BIHAR MINIMUM WAGES RULE 1951

The Bihar Minimum Wages Rules, 1951 Notification No. W3-1019/51 1. - —197 dated the 12th November, 1951.— In exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948, (Act Xl of 1948), the Governor of Bihar is pleased to make the following rules, the same having been previously published as required by sub-section (I) of said section, namely :— CHAPTER I Preliminary I. Short title and extent.—(1)These rules may be called the Bihar Minimum wages Rules, 1951. (2) They extend to the whole of the State of Bihar

2. Interpretation.—ln these rules, unless the context otherwise requires— (a) 'Act' means the Minimum Wages Act, 1948; (b) Deleted; (c) 'Authority' means the authority appointed under sub-section (1) of section 20; (d) 'Board' means the Advisory Board appointed under sec. 7. (e) 'Chairman' means the Chairman of the Advisory Board or the Committee, as the case may be appointed under section 9; (f) 'Committee' means a Committee appointed under clause (a) of sub- section (I) of section 5 and includes a sub-Committee appointed under that section; (ff) 'day' means a period Of 24 hours beginning at midnight; (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 Union 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

CHAPTER 11 2[Membership, Meetings & Staff of the Board and Committee 3. Term of office of the members of the Committee 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 fix such terms and may, from time to time extend it as circumstances may require. I. Words "Advisory Committee" deleted by Notification No. WW3-1022/58-L-19583 dated 22.11.1958

2. Subs by ibid. Rules 9-13 50] Bihar Minimum Wages Rules, 1951 [Rules 4-8 Bihar Minimum Wages Rules, 1951 [51 4. Term of office of member of the Save as otherwise expressly provided in these rules, the term of office of 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 : Provided further that the term of office of a non-official member may be terminated by the State Government earlier than the period specified above. (2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period 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. l[4A. Nomination Of substitute-members.— lf a member is unable to attend a meeting of the Committee or the Board, the State Government or the Body which nominated him may by notice in writing signed on its behalf and by such member and addressed to the Chairman of the said Committee or the Board nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting

5. Travelling allowance.—A non-official member of the Committee or the Board shall be entitled to draw travelling and halting allowances for anyjourney performed by him in connection with his duties as such member at such rates and subject to such conditions as the State Government may determine from time to time. 6.)The State Government may appoint a Secretary to tie 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 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 meeting and shall take necessary measures to carry out the decisions of the Committee, or the Board, as the case may be

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

8. Resignation of Chairman and members of the Committee, or the Board and filling of casual vacancies.—(l) 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) A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier

1. Ins.by No. WW3-1022/5-L-19583 dated 22.11.1958

2. Words "Advisory Committee" omitted by ibid.(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 the State Government immediately. The Gate Government shall take steps to fill the vacancy

9. Cessation and restoration of membership.—(l) If a member of the Committee, or the Board fails to attend without sufficient cause, three consecutive meetings, 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 thereof 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 are 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.—(l) 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 provisions Of rule 12, call a meeting of the Committee, or the Board, as the case 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 receipt of such requisition

12. Notice of Meetings.—The Chairman shall fix—the date, time and place of every meetings, and notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meetings shall be sent to each member by registered post atleast 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.—(l) The Chairman shall preside at the meetings of Committee, or the Board, as the case may be. (2) In the absence of the Chairman at any meeting, the members shall elect I. Words "Advisory Committee" omitted by Notification No. VI/W3-1022/58L. 19583 dated 22.11.1958. 521 Bihar Minimum Wages Rules, 1951 [Rules 14-18 Rules 19-21 | Bihar Minimum Wages Rules, 1951 [53 from amongst themselves, a member by a majority of votes, who Shall preside at such neeting

14. Quorum.—No business shall be transacted at any meeting unless atleast one third of the rnembers and atleast one representative of the employers and emplwees are present : ——Provided that when at any meting no representative Of the emplo,rnrs 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 latter than seven days from the date of the original meeting and it shall thereuoon be lawful to dispose of the business at such adjourned neeting irrespective of the number or class of Inernbers present

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 members present and votinig in the event of an equality of votes the Chairrnan shall have a casting vote : Provided that the Chairman may, if he thinks fit direct that any matter shall be decided by the circulation • -f necessary papers and by securing written crinion of the members : Provided further that no decision on any question which is referred under the first proviso shall be taken, unless supported by majority of the rnenbers

16. Method ofWting.—Voting shall ordinarily be by of hands 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 The proceedings of each meeting showing inter alia the names of the members present there shall be forwarded to each member and to the State Government as soon after the meeting as possible and in any case.not less than seven days before the next (2) The proceeding of each meeting shall be confirrned with such modifications, if any, as may be considered necessary at the next meeting

