) Wages actually paid to each person employed for each wage period and the date of payment.

(2) Wages slips containing the aforesaid particulars and such other particulars as may be notified by the Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(3) Every employer shall get the signature or the thumb impression of every person employed on the wages book and wage slip.

(4) Entries in the wage books and wages slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A muster roll shall be maintained by every employer at the workshop and kept in Form V.

NOTES

Rule 26.—*This rule was substituted vide Notification No. GLR. 137/64/25, dated 19-2-1965.*

26-A. Preservation of registers.—A register required to be maintained under Rules 21(4), 25(2) and 26(1) and the muster roll required to be maintained under Rule 26(5) shall be preserved for a period of three years after the date of last entry made therein.

26-B. Production of registers and other records.—All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector :

Provided that where an establishment has been closed, the Inspector may demand the production of register and records in his office or such other public place as may be nearer to the employer.

26-C. Notwithstanding anything contained in these Rules, where a combined (alternative) form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act, or the rules framed thereunder, an alternative suitable form in lieu of any of the forms prescribed under these Rules may be used with the previous approval of the Labour Commissioner (State).

CHAPTER V

CLAIMS UNDER THE ACT

27. **Application.**—An application under sub-section (2) of Section 20 or sub-section (1) of Section 21, by or on behalf of an employed person or group of employed persons, shall be made in duplicate in Forms VI and VII as the case may be.

28. **Authorisation.**—The authorisation to act on behalf of an employed person or persons, under sub-section (2) of Section 20 or of sub-section (1) of Section 21 shall be given in Form VIII by an instrument which shall be presented to the Authority bearing the application and shall form part of the record.

29. **Appearance of parties.**—(1) If an application under sub-section (2) of Section 20 or Section 21 is entertained the Authority shall serve upon the employer by registered post a Notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may hear and determine the application *ex parte*.

(3) If the applicant or his representative fails to appear on the specified date, the Authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the said order, and the application shall then be reheard after service of notice on the opposite party on the date fixed for rehearing, in the manner specified in sub-rule (1).

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

30. **Cost.**—(1) The Authority for reasons to be recorded in writing, may direct that the costs of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include—

(i) expenses incurred on account of court fees ;

(ii) expenses incurred on subsistence money to witnesses ; and

(iii) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleaders or more than one applicants or opponents the Authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

FORM I
REGISTER OF FINES
[Rule 21 (4)]
.....Employer.....

Serial No.	Name	Father's/ Husband's Name	Sex	Depart- ment	Nature and date of the offence for which fine imposed	Whether work- man showed cause against fine or not. If so, enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

[Rule 21 (4)]

Register of deductions for damage or loss caused to the employer, by the neglect or default of the employed persons
.....employer.....

[illegible]

FORM III

[Rule 21 (4A)]

Return of the year ending 31st December.....

1. (a) Name of the establishment and postal address... ..

(b) Name and residential address of the owner/contractor

... ..

(c) Name and residential address of the Managing Agent/Director/
Partner-in-charge of the day-to-day affairs of the establishment owned by a
company, body corporate or Association(d) Name and residential address of the Manager/agent, if
any

2. Number of days worked during the year

*3. Number of man-days worked during the year

**4. Average daily number of persons employed during the year

... ..

(i) Adults

(ii) Children

6. Total wages paid in cash

***6. Total cash value of the wages paid in kind

7. Deduction

... ..

Total
No. of case amount.
Rs. P.

(a) Fines

(b) Deductions for damage or loss... ..

(c) Deductions for breach of contract... ..

*This is the aggregate number of attendance during the year.

**The average daily number of persons employed during year is obtained
by dividing the aggregate number of attendance during the year by the num-
ber of working days.***Cash value of the wages paid in kind should be obtained by taking
difference between the cost price paid by the employer and the actual price
paid by the employees for supplies of essential commodities given at conces-
sional rates.

FORM III-A

(Rule 22)

NOTICES

Abstracts of the Minimum Wages Act, 1948 and the Rules made thereunder

I.—WHOM THE ACT AFFECTS

1. (a) The Act applies to persons engaged on scheduled employments on specified class of work in respect of which minimum wages have been fixed.

