

CHAPTER-VI

Scale of costs in proceedings under the Act

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

- (2) The costs which may be awarded shall include-
- (i) expenses incurred on account of court fees;
 - (ii) expenses incurred on subsistence money to witnesses; and
 - (iii) pleader's fees to the extent of ten rupees provided that the Authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

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

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 rupee in respect of each witness;
- (ii) for every application made by or on behalf of any individual - one rupee :

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

Provided further that no fee shall be chargeable-

- (a) from persons employed in Agriculture; or
- (b) in respect of an application made by an Inspector.

FORM I Register of fines

[Rule 21(4)]

..... Employer.....

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 fine imposed	Date on which fine realised	Remarks
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

Serial No.	1	
Name	2	
Father's/Husband's Name	3	
Sex	4	
Department	5	
Damage or loss caused with date	6	
Whether worker showed cause against deduction. If so, enter date	7	
Date and amount of deduction imposed	8	
Number of instalments, if any	9	
Date on which total amount realised	10	
Remarks	11	

¹FORM III

[Rule 21 (4A)]

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

1. (a) Name of the establishment and postal address
- (b) Name and residential address of the owner/contractor
- (c) Name and residential address of the Managing Agent/Director/ Partner-in-charge of the day-to-day affairs of the establishment owned by a company, body corporate or Association.....
- (d) Name and residential address of the Manager/ Agent, if any.....
2. Number of days worked during the year
- *3. Number of man-days worked during the year
- **4. Average daily number of persons employed during the year.....
(i) Adults (ii) Children.....
5. Total wages paid in cash
- ***6. Total cash value of the wages paid in kind
7. Deduction

Total
No. of case amount.
Rs. P.

- (a) Fines
- (b) Deduction for damage or loss
- (c) Deduction for breach of contract

Disbursement from fines-

	Purpose	Amount
		Rs. p.

- (a)
- (b)
- (c)
- (d)

Balance of fine fund in hand at the end of the year.....

	Signature.....
Date.....	Designation.....

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

1. Substituted by Notification No.GLR.137/64/25, dated 19th February, 1965.

¹[FORM III-A]

(Rule 22)

NOTICES

Abstracts of the Minimum Wages Act, 1948 and the Rules made thereunder**I. Whom the Act affects**

1. (a) The Act applies to persons engaged on scheduled employments on specified class of work in respect of which minimum wages have been fixed.
- (b) No employee can give up by contract or agreement his rights in so far as it purports to reduce the minimum rates of wages fixed under the Act.

II. Definition of wages

1. 'Wages' means all remuneration payable to an employed person on the fulfilment of his contract of employment. It excludes—
 - (i) the value of any house accommodation, supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the State Government;
 - (ii) contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of Social Insurance;
 - (iii) the travelling allowance or the value of any travelling concession;
 - (iv) the sum paid to the person employed to defray special expenses entailed on him by the nature of his employment;
 - (v) gratuity payable on discharge.
2. The minimum rate of wages may consist of—
 - (i) a basic rate of wages and special allowance called the cost of living allowance;
 - (ii) a basic rate of wages with or without a cost of living allowance and the cash value of any concessions, like supplies of essential commodities at concession rates;
 - (iii) an all inclusive rate comprising of basic rate, cost of living allowance and cash value of concession, if any.
3. The minimum wages payable to employees of scheduled employments, notified under Section 5 read with Section 3 or as revised from time to time under Section 10 read with Section 3 may be—
 - (a) a minimum [time rate],²
 - (b) a minimum piece rate,
 - (c) a guaranteed time rate,
 - (d) an overtime rate,
 differing with (1) different scheduled employments, (2) different classes

1. Added *vide* Notification No.GLR.425/38/54, dated 24th May, 1960.

2. Substituted for the word "rate" *vide* Notification No.GLR.425/36/57, dated 16th September 1960.

of work, (3) different localities, (4) different wage periods, and (5) different age groups.

III. Computation and conditions of payment

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

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

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

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

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

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

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

Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employee wages ¹[at not less] than the minimum time rate.

IV. Hours of work and holidays

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

- (a) in the case of an adult; 9 hours;
- (b) in the case of a child, 4½ hours;

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

²[The employer shall allow a day of rest with wages to the employee every week. Ordinarily Sunday will be the weekly day of rest but any other day of the week may be fixed as such rest day. No employee shall be required to work on a day fixed as rest day, unless he is paid wages for that day at the overtime rate and is also allowed a substituted rest day with wages.]