CHAPTER 111 Summoning of witnesses by the Committee Or the Board & Production of Docurnents 18. Summoning of witnesses and production of A committ•e 1 C •l orthe Board may summon any person to appear before it on a date sØecified therein and to produce any books, papers or other document and things in his possession cv under his control relatiing in any manner to the enquiry. (2) A summon under sub-rule (1) may be addressed to an individual or an organisation of ernployers or a registered Trade Union of workers and shall be issu.d under signature of the Chairrnan or any person authorised ty him in hG behalf. (3) A summon under this rule may be served— (i) in the case of individual. by being delivered or sentto him by registered 1. Words •Advisory Committee• omitted by Notification NO. VI/W3-1022/58L. 19583 dated 211.1958. (ii) in •thecaseofan employers' organisation ora registeredTrade Union of workers, by being delivered or sent by registered post to the secretary or the principal officer of the organisation or union, as the case may be. (4) The provisions of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the prodüction of documents shall, so as may be apply to proceeding before a committee 1 or the Board. 2(5) All books. papers and other documents or things produced before a Committee 1 ["l or the Board in pursuance of a summon issued under sub-rule (1) may be inspected by the Chairman and independent members, and also by such parties as the Chairman may allow with the consent of the other party, but the information so obtained shall be treated as confidential and the same shall be made public only with the consent in writing of the party concerned : Provided that nothing contained in this rule shall disclosure of any such information for the purpose of a prosecution under section 173 of the Indian Penal code (45 of 1860)

19. Expenses of witnesses.—Every person who is Summoned and appears as witness before the Committee IP] or the Board shall be entitled to an allowance 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

CHAPTER IV Computation & Payment of Wages, Hours of Works and Holidays 20. Mode of computation of the cash value of wages.—The wholesale prices at the nearest market, to be selected by the Inspector it there are more than one such market, shall be taken into account in computing in eaéb 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 State Government from time to time

21. Time and conditions of payment of wages and the deductions permissible from) (i) The wages period with respect to any•scheduled employment br which wages have been fixed shall not exceed one and the wages of worker in the employment shall be paid—(a) in the case of establishments in which less than one thousand persons are employed, before the expiry of the seventh day; and (b) thecaseofotherestaUistvnents, before the expiry ofthe tenth day, after the last day of the wage in respect of which the wages are payable. (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

1. Words •Advisory Committee• omitted by Notification NO.WI 022/58, L-19583 dated 29.11.1958

2. Ins by G.S.R.66dated26:6.1971. 541 Bihar Minimum Wages Rules, 1951 [Rule 21 Rules 22-23 Bihar Minimum Wages Rules, 1951 [55 (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. (iv) All payments of wages shall be made on a working day. 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 one or more of the following kinds, namely (i) '[in respect of such acts and omissions on the part of the employed person as may be specified by the State Govt. by general or special order in this behalf;] (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 6r house accommodation supplied by the employer the State Government or any authority constituted by the State Government for providing housing accommodation;] (v) deductions for such amenities and setvices supplied by the employer as the State Government may, by general qr special order, authorise. Explanation.—The words •amenities and services•, in this clause do not include the supply of tools and protective required for the purpose of employment. Wii) (viii) (ix) (x) deductions for recovery of advances or for adjustment of overpayments of wages : Provided that such advances do-hot exceed an amount equal to wages for two calender months ofthe employed person and, in no case, shall the monthly instalment of deduction exceed one fourth of his wages earned in that month; deductions of income-tax payable by the employed person; deductions required to be made by order of a court or other competent authority; deductions for subscriptions to, and for payment of advances from any provident fund to which the ProVident Fund Act, 1925 applies or any recognised provident fund as defined in section 58A of the Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the State Govemment during the continuance of the approval; deductions for payment to co-operative societies or to a scheme of insurance approved by the State Government; (xi) deductions made for any saving scheme approved by the State Government with the written authority of the employed person; deductions for recovery or adjustment of amounts. other than wages paid to the employed person in error in excess of what is due to him : 1. Ins. by Notification No. VI,W3/1022/58/U19583 dated 22.11.1958. Provided the prior approval of the inspector or any other officer authorised by the State Government in this behalf is obtained in writing before making the deduction, unless the employee given his consent in writing to such deduction. (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 any explanation in the presence ot 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 State Government or any officer authorised by them in this behalf. All such deductions and all realisation thereof shall be recorded in a register maintained in Forms l, 11 and Ill, as the case may be. '[A return in

Form Ill shall be furnished annually, within a time limit as may be notified by the State Government by an employer in respect of employment in a registered factory to the Chief Inspector of Factories, Bihar, and be employer in respect of employment other than in a registered factory to the Labour Officer of the district to which it relates.] (5) The amount of fine imposed under sub-rule (3) shall be utilised 2[in accordance with the directions of the State Government or any officer authorised by them in this behalf. (6) Nothing in this rule shall be deemed to affect the provisions of the Payment Of Wages Act, 1936