(b) No employee can give up by contract or agreement his rights in so far as it purports to reduce the minimum rates of wages fixed under the Act.

II.—DEFINITION OF WAGES

1. 'Wages' means all remuneration payable to an employed person on the fulfilment of his contract of employment. It excludes—

- (i) the value of any house accommodation, supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the State Government ;
- (ii) contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of Social Insurance ;
- (iii) the travelling allowance or the value of any travelling concession ;
- (iv) the sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ;
- (v) gratuity payable on discharge.

2. The minimum rate of wages may consist of—

- (i) A basic rate of wages and special allowance called the cost of living allowance ;
- (ii) a basic rate of wages with or without a cost of living allowance and the cash value of any concessions, like supplies of essential commodities at concession rates ;
- (iii) an all inclusive rate comprising of basic rate, cost of living allowance and cash value of concession, if any.

3. The minimum wages payable to employees of scheduled employments, notified under Section 5 read with Section 3 or as revised from time to time under Section 10 read with Section 3 may be—

- (a) a minimum time rate,
- (b) a minimum piece rate,
- (c) a guaranteed time rate,
- (d) an overtime rate,

differing with (1) different scheduled employments, (2) different classes of work, (3) different localities, (4) different wage periods, and (5) different age groups.

III.—COMPUTATION AND CONDITIONS OF PAYMENT

The employer shall pay to every employee engaged in scheduled employment under him wages at a rate not less than the minimum rate of wages fixed for that class of employee.

The minimum wages payable under this Act shall be paid in cash unless the Government authorise payment thereof either wholly or partly in kind.

Wage periods shall be fixed for the payment of wages at intervals not exceeding one month.

Wages shall be paid on a working day within seven days of the end of the wage period or within ten days if 1,000 or more persons are employed.

The wages of a person discharged shall be paid not later than the second working day after his discharge.

If an employee is employed on any day for a period less than the normal working day he shall be entitled to receive wages for a full normal working day provided his failure to work is not caused by his unwillingness to work but by the omission of the employer to provide him with work for that period.

Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work wages at not less than the minimum rate in force in respect of each such class.

Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employee wages at not less than the minimum time rate.

IV.—HOURS OF WORK AND HOLIDAYS

The number of hours which shall constitute a normal working day shall be—

(a) in the case of an adult—9 hours ;

(b) in the case of a child—4-1/2 hours.

The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours on any day.

The employer shall allow a day of rest with wages to the employee every week. Ordinarily Sunday will be the weekly day of rest but any other day of the week may be fixed as such rest day. No employee shall be required to work on a day fixed as rest day, unless he is paid wages for that day at the overtime rate and is also allowed a substituted rest day with wages.

When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week he shall in respect of overtime worked be entitled to wages in scheduled employment other than agriculture, at double the ordinary rate of wages.

V.—FINES AND DEDUCTIONS

No deductions shall be made from wages except those authorised by or under the rules.

Deduction from the wages shall be one or more of the following kinds, namely :

- (i) Fines :—An employed person shall be explained personally and also in writing the act or omission in respect of which the fine is proposed to be imposed and given an opportunity to offer any explanation in the presence of another persons. The amount of the said fine shall also be intimated to him. It shall be such as may be specified by the State Government. It shall be utilised in accordance with the direction of the State Government.
- (ii) Deductions for absence from duty.
- (iii) Deductions for damage to or loss of goods entrusted to the employee for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default. The employed person shall be explained personally and also in writing the damage or loss, in respect of which the deduction is proposed to be made and given opportunity to offer any explanation in presence of another person. The amount of the said deduction shall also be intimated to him. It shall be such as may be specified by the State Government.
- (iv) Deductions for house accommodation supplied by the employer.
- (v) Deduction for such amenities and services supplied by the employer as the State Government may by general or special order authorise. These will not include the supply of tools and protectives required for the purpose of employment.
- (vi) Deductions for recovery of advances or for adjustment of over payment of wages ; such advances shall not exceed an amount equal to wages for two calendar months of the employed person and the monthly instalment of deduction shall not exceed one-fourth of the wages earned in that month.
- (vii) Deductions of income-tax payable by the employed person ;
- (viii) Deductions required to be made by order of a court or other competent authority.
- (ix) Deductions for subscriptions to and for repayment of advances from any provident fund.
- (x) Deductions for payment to co-operative societies or to a scheme of insurance approved by the State Government.

