Government of Jharkhand
Labour, Employment and Training Department
NOTIFICATION

S.O..... Ranchi, dated- 14/11/2002

In exercise of the powers conferred by section-85 of the Bihar State Re-organisation Act, 2000, the Government of Jharkhand adopts "Bihar Minimum Wages Rules, 1951 as in effect in the State of Bihar till 15.11.2000 with the following amendments:-

The word "Bihar" or "Bihar State", Bihar Government & Patna wherever they occur in the rules be replaced with the word Jharkhand or "Jharkhand State" Jharkhand Government & Ranchi.

2. These Rules shall come into force with effect from 15.11.2000

(No.2/M.W.20-19/2001-2866)
By the order of Governor of Jharkhand
(Bhogendra Jha)
Dy. Secretary to Govt.

The Bihar Minimum Wages Rules, 1951 **Notification No. W3-1019/51-l.-197 dated the 12th November, 1951.**

In exercise of the powers conferred by Section 30 of the Minimum Wages Act,1948, (Act XI of 1948), the Governor of Bihar is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely :-

CHAPTER I
PRELIMINARY

1.Short title and extent - (1) These rules may be called the Bihar Minimum Wages Rules, 1951. (2)The state Bihar.

2. Interpretation - In 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, 1[**] as the case may be appointed under section 9;

(f) 'Committee' means a Committee appointed under clause (a) of subsection (1) 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 II

2[MEMBERSHIP, MEETINGS & STAFF OF THE BOARD AND COMMITTEE

3. Term of office of the members of the Committee 1[**].-The term of office of the members of the committee 1[**] 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 1[**] fix such terms and may, from time to time extend it as circumstances may require.

4. Term of office of member of the Board.-(1) Save as otherwise

1. Words "Advisory Committee" deleted by Notification No. VI/W3-1022/58L- 19583 dated 22.11.1958.

2. Subs. By ibid.

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 causal 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.

1[**4A. Nomination of substitute-members.-**If 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 2 [*], or the Board shall be entitled to draw travelling and halting al rformed by him in connection with his

duties as such member such rates and subject to such conditions as the State Government may determine from time to time.

6. **Staff.-**(1) The State Government may appoint a Secretary to the Committee, 2[**] 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, 2[**] or Board, as the case may be.

He may attend the meetings of such Committee, 2[**] 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, 2[**] 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, 2[**] or the Board of which he was a member.

8. Resignation of Chairman and members of the Committee, 2[**] or the Board and filling of casual vacancies.-(1) A member of the Committee 2[**] or the Board other than the Chairman may, by giving notice in writing 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.

(3) When a vacancy occurs or is likely to occur in the membership of the

1. Ins. By No. vi/W3-1022/5-L-19583 dated 22.11.1958.
2. Words “Advisory” Committee” omitted by ibid.

Committee, 1[**] or the Board, the Chairman shall submit a report to the State Government immediately. The State Government shall take steps to fill the vacancy.

9. Cessation and restoration of membership.-(1) If a member of the Committee, 1[**] 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 thereto 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 1[**] 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.-(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, 1[**] 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 un-discharged 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, 1[**] 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.-(1) The Chairman shall preside at the meetings of Committee, 1[**] 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, a member by a majority of votes, who shall preside at such meeting.

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1. Words "Advisory Committee" omitted by Notification No. VI/W3-1022/58l. 19583 dated 22.11.1958.

14. Quorum.-No business shall be transacted at any meeting unless atleast one third of the members and atleast one representative of the employers and employees are present :

Provided that when at any meeting no representative of the employers or employee 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 seven 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 number or class of members present.

15. Disposal of business.-All business shall be considered at a meeting of the Committee. 1[**] or the Board, as the case may be, and shall be decided by a majority 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 by securing written opinion 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 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 meetings.-(1) 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 meeting.

(2) The proceeding 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 [**]1 OR THE BOARD & PRODUCTION OF DOCUMENTS

18. Summoning of witnesses and production of documents.-(1) A committee 1[**] of the Board may summon any person to appear before it on a date specified therein and to produce any books, papers or other document and things in his possession or under his control relating in any manner to the enquiry.

(2) A summon under sub-rule (I) may be addressed to an individual or an organization of` employers or a registered Trade Union of workers and shall be issued under signature of the Chairman or any person authorised by him in this behalf.

(3) A summon under this rule may be served-

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

_____ 1. Words "Advisory Committee" omitted by Notification No. VI/W3-1022/58L. 19583 dated 22.11.1958

(ii) in the case of an employers' organization or a registered Trade Union of workers, by being delivered or sent by registered post to the secretary or the principal officer of the organization 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 production of documents shall, so far 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[**] 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 apply to 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 1[**] 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 if there are more than one such market, shall be taken into account in computing in each 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 wages.-(1) (i) The wages period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of worker in the employment shall be paid—

(a) in the case of establishments in which less than on thousand persons are employed, before the expiry of the seventh day; and

(b) in the case of other establishments, before the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(iii) 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

1.Words "Advisory Committee" omitted by Notification No. VI/1022/58, L- 19583 dated 29.11.1958. 2. Ins by G.S.R. 66 dated 26.6.1971.