22. Publicity to the minimum wages fixed under the Notices containing the minimum rates of wages fixed together with releant extracts from the Act, and rules framed thereunder and the address of the Inspector shall be displayed by every employer in Hindi and in a language understood by the majority of the workers in the employment at a conspicuous place in every factory, workshop or place where the employees are employed, or in the case of out-workers, where out w•ork is given to them or at such other places, as may be selected by the Inspector. Such notices shall be maintained in a clear and legible condition. Such notices shall also be displayed on the notice boards of all Sub-divisional and District offices] (The extracts from the Act and the rules made thereunder required to be displayed under sub-rule (1) shall be in

Form 23. Weekly Unless otherwise permitted by the State Govemment no worker shall be required to bé allowed to' work in a scheduled employment on the first day of the week (hereinafter referred to as the said day), except when he has or will have a holiday for whole day on one of three days immediately before or after the said day, 4[for which he shall receive payment equal to his average daily wages during the preceding week : Provided that a worker shall be tree to work on a day of rest, but not so as to work for more than IO days consecutively without a holiday for a whole day

1. Ins.by Notification No. VI/W3-1022/58,'L-19583dated 22.11.1958

2. Subs.by ibid. 3. subs. by S.O. 21 dated 6.12.1972

4. Subs.by Notification Vb•W8-1091-61-6105dated 11.12.1961. Rules 26-27] 56] Bihar Minimum Wages Rules, 1951 [Rules 24-25 Bihar Minimum Wages Rules, 1951 [57 (2) Where in accordance with the provision of sub-rule (1) any worker works on the said day and has had a holiday on one of the threedays immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week. Explanation.—For the purposes of this rule •week" shall mean a period of seven days beginning at mid-night on Saturday. (2) A worker shall be entitled for work on the day of rest overtime payment at the rate prescribed in rule 25

24. Number othours of work which shall constitute a normal working The number of hours which shall constitute a normal day shall be—(a) in the case of an adult—9 hours; (b) in the case of a child—4 hours; (c) in the case of adolescent—6 hours.] (2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day. (3) An Inspector appointed under the Act may require the employer to get an employee. whose age cannot be ascertained by mere appearance, examined by any Medical officer or Administrative Medical Officer emplqed under the Employees State Insurance Corporation who will certify the age of the employee. Such Medical Officer shall be entitled to charge a fee of Rs. 4 (four rupees) for examining each such employee and that be paid by the employer. (4) Where an employed person has worked for less than a normal working day, wages proportionate to the hours of work done by him shall be paid to him to the nearest five paise multiple : Provided that if such person has worked for more than three quarters of a normal working day, he shall be deemed to haveworked for the full day. (5) The provision of sub-rules (1) to (4) shall. -in the case of workers in agriculture employment, be subject to such modifications as may, from time to time, be notified by the State Government. No child shall be employed or permitted to work for more than 4 hours on any day; and] (6) Nothing in this rule shall be deemed to affect the provision of the Factories Act, 1948 (LXIII of 1948). 24A. Night shift.—Where a worker in a scheduled establishment works on a shift which extends beyond midnight (a) a holiday for the whole day for the purposes of rule 23, in his case, means a period of 24 consecutive hours beginnihg from the time when his shift ends, (b) the following day in such a case shall be deemed to be a period of 24 hours, beginning from the time when such shift ends at the hour of midnight during which such worker was employed in work shall be counted towards his previous day

25. Extra wages for When worker works in any employment for more than 9 hours on any day or for more than 48 hours in any week he shall, in •respect of the overtime work, be entitled to wages at double the ordinary rates of wages : 1. Subs. by S.O. 21 dated 6.12.1972

1. Subs, by G.S,R. 110 dated 24.7.1967 Provided that for employment in any mica works, lac manufactory, tea plantation, extra wages for overtime at one and half time the ordinary rate of wages shall be payable to a worker working for more than 48 hours in any week; provided further that nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948. Explanation.—The expression •ordinary rate of wages" means the basic wages plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of foodgrains and other articles as the person employed is for the time being entitled to but does not include a bonus : Provided also that— (i) the total number of over-time work shall not exceed 50 in any quarter; (ii) the spread over, inclusive of intervals for rest 'hall. not exceed 12 hours on any day; and (iii) the total number of hours of work on any day shall not exceed IO. Explanation—Quarter means a period of three consecutive months beginning from the 1st of January, the 1st of April, the 1st of July and the 1st of October.] (2) A Register showing over-time payment shall be kept in

Form IV. Comments and Case-law [The provisionsof section 14 read with Rule 25 of the M.W. Rules do not militate against the view that the minimum rates of wages for overtime work need not as a matter of fact be confined to double the minimum wages but may justly be fixed at double the wages ordinarily received by the workmen as a fact. Y.A. Mamarde vs. Authority Under the Minimum Wages Act., (1972) 2 SCC 108]. '[26, Form of register and A register of wages shall be maintained by every employer at the work-spot in Form X. (2) A wage slip in Form Xl shall be issued by every employer to every person employed by him at least a day prior to disbursement of wages. (3) Every employer shall get the signature or thumb impression of person employed on the register of wages and wage-slip. (4) Entries in the register of wages and wage-slip 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 and kept in Form V •j Provided that State Government may exempt any establishment or class of establishments from the operation of this rule. 21S.O. 663, dated the 7th May, 1973.—ln of the mnferred by qt•h sectim (2) of section 26 of the Minimum Wages Act, 1948 (Act Xl of 1948) Gov•ernor Of Bihar pleased to direct that tie prcwisions Of section 18 of said Act, read with rule 26 of the Bhar Minin-urn Wages Rules, 1951 , shan apply to any I Ocal AuthoriW tie State Of Bihar.] 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 W, as the case may be

