

# THE ASSAM MINIMUM WAGES RULES, 1952

[Dated the 16th April, 1952]

**No.GLR.44/51-** *In exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948 (No. XI of 1948), the Governor of Assam is pleased to make the following rules which were published previously, as required by Section 30 of the said Act-*

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4. Notification No.GLR.118/67/48, dated 16th October, 1971.
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7. Notification No.GLR.425/58/57, dated 16th September,1960.
8. Notification No. GLR.425/58/54, dated 24th May, 1960.
9. Notification No.GLR.82/57/91, dated 20th November, 1958.

**NOTE-** THE ASSAM MINIMUM WAGES (DRAFT) (AMENDMENT) RULES, 1992 "PRINTED SEPARATELY" AT THE END OF THE RULES.

## CHAPTER-I Preliminary

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

(2) They extend to the State of Assam.

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

- (a) "Act" means the Minimum Wages Act, 1948;
- [(b) *deleted*]<sup>1</sup>
- (c) "Authority" means the authority appointed under sub-section (1) of Section 20;
- (d) "Board" means the Advisory Board, appointed under Section 7.
- (e) "Chairman" means the Chairman of the Advisory Board, the Committee [\*\*\*]<sup>2</sup> 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;
- (g) "form" means a form appended to these rules;
- (h) "Inspectors" means a person appointed as Inspector under Section 19;
- (i) "registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926;
- (f) "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.

### NOTE

Deleted the words "**and the Advisory Committee**", "**or an Advisory Committee**", "**or Advisory Committee as the case may be**" and "**the Advisory Committee**" wherever they occur, *vide* Notification No.GLR.118/67/41, dated the 19th January, 1971.

1. Deleted Clause "(b)" of Rule 2, *vide* Notification No.GLR.118/67/41, dated the 19th January, 1971. **Note-** Before *deleted* Clause "(b)" of Rule 2, read as follows-

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

2. Deleted the words "or the Advisory Committee" in Clause (e) of Rule 2, *vide* Notification No.GLR/118/67/48, dated the 6th October, 1971.

## CHAPTER-II

### Members and Staff and meetings of the Board and Committee[\*\*\*]<sup>1</sup>

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

**4. Term of office of members of the Board-** (1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board, shall be two years commencing from the date of his nomination :

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

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

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

**5. Travelling allowance-** A non-official member of the Committee, [\*\*\*]<sup>1</sup> or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the rules of the State Government.

**6. Staff-** (1) The State Government may appoint a Secretary to the Committee, [\*\*\*]<sup>1</sup> 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 [\*\*\*]<sup>1</sup> or the Board, as the case may be. He may attend the meetings of such Committee, [\*\*\*]<sup>1</sup> or Board but shall not be entitled to vote as such meetings;

1. Deleted the words "and the Advisory Committee" and "or an Advisory Committee" and "or Advisory Committee as the case may be" and "the Advisory Committee" wherever they occur, *vide* Notification No.GLR.118/67/41, dated the 19th January, 1971.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, [\*\*\*]<sup>1</sup> or the Board, as the case may be.

**7. Eligibility for renomination of the members of the Committee, [\*\*\*]<sup>1</sup> and the Board-** An out-going member shall be eligible for renomination for the membership of the Committee [\*\*\*]<sup>1</sup> or the Board of which he was a member.

**8. Resignation of the Chairman and members of the Committee, [\*\*\*]<sup>1</sup> and the Board and filling of casual vacancies-**

(1) A member of the Committee, [\*\*\*]<sup>1</sup> or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

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

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, [\*\*\*]<sup>1</sup> or the Board, the Chairman shall submit a report to Government immediately. Government shall then take steps to fill the vacancy.

**9. Cessation and restoration of membership-** (1) If a member of the Committee, [\*\*\*]<sup>1</sup> or the Board fails to attend three consecutive meeting, he shall, subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefore within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, [\*\*\*]<sup>1</sup> or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

**10. Disqualification-** (1) A person shall be disqualified for

1. Deleted the words "and the Advisory Committee" and "or an Advisory Committee" and "or Advisory Committee as the case may be" and "the Advisory Committee" wherever they occur, vide Notification No.GLR.118/67/41, dated the 19th January,1971.

being nominated as and for being a member of the Committee, [\*\*\*]<sup>1</sup> 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 Act he has been convicted of an offence involving moral turpitude.

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

**11. Meetings-** The Chairman may, subject to the provision of Rule 12, call a meeting of the Committee, [\*\*\*]<sup>1</sup> or the Board, as the case may be, at any time he thinks fit :

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

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

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

**13. Chairman-** (1) The Chairman shall preside at the meetings of the Committee [\*\*\*]<sup>1</sup> or the Board, as the case may be.