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 authorized by or under these rules.

(iv) All payments of wages shall be made on a working day.

Explanation.—(1) 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) fine 1[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 for house accommodation supplied by the employer 1[or the State Government or any authority constituted by the State Government for providing housing accommodation;]
(v) deductions for such amenities and services supplied by the employer as the State 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 protective required for the purpose of employment.

(vi) deductions for recovery of advances or for adjustment of overpayments 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 installment of deduction exceed one fourth of his 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 payment of advances from any provident fund to which the Provident Fund Act, 1925 applies or any recognized 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 Government during the continuance of the approval;
(x) 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 approver by the State Government with the written authority of the employed person;
1[(XII)] 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;

Provided the prior approval of the inspector or any other officer.

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_____ 1. Ins. By Notification No. VI/W3/1022/58/L/19583 dated 22.11.1958.

Authorized by the State Government in this behalf is obtained in writing before making the deduction, unless the employee gives 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 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 authorized by them in this behalf. All such deductions and all realization thereof shall be recorded in a register maintained in Forms I, II and III, as the case may be.

1[A return in Form III shall be furnished annually, within a time limit as may be notified by the State Government by an employer in respect o d factory to the Chief Inspector of

Factories, Bihar, and by employer in respect of employment other than in a registered factory to the Labour Officer of the district to which it relates.]

**Provided further that notwithstanding the provisions contained in sub rule (4) in such cases where online Annual Return is filed in such format as may be prescribed by the Government for the purpose may be filed only for the period not later than 30th June of every year.

Provided that the Government, by order, may devise or notify consolidated forms for maintaining registers and records in lieu of the forms prescribed in these rules.

Provided further that the Government may allow the registers and record to be maintained in computerized or digital formats.

(5) The amount of fine imposed under sub-rule (3) shall be utilized 2[in accordance with the directions of the State Government or any officer authorized 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 Act.—3[(1) Notices containing the minimum rates of wages fixed together with relevant extracts from the Act, and rules framed there under 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 work 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 officers]

(The extracts from the Act and the rules made there under required to be displayed under sub-rule (1) shall be in

Form XII.)

23. Weekly holidays.—(1) Unless otherwise permitted by the State Government no worker shall be required to be 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 free to work on a day of rest, but not so as to work for more than 10 days consecutively without a holiday for a whole day.

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1. Ins. By Notification No. VI/W3-1022/58/L-19583 dated 22.11.1958.
2. Subs. By ibid.
3. Subs by S.O. 21 dated 6.12.1972.
4. Subs. By Notification No. VI/W8-1091-616105 dated 11.12.1961

** Ins. By Jharkhand Notification No. FileNo-02/Shrama.Ka.(M.W.)-01/2015L&E1270Ranchi,dated 20.07.15

(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 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 of hours of work which shall constitute a normal working day.—**1[(1) 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 employed 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 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 provision of sub-rules (1) to (4) shall, in the case of workers agriculture employment, be subject to such modifications as may, from time to time, be notified by the State Government.

1[(5) 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 beginning 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 overtime.—2[(1)] When a 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.

2. 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 shall not exceed 12 hours on any day; and

(iii) the total number of hours of work on any day shall not exceed 10.

Explanation.—"Quarter" means a period of three consecutive months beginning from the 1st fo January, the 1st of July and the 1st of October.]

(2) A Register showing over-time payment shall be kept in

1[26. Form of register and records.—(1) A register of wages shall be maintained by every employer at the work-spot in

Form X.

(2) A wage slip in Form XI 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 authorized by him in this behalf.

(5) A Muster Roll shall be maintained by every employer and kept in Form V : Provided that State Government may exempt any establishment or class of establishments from the operation of this rule.

2[S.O. 663, dated the 7th May, 1973.—In exercise of the powers conferred by sub-section (2) of section 26 fo the Minimum Wages Act, 1948 (Act XI of 1948) the Government of Bihar is pleased to direct that the provisions of section 18 of the said Act, read with rule 26 of the Bihar Mimimum Wages Rules, 1951, shall not apply to any local Authority in the 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 VII, as the case may be.

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1. Subs. By G.S.R. 119 dated 27.4.1967.

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 hearing 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 or special messenger 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 appellant of the date so specified.

(2) If the employer 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 date of the said order and the application shall then be reheard after service of the 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. Costs.—(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

(iv) Pleader's fee to the extent of ten to a sum not less than five in any proceeding, may reduce the fee 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.