1. SubS.bYG.S.R. 119 dated 27.4.1967

2. Published in Bihar Gazette (Ex-ord.) dated 12.5.1973. CD 3 6 FORM I IRule 21 Register of Fines Date on Remarks Serial Name Fathers/ No. Department Nature and date of the offence for Rates of whether workman wages 8 Date and amount of the fine imposed 9 which fine realised 10 11 2 Husband's name 3 Sex 4 5 which fine imposed 6 showed cause against fine or not, if so enter date 7 FORM 11 [Rule 21 Register of deductions for damage or loss caused to the employer by the neglect or default of the employed . Employer . Persons . Serial Name Fathers/ Sex Departmen Damage or loss Whether Date Number of and amount intalm- ent if of deduction any Date on Remarks No. Husband's name 3 caused with workers date which total amount realised 10 11 2 4 5 6 showed cause against deduction, if so enter date 7 imposed 8 9 601 Bihar Minimum Wages Rules. 1951 FORM 111 [Rule 21 (4)J Annual Return Retum of the year ending the 31st December— 1. (a) Name of the establishment and postal address. (b) Name and residential address of the owner/ (c) Name and residential address of the Managing Agent/Director/Partner incharge of the day-to-day affairs of the establishment owned by a Convany, Body corporate or (d) Name and residential address of the Manager/Agent, if any

2. Number of days worked during the year.•3. Number of days worked during the year. Average daily number of persons employed during the year— (i) Adult 5. Total Wages paid in cash t6. Total cash value of the wages paid in kind

7. Deductions—Number of cases. (a) Fines (b) Deduction for damage or loss. (c) Deduction of breach of contract

Form Ill Total amount Forms IV-V J Bihar Minimum Wages Rules, 1951 s6u!tnee s6uguee a.uweno s6uuee leu."0N •Olu leuu0N •unou leuuoN ewe N t 61 Siéhature ...„ „ • This is the aggregate nurnber of attendance the year. *The aWrage daily number Of persons emplwed during the year is obtained by dv&g the agyegate number of attendance during the number of working days. tCash value of the wages paid in kind should be obtained by taking the difference between the cost paid by the ernployer and the actual paid by the for of essential commodfties "n at corwessional rates. 'ON lepes 62 Bihar Minimum Wages Rules, 1951 FORMVI [Form nf application by an employee under section 20 [Form VI Forms VII-VIII 1 Bihar Minimum Wages Rules, 1951 FORM [63 In the court of the Authority appointed under the Minimum Wages Act, 1948, [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. . (1) Applicant (s) (through . official of registered Trade Union) ... ... of 20. a Legal Practitioner Union which is for ... ...area. Application no. Applicant Address . versus . Opponent : Address Of 20 Address (2) (3) Address versus opponents The applicant (s) abovenamed 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 issgpd 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 the Government and the wages actually paid, and (b) Compehsation amounting to Rs. The applicant (s) beg leave to amend or add to or mike alteration in the application if any and when necessary. • Signature or thumb impression of the employee (s) or legal practitioner or official of a registered trade union duly authorised. Date The applicant (s) does not solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information. The verification is signed at on . day of . • Signature or thumb impression of the employee(s) or legal practitioner or official of a registered trade union duly authorised. • When the application is by a group of employees. thumb impression or signature of two of the applicants need be put to the application and a full list of applicants should be attached to the application. The applicant abovenamed 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— 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 to Rs. The applicant begs leave to amend or add to or make alteration in the application if and when necessary. Signature . Date 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 ...day 20 FORM VIII [Form of -Authority in favour of a Legal Practitioner or any Official of a Registered Trade Union referred to in section 20 In the Court of the Authority appointed under the Minimum Wages Act, 1948, for— (2) Application no. Applicant (s) versus Opponents of 20 641 Bihar Minimum Wages Rules, 1951 [Form IX Form X Serial no. Bihar Minimum Wages Rules, 1951 '[FORM X [Rule 26 Register of Wages. [65 I hereby authorise Mr. a legal practitioner 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. Signature or thumb impression of the employee. Date FORM IX [Form of Summons to the Opponent to appear before the Authority when an application under sub-section (2) of sec. 20 or under section 21 is entertained.] (Title of the application.) To (Name, description and place of residence) Whereas. ..„,.. has made the abovesaid application to me underthe Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, able to answer all material questions relatiing to the application, or who shall be accompanied by some persons able to answer all material questions/able to answer all such questions, on the day of ..„,. 20 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 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. Signature of the Authority Date Wage-period from — Name of Estt. Place — Minimum rates of wages payable Name of the employee. 2 Rates Of wages actually paid Father's/husband's name 3 Total attendance/units of work Desig- nation 4