VI.—MAINTENANCE OF REGISTERS AND RECORDS

Every employer shall maintain a register of wages specifying the following particulars for each period in respect of each employed person—

- (a) The minimum rates of wages payable.
- (b) The number of days in which overtime was worked.
- (c) The gross wages.
- (d) All deductions made from wages.
- (e) The wages actually paid and the date of payment.

Every employer shall issue wage slips containing prescribed particulars to every person employed.

Every employer shall get the signature or the thumb impression of every person employed on the wage-book and wage slips.

Entries in the wage-books and wage slips shall be properly authenticated by the employer or his agent.

A Muster Roll shall be maintained by every employer and kept in the form prescribed.

Every employer shall keep exhibited at such places selected by the Inspector, notices in English and in language understood by majority of the workers of the following particulars in a clean and legible form—

- (a) Minimum rate of wage.
- (b) Extracts from the Acts and the Rules made thereunder.
- (c) Name and address of the Inspector.

VII.—INSPECTIONS

An inspector can enter in any premises and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

VIII.—CLAIMS AND COMPLAINTS

Where an employee is paid less than the minimum rates of wages fixed for his class of work, or less than the amount due to him under the provisions of this Act, he can make an application in the prescribed form within six months to the authority appointed for the purpose. An application delayed beyond this period may be admitted if the authority is satisfied that the applicant had sufficient cause for not making the application within such period.

Any legal practitioner, official of a registered trade union, Inspector under the Act or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

A single application may be presented by or on behalf of any number of persons belonging to the same factory the payment of whose wages has been delayed.

A complaint regarding less payment of notified wages under Section 22 of the Act can be made to the court only with the sanction of the Authority within one month of the grant of such sanction.

A complaint under Section 22 of the Act, can be made to the court only by or with the sanction of an Inspector within six months of the date on which the offence is alleged to have been committed.

IX.—ACTION BY THE AUTHORITY

The authority may direct the payment of the amount by which the minimum wages payable exceed the amount actually paid together with the payment of compensation not exceeding ten times the amount of such excess. The Authority may direct payment of compensation in cases where the excess is paid before the disposal of the application.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

Every direction of the Authority shall be final.

X.—PENALTY FOR OFFENCES UNDER THIS ACT

Any employer who pays to any employee less than the amount due to him under the provisions of this Act, or infringes any order or rules in respect of normal working day, weekly holiday, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Any employer who fails to maintain a register or record required to be maintained under Section 18, shall be punishable with fine which may extend to five hundred rupees.

XI.—MINIMUM RATES OF WAGES FIXED

Name of undertaking

Serial No.	Category of employees	Minimum wages
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XII.—NAME AND ADDRESS OF THE INSPECTOR(S)

Name _____

Address

FORM IV

[Rule 25 (2)]

OVERTIME REGISTER FOR WORKERS

Month ending.....19

1	Serial No.
2	Name
3	Father's/Husband's Name
4	Sex
5	Designation and Department
6	Dates on which overtime worked
7	Extent of overtime on each occasion
8	Total overtime worked or production in case of piece workers
9	Normal hours
10	Normal rate
11	Overtime rate
12	Normal earnings
13	Overtime earnings
14	Total earnings
15	Dates on which overtime payment made

FORM IV-A

[Rule 26]

REGISTER OF WAGES

Name of Establishment

Place... ..

Name of the worker	Wage Period	Minimum rates of wages payable	Dates on which over- time worked	Gross wages payable	Deductions, if any	Actual wage : aid	Signature or thumb impression
1	2	3	4	5	6	7	8

FORM V
[Rule 26(5)]

REGISTER OF EMPLOYEES AND MUSTER ROLL WORKERS

Name of Establishment... ..