When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week he shall in respect

1. Corrected *vide* Notification No.GLR.425/58/57, dated 16th September, 1960.

2. Substituted by Notification No.GLR.134/58/140, dated 14th September, 1963.

of overtime worked be entitled to wages in scheduled employment other than agriculture, at double the ordinary rate of wages.

V. Fines and deductions

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

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

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

VI. Maintenance of Registers and Records

Every employer shall maintain a register of wages specifying the following

particulars for each period in respect of each employed person—

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

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

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

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

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

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

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

VII. Inspections

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

VIII. Claims and Complaints

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

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

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

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

A complaint under Section 22 of the Act, can be made to the court only

by or with the sanction of an Inspector within six months of the date on which the offence is alleged to have been committed.

IX. Action by the Authority

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

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

Every direction of the Authority shall be final.

X. Penalty for offences under this Act

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

Any employer who fails to maintain a register or record ¹[required] to be maintained under Section 18, shall be punishable with fine which may extend to five hundred rupees.

XI. Minimum Rates of Wages (Fixed)²

Name of undertaking

Serial No.	Category of employees	Minimum wages

XII. Name and Address of the Inspector(S)

Name	Address

1. Inserted *vide* Notification No.GLR.425/58/57, dated 16th September, 1960.
 2. Substituted for the word "Fund" by *Ibid*.

FORM IV
 [Rule 25(2)]
Overtime Register for Workers
 Month ending

Month ending 19

Serial No.	Name	Father's/ Husband's Name	Sex	Designation and Department	Dates on which over- time worked	Extent of over- time on each occa- sion	Total over- time worked or prod- uction in case of piece workers	Normal hours	Normal rate	Over- time rate	Normal earnings	Over- time earn- ings	Total ear- nings	Dates on which over time paym- ent made
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

***FORM IV-A**

[Rule 26]

Register of wages

Name of Establishment
 Place

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

* Added by Notification No.GLR.425/58/54, dated 24th May, 1960.

***FORM V**

[Rule 26(3)]

Muster Roll

Name of Establishment
 Place

Serial No.	Name	Father's/Husband's Name	Sex	Nature of work	For the period ending.....													Remarks		
					1	2	3	4	5	6	7	8	9	10	11	12	13			

1. Substituted FORM "V" vide Notification No.GLR.118/67/41, dated the 19th January, 1971.

FORM VI**Form of Application by an Employee under Section 20(2)**

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

Application No. of 19..

- (1)]
 (2)] Applicant(s)
 (through a Legal Practitioner, official of Union which is a Registered Trade Union) Address.....

versus

- (1)]
 (2)] Opponents
 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 20 for-

- (a) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and
 (b) compensation amounting to Rs.

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

Date.....

*

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

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

This verification is signed at on day of 19..

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

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

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

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

Application No. of 19...

- (1) Applicant
 Address

versus

- (1) Opponent
 Address

The applicant 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-

- (1)
 (2)
 (3)

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

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

- (a) Payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid, and
 (b) compensation amounting Rs.

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

Date

Signature

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

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

To,

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

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

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

Date.....

Signature of the Authority.

**THE ASSAM MINIMUM WAGES (DRAFT)
(AMENDMENT) RULES, 1992¹****NOTIFICATIONS***[Dated the 19th August, 1992]*

No.GLR.(RC)97/91/11- The following draft rules further to amend the Assam Minimum Wages Rules, 1952 which the Governor of Assam proposes to make in exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (*Central Act 21 of 1948*) are hereby published, as required by the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration after expiry of a period of 60 days from the date of publication of the notification in *Official Gazette*.

Any objections or suggestions which may be received from any person with respect to the said draft rules within the period specified above will be considered by the Governor of Assam.

Draft Rules

1. Short title, extent and commencement- (1) These rules may be called the Assam Minimum Wages (Amendment) Rules, 1992.

(2) They shall come into force on the date of their publication in the official *Gazette*.

2. Amendment of Rule 23- In the Assam Minimum Wages Rules, 1952, in Rule 23, sub-rule (1), in the *Explanation*, for clauses (a) and (b), the following shall be substituted, namely-

[(a) any day on which an employee is required to attend for work and is not provided with work;

(b) any day on which an employee is laid of;].

1. Published in the Assam *Gazette* Extraordinary dated 29th October, 1992, (No.156).