Overtime worked 10 Basic D.A. 5 6 Basic 7 Deductions Employee's contribution to PF. 12 Gross wages payable 11 8 House- rent 13 Other deduc- tions 14 done 9 Total deduc- tions 15 Wages paid 16 Date of Signature/thumb- payment impression of employee. 17 18 1. subs. by G.S.R. NO. 119 dated 24.7.1967. 66]. 1. 2. 3. 4. 5. 6. 7. 8

9. Bihar Minimum Wages Rules, I[FORM Xl [Rule 26 Wage-S lip.1951 Form XI-XII Form Xl] (d) Bihar Minimum Wages Rules, 1951 [67 Name of the establishment . Place Name of employee with father's/husband's name,— Designation— Wage-period— Rate of wages payable— (a) Basic Total attendance/unit of work done. Overtime wage— Gross wages payable... Total deduction Net wages paid— Pay in charge Employee's signature/thumb impression. 2[F0RM xn [Rule 22 "cost of living index-number" in relation to employees in any scheduled employment in respect of which minimum rates of wages have been fixed, means the index-number ascertained and declared by the competent authority by notification in the official Gazette to be the cost of living index-number applicable to the employees in such employment; employees" means any person who employs, whether directly or through another person, whether on behalf of himself or any other person, one or more employees in any scheduled employment in respect of which minimum rates have been fixed under this Act, and includes except in sub-section (3) of section 26— (iii) (iv) in a factory where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act any person named under clause (1) of section 7 of Factories Act, 1948, as manager of the factory; in any scheduled employment under the control of any Government in India, in respect of which linimum rates of wages have been fixed under this Act, the person or authority appointed by such Government for the supervision and control of employees or where no person or authority is so appointed the head of the department; in any scheduled employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, person appointed by such authority for the supervision and control of employees or where no person is appointed, the Chief Executive Officer of the local authority; in any other case where there is carried on any scheduled employment in respect Of which minimum rates of wages have been fixed under this Act, person reasonable to the owner for the supervision and control of the employees or for the payment of wages; Extracts from the Minimum Wages Act,.1948, and the Bihar Minimum Wages Rules, 1951 to be displayed by every employer in Hindi and a language understood by the majority of the workers in the employment

1. Interpretation (section this Act unless there is anything repugnant in the subject or context—(a) "adult", "adolescent* and "child" have the meaning respectively assigned to them in section 2 of Factories Act, 1948; (b) "appropriate Government" means— (i) in relation to any scheduled employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a mine, oil-field or major port or any corporation established by Central Act, the Central Government; and (ii) in relation to any other scheduled employment, the State Government; (c) -competent authority" means authority appointed by the appropriate Government by notification in its Official Gazette to ascertain from time to time the cost of living index-number applicable to the employees employed in the scheduled employment specified in such notification; 1. subs. by G.S.R. No. 119 dated 24.7.1967 2. Ins. by G.S.R. No. 140 dated 5.10.1967. (f) "prescribed* means prescribed by rules made under this Act; scheduled employment' means an employment specified in the Schedule, or any process or branch of work

forming part of such employment; "wages" means all remuneration, capable of being expressed in terms of money; which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment and includes house-rent allowance, but does not include— (i) the value of— (a) any house-accommodation, supply of light, water, medical attendance, or (b) any other amenity or any services excluded by general or Form XII Bihar Minimum Wages Rules, 1951 [69 68 J Bihar Minimum Wages Rules, 1951 [Form XII special order of the appropriate Government; (ii) any contribution paid by employer to any personal Fund or Provident Fund or under any scheme of social insurance; (iii) any travelling allowance or the value of any travelling concession. (iv) any sum paid to the person employed to defray special expenses entitled on him by the nature of his employment; or (v) any gratuity payable on discharge; (i) "employment" means any person who is employed for hire or reward to do any work skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed; and includes an out-worker to whom articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adopted or otherwise processed for sale for the purpose of the trade or business or that other person where process is to be carried out either in the home of the out worker or some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the I-Jnion

2. Wages in kind (section 11).—(1) Minimum wages payable under this Act shall be paid in cash. (2) Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government being of the opinion that it is necessary in the circumstances of the case may, by notification in the Official Gazette, authorise, the payment of minimum wages either wholly or partlyin kind. (3) If the appropriate Government is of the opinion that provision should be made for the supply of essential commodities at concession-rates, the appropriate Government may; by notification in the Official Gazette, authorise the provision of such supplies at concession-rates. (4) The cash value of wages in kind and of concession in respect of supplies of essential commodities at concession-rates authorised under sub-sections (2) and (3) shall be estimated in the prescribed manner