31. Court-fees.—The court-fee payable in respect of proceedings under section 20 shall be—

(i) for every application to summon a witness—one rupees in respect of each witness;

(ii) for every application made by or on behalf of an individual —one rupees

Provided that the Authority may if in its opinion the applicant is a pauper, exempt him wholly or partly from the payment of such fees;

Provided further that no fees shall be chargeable—

(a)from persons employed in Agriculture; or

(b)in respect of an application made by an Inspector.

FORM I

[Rule 21 (4)]

Register of Fines

Serial No.	Name	Father's/ Husband's name	Sex	Department	Nature and date of the offence for which fine imposed	Whether workman showed cause against fine or not, if so enter date	Rate of wages	Date and amount of the imposed	Date on which fine realised	Rema
1	2	3	4	5	6	7	8	9	10	11

FORM II

[Rule 21 (4)]

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

Form III

[Rule 21 (4)]

Annual Return

Return of the year ending the 31st December.—

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

……..

(b) Name and residential address of the owner/countractor.

(c) Name and residential address of the Managing Agent/Director/Partner incharge of the day-to-day affairs of the Establishment owned by a Company, Body corporate or Association.

(c)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……..

#4. Average daily number of persons employed during the year—

……

…… (i) Adult … … …

……

…… (ii) Children … … …

……

……. 5. Total wages paid in cash …

…….

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

7. Deductions—

	Number of cases.	
	Total amount	Rs. P.
(a)Fines … … … … …		
(b)Deduction for damage or loss.		
(c)Deduction of breach of contract.		

8. Disbursement from fines—

Purpose.

(a)… … …

(b)… … …

(c)… … …

9. Balance of fine found in hand at the end of the year.

Signature…….
Designation……
Dated…….

---

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

#The average daily number of persons employed during the year is obtained by dividing the aggregate number of attendance during the number of working days.

+Cash value of the wages paid in kind should be obtained by taking the difference between the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given at concessional rates.

FORM IV
[Rule 25 (2)]
Overtime register of workers
Month ending……19…

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

FORM V

[Rule 25 (5)7]

Muster Roll

Name of Establishment… … … … … … … … … … … … … … … …Place… …

… …

Serial no.	Name	Father's/Husband's name	Sex	Nature of work	For the period ending … … … …														Remarks

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)… … … … … Applicant (s)
(3)… … … … …
(through… … … … … … … ... … … … … … a Legal Practitioner … … … … … … … … … … … … … …
official of … … … … Union which is registered Trade Union)
Address… … …

Versus

(1)… … … … … …
(2)… … … … … opponents
(3)… … … … …

Address… … …

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 issued under sub-section(3) of section 2- 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)Compensation amounting to Rs.

The applicant (s) does 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… …19.

* 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.

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.

(1)… … … … … … … … .. … … Applicant

Address… … … …

versus

(2)… … … … … … … .. … … … … …Opponent :

Address… … … …

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 employee-

(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 to Rs… … …

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

Signatu

re… … … … 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… … …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—

Application no. of 19

(1)… … …
(2)… … … Applicant (s)
(3)… … …

Versus

(1)… … …
(2)… … …

Opponents

I hereby authorise Mr…..a legal practitioner….Officer 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 under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorized agent, able to answer all material questions relating 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…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 documents upon which you intend to rely in support of you 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……..

1[FORM X]

[Rule 26 (1)]

Register of Wages.

Wage-period from…. … Name of Estt. …

Place … …

Serial no.	Name of the employee	Father's/husband's name.	Design nation	Minimum rates of wages payable		
				Basic	D.A.	
1	2			3	4	5

Rates of Wages actually paid			Total attendance/units of work done.	Overtime worked	Gross wages payable.
Basic	D.A.				
6	7	8	9	10	11

Deductions				Wages paid	Date Signature/thumb-impression of employee.
Employee's Contribution To P.F.	House-rent.	Other deductions	Total deductions		
12	13	14	15	16	17	18

1. Subs by G.S. R.No. 119 dated 24.7.1967.

1[FORM XI

[Rule 26 (2)]

Wage-Slip.

Name of the establishment…

… … … …. Place… … … … …

… … … … … … … … … … … 1.Name of employee with father's/husband's name,— …

2.Designation— … ----------

3.Wage-period— …

4.Rate of wages payable—

(a)Basic

(b)D.A. –

5.Total attendance/unit of work done. …

6.Overtime wage— …

7.Gross wages payable. … …

8.Total deduction. … …

9.Net wages paid— … …

Pay in charge

Employee's signature/thumb impression

2[FORM XII

[Rule 22 (2)]

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 2). –Inthis 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;

(d)"cost of living index-number" in relation to employees in any

---

1. Subs. By G.S.R. No. 119 dated 24.7.1967

2. Ins. By G.S.R. No. 140 dated 5.10.1967.

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;

(e)"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—

(i) 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;

(ii) in any scheduled employment under the control of any government in India, I respect of which minimum 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;

(iii) 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;

(iv) 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;

(f)"prescribed" means prescribed by rules made under this Act;

(g)"scheduled employment" means an employment specified in the Schedule, or any process or branch of work

forming part of such employment;

(h)"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 special order of the appropriate Government;

(ii) any contribution paid by employer to any personal Fund of 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;

(j)"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 Union.