Place

Sl. No.	Name and Surname of employee	Age and sex	Father's/ Husband's Name	Nature of employment/ Designation	Permanent home address of employee Vill./Distt./ Thana	Date of com- mencement of employ- ment	Date of ter- mination or leaving of employ- ment	Signature or Thumb impression of em- ployee	For the period ending				Remarks
									1	2	3	4	
1	2	3	4	5	6	7	8	9	10				11

NOTES

Form V.—This form was substituted vide Notification No. GLR. 118/67/41, dated 19-1-1971.

FORM VI

Form of Application by an employee under Section 20(2)

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for area.

Application No. of 19... ..

(1)... ..
(2)... ..
(3)... ..

} Applicant(s)

(through... .. a Legal Practitioner,
... .. official of... .. Union which is
a Registered Trade Union)

Address... ..

Versus

(1)... ..
(2)... ..
(3)... ..

} Opponents

Address... ..

The applicant(s) above-named beg(s) respectfully to submit as follows—

(1) that... ..

(2) that... ..

The applicant(s) has (have) been paid wages at less than the minimum rate of wages.

The applicant(s) estimate(s) the value of the relief sought by him (them) at the sum of Rs.... ..

The Applicant(s) pray(s) that a direction may be issued under sub-section (3) of Section 20 for—

(a) payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(b) compensation amounting to Rs... ..

The applicant(s) beg(s) leave to amend or add to or make alterations in the application if any and when necessary.

Date... ..

Signature or thumb impression of the employee(s), legal practitioner or official of a registered trade union duly authorised

The applicant(s) do(es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed at... ..on... .. day of... ..19 .

*Signature or thumb impression of the employee(s), legal practitioner or official of a registered trade union duly authorised.

*When the application is by a group of employees, the thumb impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VII

Form of application by an Inspector or person acting with the permission of the authority under Section 20(2)

In the Court of the Authority appointed under the Minimum Wages Act, 1948, for... ..area.

Application No... ..of 19.....

(1)... ..Applicant.

Address... ..

versus

(1)... ..Opponent.

Address... ..

The applicant above-named begs respectfully to submit as follows :

(1) that... ..

(2) that... ..

The opponent is bound to pay wages at the minimum rate of wages fixed by Government but he has paid less wages to the following employees :

(1)... ..

(2)... ..

(3)... ..

The applicant estimates the value of the relief sought for the employees at the sum of Rs... ..

The applicant prays that a direction may be issued under sub-section (3) of Section 20 for—

(a) payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and

(b) compensation amounting Rs.....

The applicant begs leave to amend add to or make alteration in the application if and when necessary.

Date... ..

Signature... ..

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed at... ..on... .. day
... ..19 ..

FORM VIII

Form of Authority in favour of a Legal Practitioner or any Official of a registered trade union referred to in Section 20 (2)

In the Court of the Authority appointed under the Minimum wages Act, 1948, for... ..area.

Application No... ..of 19.... ..

(1)...	} Applicant (s),
(2)...	...	...	...	...	...
(3)...	...	...	...	...	...

versus

(1)...	} Opponent (s)
(2)...	...	...	...	...	...
(3)...	...	...	...	...	...

I hereby authorise Mr... .., a legal practitioner an official of the registered trade union of..... to appear and act on my behalf in the above described proceeding and to do all things incidental to such appearing and acting.

Date... ..

Signature or thumb impression
of the employee

FORM IX

Form of summons to the Opponent to appear before the Authority
when an application under sub-section (2) of Section 20 or
under Section 21 is entertained

(Title of the Application)

To

...
(Name, description and place of residence)

Whereas..... has made the
above said application to me under the Minimum Wages Act, 1948, you are
hereby summoned to appear before me in person or by a duly authorised
agent, and able to answer all material questions relating to the application or
who shall be accompanied by some person able to answer all such questions,
on the... day of....
19... at .. o'clock in the...
.....noon, to answer the claim; and as the day fixed for the appearance
is appointed for the final disposal of the application, you must be prepared to
produce on that day all the witnesses upon whose evidence and all the
documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before
mentioned, the application will be heard and determined in your absence.

Date.....

Signature of the Authority.

NOTES

Application of this Rule to the State of Meghalaya.

*This rule is extended in its application to the State of Meghalaya vide the
Maghalaya Adaptation of Laws Order (No. 1), 1974, having made applicable with
effect from 21-1-1972.*