3. Payment of minimum rates of wages (section in respect of any scheduled employment a notification under section 5 ris in force, the employer shall pay to every employee engaged in scheduled employment under him wages at a rate not less then the minimum rate of wages fixed by such notification for that class of employees in that employment without any deduction except as may be authorised within such time and subject to such conditions as may be prescribed.(2) Nothing contained in this section shall affect the provision of the Payment of Wages Act, 1936, 4. Overtime (section 14.)—Where an employee, whose minimum rate of wagesis fixed under this Act by hour, by the day or by such a longer wages-period as may be prescribed works on any day in excess of the number of hours • constituting a normal working day, the employer shall pay him for every hour or part of an hour so worked 'in excess at the overtime rate fixed under this Act or under law of the appropriate Government for the time being in force, whichever is higher. (2) Nothing in this Act shall prejudice the operation and the provision of section 59 of the Factories Act, 1948 in any case where those provisions are applicable

5. Wages of worker who works for less than normal working day (section an employee whose minimum rates Of wages has been fixed under this Act by the day works on any day on which he was employed for the period less than the requisite number of hours constituting a normal working day, he shall, save as otherwise hereinafter provided, be entitled to receive wages in respect of work done by him on that day as if he had worked for a full normal work Provided however, that he shall not be entitled to receive wages for a full normal working day; (i) in any case where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work; and (ii) in such other circumstances as may be prescribed

6. Wages Of worker Who works for less than normal working day (section 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

7. Minimum time rate wages for piece-work (section an employee is employed on-piece-work for which minimum time rate and not a minimum piece rate has been fixed under this Act, the employer shall pay to such employee wages at not less than the minimum time rate

8. Power of Inspectors appointed under the MinimumWages Act (section Subject to any rules made in this behalf, an Inspector may within the local limits for which he is appointed—(a) enter, at all reasonable hours, with such assistance (if any), being person in the service of the Government or any local or other public authority, as he thinks fit, any premises or place where employees are employed or work is given out to out-workers in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, for the purposes of examining any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made thereunder and require the production thereof for inspection; (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe is an employee employed 70) Bihar Minimum Wages Rules, 1951 therein or an employee to whom work is given out therein; [

Form XII Form XII] Bihar Minimum Wages Rules, 1951 [71 (c) require any person giving out-work and any out-workers, to give any information, which is in his power to give, with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payments to be made for the work; (d) seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer; and (e) exercise such other powers as may be described. (2) Every Inspector shall be deemed to be a public servant within the meaning Of the Indian Penal Code, 1860 (XLV Of 1860). (3) Any person required to produce any document or thing or to give any information by an Inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal code, 1860 (XLV of 1860)

9. Claims (section)The appropriate Government may, by notification in the Official Gazette, appoint any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner for any region, or any other officer with experiences as a Judge of Civil Court or as a Stipendiary Magistrate to be the Authority to hear and decide for any specified area all claims arising out of payment of less than the minimum rates of wages or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of Section 3 or of wages at the overtime rate under section 14 to employees employed or paid in that area.(2) When an employee has any claim of the nature referred to in sub-section (1), the employee himself, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector, or any person acting with the permission of the Authority appointed under sub-section (1), may apply to such Authority for a direction under sub-section (3); Provided that every such application shall be presented within six months from the date on which the minimum wages or other amount become payable; Provided further that any application may be admitted after the said period of six months when the applicant satisfies the Authority that he had sufficient cause for not making the application within such period. (3) When any application under sub-section (3) is entertained the Authority shall hear the applicant and the employer; or give them an opportunity of being heard, and after such further enquiry, if any as it may consider necessary, may without prejudice to any other penalty to which the employer may be liable under this Act, direct— (i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess; (ii) in any other case, the payment of the amount due to the employee, together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees; and the Authority may direct payment of such compensation in case where the excess or the amount due is paid by the employer to the employee before disposal of the application. (4) If the Authority hearing any application under this Section is that it was either malicious or vexatious, it may direct that a penalty not exceeding fity rupees be paid to the employer by the person presenting the application. (5) Any amount directed to be paid under this section may be recovered— (a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by the Authority as a Magistrate; or (b) if the Authoiity is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed •by such Magistrate. (6) Every direction of the Authority under this section shall be final. (7) Every Authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a Civil Court for all the purpose of section 195 and Chapter XXXV of the Code of Criminal Procedure, 189811. IO. Single application in respect of a number of employees (section 21).—(1) Subject to such rules as may be prescribed, a single-application may be presented under section 20 on behalf or in respect of any number of employees employed in the scheduled employment in respect of which minimum rates of wages have been fixed and in such cases the maximum compensation which may be awarded under sub-section (3) of section 20 shall not exceed ten times the aggregate amount of such excess or ten rupees per head, as the case may be. (2) The authority may deal with any number of separate pending applications presented under section 20 in respect led employments in respect of which

minimum rates of wages have been fixed, as a single application presented under sub-section (1) of this section and the provisions of that sub- section shall apply accordingly