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 partly in 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 -rate authorised under sub-section (2)and (3)shall be estimated in the prescribed manner.

3. Payment of minimum rates of wages (section 12.)—Where in respect of any scheduled employment a notification under section 5 is in force, the employer shall pay to every employee engaged in schedule employment under him wages at a rate not less than the minimum rate of wages fixed by such notification ion for that class of employees in that employment without any deduction except as may be authorized 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 Wages is 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 15).—If 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 day;

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 15).—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 suchclass 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 17).—Where 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 Minimum Wages Act (section 19).—(1) Subject to any rule 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 there under 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 therein or an employee to whom work is given out therein;

(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).

9. Claims (section 20)—(1) 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) Where 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 authorized in writing to act on his behalf, or any Inspec- tor, or any person acting with the permission of the Authority appointed under sub-section (1), may apply 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 fifty rupees be paid to the employer by the person presenting the application.

(5)If the Authority 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 if the Authority 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. Or

(b)if the Authority 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, 1998]1.

(10) 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 mini- mum 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 of employees in the scheduled

employments in respect of which minimum rates of wage 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

(b)Contravenes any ruleor 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 there under shall, if no other penalty is provided for such contravention by this Act, be punishable with fine which may extend to five hundred rupees.

1.Now see Cr. P.C. 1973.

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 offence has been presented under section 20 and has been granted wholly or in part and the appropriate Govern- ment or an officer authorized 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;

(c) under section 22A,unless complaint thereof is made within six months of the date of which the offence is alleged to have been committed.

14.Offence by Companies (section 22C).—(1) If 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 association of individual; and (b)"director" in relation to a firm means a partner in firm.

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 there under 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 (b)has formed the subject of a direction under the section in favour of the plaintiff; or

(c)has been adjudged in any proceeding under the section not to be due to 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 (role 20)—The retail prices at the nearest market, to be selected 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 made 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 21).—(1) (i) The wage period with respect to any schedule 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, before the expiry of the seventh day, and

(b)in the case of other establishments, before 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 authorized by or under these rules.

(iv) All payments of wages shall be made on a working day.

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 employer person for custody, or for loss of money of which he is required to account, where such damage or loss id 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 or special order authorise.

Explanation.-The words “amenities and service” in this clause do not include the supply to tools and protectives required for the purposes of employment.

(vi) deduction for recovery of advance for adjustment of over payment of wages;Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person in no case, shall the monthly installment of deduction exceed on 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 re-payment of advances from any provident fund to which the Provident Fund Act, 1925 applies or any recognized provident fund 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 other than wages paid to the employed person in error or in excess of what is due to him;

Provided that the approval of the Inspector or any other officer authorized 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 authorized by them in this behalf. All such deductions and all realizations thereof shall be recorded in a register maintained in

Form 8 I,II and III, as the case may be. A return in Form III 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/V3-1056.L—957,dated 14th January, 1959*,the State Government have fixed the 31st January as the date by which the Annual Return in

Form III is required to be submitted by every employer.]

5. The amount of fine imposed under sub-rule (3) shall be utilized in accordance with the directions of the State Government or any officer authorized 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 there under 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 employee are employed, or in the case of out worker where 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 there under required to be Displayed under sub-rule (1) shall be in

Form XII.

21. Weekly holidays (rule 23).—(1) 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 the preceding 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 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 prescribed in rule 25.

22. Number of hours of work which shall constitute a normal working day (rule 23).—(1) 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 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 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 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-rule(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 (rule-25).—(1) 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.—Te expression "ordinary rate of wages" means the basic wages plus allowanced Including the cash equivalent of the advance 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;

Provided also that;

(i) the total number of hours of overtime work shall not exceed 50 any quarter;

(ii)

the spread over, inclusive of intervals for rest shall not exceed 12 hours on any day; and (iii) the total number of hours of work on any day shall not exceed 10,

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 Form IV.

24. Form of registers and records (rule 26).—(1) A register of wages shall be maintained by every employer at the workshop in

Form X.

(2) Wages slips in Form XI 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 register of 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; 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 28).—The authorisation to act on behalf of an employed person or persons, under sub-section (1) of section 20 or sub-section(1) of 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—

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