11. Penalties for certain offences (section 22).—Any employer who— (a) pays to any employee less than the minimum rates of wages fixed for that employee's class of work or less than the amount due to him under the provisions of this Act, or Now see Cr.pc. 1973. 72 J Bihar Minimum Wages Rules, 1951

Form XII Form XII Bihar Minimum Wages Rules, 1951 association of individual; and (b) "director" in relation to a firm means a partner in firm. [73 (b) contravene any rule or order made under section 13, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both : Provided that in imposing any fine for an offence under this section, the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 20

12. General provision for punishment of other offences (section 22A).— Any employer who contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for such contravention by this Act, be punishable with fine which may extend to five hundred rupees

13. Cognizance of offences (section 22B).—(1) No Court shall take cognizance of a complaint against any person for an offence— (a) under clause (a) of section 22 unless an application in respect of the facts constituting such offences has been presented under section 20 and has been granted wholly or in part and the appropriate Government or an officer authorised by it in this behalf has sanctioned the making of the complaint. (b) under clause (b) of section 22 or under section 22A, except on a complaint made by, or with the sanction of an Inspector. (2) No Court shall take cognizance of an offence— (a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within one month of the grant of sanction under the section; (b) under section 22A, unless complaint thereof is made within six months of the date of which the offence is alleged to have been 14. Offence by Companies (section the person committing any offence under this Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without the knowledge or that he exercised all due diligence to prevent the commission of offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager or secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be proceeded against and punished accordingly Explanation—For the purpose of this section— (a) •company" means anybody corporate and includes a firm or other 15. Payment Of undisbursed amounts due to employees (section 22D).— All amounts payable by an employer to an employee as the amount of minimum wages of the employees under this Act or otherwise due to the employee under this Act or any rule or order made thereunder if such amounts could not or cannot be paid to the employee on account of his death before payment or on account of his whereabouts not being knoWn be deposited with the prescribed authority who shall deal with the money so deposited in such manner as may be prescribed

16. Bar of suits (section 24).—No court shall entertain any suit for the recovery of wages in so far as the sum so claimed— (a) forms the subject of an application under section 20 which has been presented by or on behalf of plaintiff. or (E) has brmedthesubjectof a direction under the section in plaintiff; or (c) has been adjudged in any proceeding under the section not to be due to the plaintiff; or (d) could have been recovered by an application under that section

17. Contracting out (section 25).—Any contract or agreement. whether made before or after the commencement of this Act whereby employer either relinquishes or reduces his right to a minimum rate of wages or any privilege or concession accruing to him under this Act, shall be null and void in so far as it purports to reduce the minimum rate of wages fixed under this Act

18. Mode of computation of the cash value of wages (rule 20BThe retail prices at the nearest market, to be celected by the Inspector if there are more than one such market shall be taken into account in computing the cash value of wages paid in kind of essential commodities supplied at concession rates. This computation shall be rude in accordance with such directions as may be issued by the State Government from time to time

19. Time and conditions Of payment Of wages and the deductions permissible from wages (rule) (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—(a) in the case of establishments in which less than one thousand persons are employed, befordM.he expiry of the seventh day. and (b) in the case of other establishmenté, bek)re the expiry of the tenth day, after the last day of the wages period in respect of which the wages are payable. (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 employed person shall be paid to him without deduction of any kind except those authorised by or under these rules. (iv) All payments of wages shall be made on a working day. 74 Bihar Minimum Wages Rules, 1951 [

Form XII Form XII 1 Bihar Minimum Wages Rules, 1951 [75 Explanation.—Every payment made by the employed person to the employer or his agent shall for the purpose of these rules be deemed to be a deduction from wages. (2) Deduction 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 of which he is required to account, where, such damage or loss is directly attributable to neglect or default; (iv) deduction for house accommodation supplied by the employer or the State Government or any authority constituted by the State Government for providing accommodation; (v) deductions for such amenities and services supplied by the employer as the State Government may by general orspecial order authorise. Explanation.—The words "amenities and service" in his clause donot include the supply of tools and protectives required for the purposes of employment. (vi) deductions for recovery of advance for adjustment of overpayment 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 bythe employed person; (viii) deductions required to be made by order ofa court or other competent authority; (ix) deductions for subscriptions to, and for re-payment of advances from any provident fund to which the Provident Fund Act, 1925 applies or any recognised provident funds as defined in section 58A of the Indian Income Tax Act, 1992, or any provident fund approved in this behalf by the State Government during the continuance of such approval : (x) deductions for payment to co-operative societies to a scheme of insurance approved by the State Government', (xi) deductions made for any saving scheme approved by the State Government with the written authority of the employed person; (xii) deductions for recovery or adjustment of amount othör than wages paid to the employed person in error or in excess of what is due to him: Provided that the prior approval of the Inspector or any other officer authorised by the State Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions. (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 any 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 State Government or any officer authorised by them in this behalf. All such deductions and all realisations thereof shall be recorded in a register maintained in Form 8 1, 11 and Ill, as the case may be. A return in Form Ill shall be furnished annually, within a time limit as may be notified by the State Government, by an employer in respect of employment in a registered factory to the Chief Inspector of Factories. Bihar and by an employer in respect of employment other than in a registered Factory to the Labour Officer of the district to which it relates. [Note.—By notification no. VI/W3-1056.L—957, dated 14th January, 1959, the State Government have fixed the 31 st January as the date by which the Annual Return in Form Ill is required to be submitted by every employer.] (5) The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of State Government or any officer authorised by them in this behalf. (6) Nothing in this rule shall be deemed to affect the provision of the Payment of Wages Act, 1936

20. Publicity to the minimum wages fixed under the Act (rule 22).—(1) Notices containing the minimum rates Of wages fixed together with relevant extracts from the Act and the rules framed thereunder and the address of the Inspector shall be displayed by every employer in Hindi and in a language understood by the majority of the worker in the employment at a conspicuous place in every factory, workshop or place where the employees are employed, or in the case of out worker where out work is given to them or at such other place, as may be selected by the Inspector. Such notices shall be maintained in a clean and legible condition. (2) The extract from the Act and the rules made thereunder required to be displayed under sub-rule (1) shall be in

21. Weekly holidays (rule Unless otherwise permitted by the State Government, no worker shall be required or allowed to work in scheduled employment on the first day of the week (hereinafter referred to as the said day) except when he has or will have a holiday for the whole day on one of the three days immediately before or after the said day for which he shall receive payment equal to his average daily wages during thepreceding week; Provided that a worker shall be free to work on a day of rest but not so, as to work for more than ten days consecutively without a holiday for a whole day.(2) Where in accordance with the provision Of sub-rule (1) any worker works on the said day and has had a holiday on one of the three days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of 76] Bihar Minimum Wages Rules, 1951 [

Form XII Form XII I Bihar Minimum Wages Rules, 1951 [77 work, be included in the preceding week. Explanation.—For the purposes of this rule •week' shall mean a period of seven days beginning at midnight on Saturday night. (3) A worker shall be entitled for work on the day of rest to overtime payment at the rate Number of hours of work which shall constitute a normal working day (rule The number of hours which shall constitute a normal working day shall he (a) in the case of an adult, 9 hours, (b) in the case of a child, 4 hours, and (c) in the case of an adolescent, 6 hours; Provided that the number of hours of work which shall constitute a normal working day for employment in any mica works, any lac manufactory or any tea plantation shall be, in the case of an adult. 8 hours. (2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest if any, it shall not spread over more than twelve hours on any (3) An Inspector appointed under the Act may require the employer to get an employee whose age cannot be ascertained by mere appearance, examined by a Medical Officer or Administrative Medical Officer employed under the Employee's, State Insurance Corporation who will certify the age of the employee. Such a Medical Officer shall be entitled to charge a fee of Rs. 4 (four rupees) for examining each such employee and that shall be paid by the employer. (4) Where an employed person has worked for less than a normal working day, wages proportionate to the hours of work done by him shall be paid to him to the nearest five paise multiple; Provided that if such person has worked for more than three quarters of a normal working day, he shall be deemed to have worked for the full day. (5) The provisions of sub-rules (1) to (4) 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. (6) No child shall be employed or permitted to work for more than four hours on any day. (7) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (LXIII of 1948)

23. Extra wages for overtime When a worker works in an employment other than an employment in any Mica Works, any lac Manufactory or any tea plantation, for more than 9 hours on any day or for more than 48 hours in week, he shall in respect of overtime work, be entitled to wages at one and half time his ordinary rate of wages : Provided that for employment in any mica works, any lac manufactory or any tea plantation, extra wages for overtime at one and half time the ordinary rate of wages shall be payable to a worker working for more than 9 hours on any day or for more than 48 hours in any week; Provided further that nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948. Explanation.—The expression •ordinary rate of wages" means the basic wages plus allowances including the cash equivalent of the advance accruing through the concessional sale to the person employed of foodgrains and other articles as the person employed is for the time being entitled to but does not include a bonus : provided also that; (i) the total number of hours of overtime work shall not exceed 50 in any quarter; (ii) the spread over, inclusive of intervals for rest shall not exceed hours on any day; and (iii) the total number of hours of work on any day shall not exceed IO, Explanation—Quarter means a period of three consecutive months beginning from the 1st of January, the 1st of April, the 1st of July and the 1st of October. (2) A register showing overtime payments shall be kept in

24. Form of registers arid records (rule 29.41) A •ster of wages r at the workshop in Form be maintained every em I ges slips in

Form Xl shall be issued b} every employerto 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 register of wage slip. (4) Entries is the register of wages and wage slip 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 and kept in Form V; Provided that the State Government may exempt any establishment or class of establishments from the operation of this rule

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

26. Authorisation (rule authorisation to act on behalf of an employed person or persons, under sub-section (1) of section 20 or sub-section (1) ot section 21 shall be given in Form VIII by an instrument which shall be presented to the Authority hearing the application and shall form part of the record. Address of Inspector—