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

<sup>2</sup>**[14. Quorum-** No business shall be transacted at any meeting unless at least one representative of both employers and employees are present :

1. Deleted the words "Advisory Committee" vide Notification No.GLR.118/67/41, dated the 19th January,1971.

2. Substituted Rule "14" by *Ibid*.

**Note-** Before Substitution Rule "14" read as follows-

**[14. Quorum-** No business shall be transacted at any meeting unless at least one-third of the members are present :

Provided that if at any meeting 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 of members present.

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

**15. Disposal of business-** All business shall be considered at a meeting of the Committee, [\*\*\*]<sup>1</sup> or the Board, as the case may be and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote :

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

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

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

**17. Proceedings of the meeting-** (1) The proceeding of each meeting showing *intar alia* the names of the members present 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 proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

### CHAPTER-III

#### Summoning of witnesses by the Committee [\*\*\*]<sup>1</sup> and the Board and Production of documents

##### 18. Summoning of witness and production of documents.-

(1) A Committee, [\*\*\*]<sup>1</sup> or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified

1. Deleted the words "Advisory Committee" vide Notification No.GLR.118/67/41, dated the 19th January,1971.

therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

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

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

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

(4) The provisions of the Civil Procedure Code relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, [\*\*\*]<sup>1</sup> or the Board.

["(5) All books, papers, and other documents or things produced before a committee or the Board in pursuance of summons under sub-rule (1) may be inspected by the Chairman and the independent members, and also by such parties as the Chairman may allow with the consent of the other party, but the information obtained shall not be made public. Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under Section 193 of the Indian Penal Code (*Central Act, XLV of 1860*)."]<sup>2</sup>

**19. Expenses of witnesses-** Every person who is summoned and appears as a witness before the Committee, [\*\*\*]<sup>1</sup> or the Board, shall be entitled to an allowances for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

1. Deleted the words "Advisory Committee" vide Notification No.GLR.118/67/41, dated the 19th January, 1971.

2. Inserted sub-rule "(5)" in Rule 18, by *ibid*.



## CHAPTER-IV

### Computation and payment of wages, Hours of work and Holidays

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

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

- (ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated;
- (iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

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

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

- (i) fines;
- (ii) deductions for absence from duty;
- (iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;
- (iv) deductions for house accommodation supplied by the employer;
- (v) deductions for such amenities and services supplied by the employer as the Government may, by general or special order, authorise.

**Explanation-** The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purposes of employment;

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

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

- (vii) deductions of income tax payable by the employed person;
- (viii) deductions required to be made by order of a court or other competent authority;

- (ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which to 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 Government during the continuance of such approval;

\* (x) deductions for payment to co-operative societies or deductions made with the written authorisation of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956.

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

(4) The amount of fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisation thereof shall be recorded in forms I, II [\*\*\*]<sup>1</sup>.

\* Substituted by Notification No.GLR.82/57/91 dated 20-11-1958.

\*\* Now See the provision of the Income Tax Act, 1961.

1. Deleted the words "and IV of the forms prescribed under the Assam Payment of Wages Rules, 1937 as the case may be. A return in form IV of the forms prescribed under the Assam Payment of Wages Rules, 1937 shall be submitted annually by the employer." in sub-rule (4) of Rule 21, vide Notification No.GLR.118/67/41, dated the 19th January, 1971.

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

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

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

**22. Publicity to the minimum wage fixed under the Act-** Notices <sup>2</sup>[in Form IIIA] <sup>3</sup>containing the minimum rates of wages fixed together with [abstract of] the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in clean and legible condition. Such notices shall also be displayed on the notice boards of all Sub-divisional and District Offices.

<sup>3</sup>**23. [Weekly day of rest]**<sup>4</sup> - (1) Subject to the provisions of this rule, an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as the 'rest day') which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class <sup>2</sup>of employees in that scheduled employment :

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

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

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

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

1. Inserted *vide* Notification No.GLR.137/64/25, dated 19.2.1965.
2. Added *vide* Notification No.G.L.R. 425/58/54, dated 24-5-1960.
3. Substituted *vide* Notification No.GLR.134/58/140, dated 14.9.1963.
4. Substituted *vide* Notification No.GLR.137/64/25, dated 19.2.1965.

(b) any day on which an employee is laid off;]<sup>5</sup>

(c) any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days, immediately preceding the rest day,

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

(2) Any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless he has or will have a substituted rest day for a whole day on one of the five days immediately before or after the rest day :

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

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

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

Provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six daily rate of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid, only for the rest day on

1. Substituted clauses "(a)" and "(b)" in Explanation of sub-rule (1) of Rule 23, *vide* Notification No. GLR(RC) 97/91/43, dated the 29th June, 1995, (w.e.f.18.07.1995). See EOG., dated 18th July, 1995 (No.152).

**Note-** Before Substitution clauses (a) and (b) read as follows-

- (a) any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work;
- (b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947;

which he worked an amount equal to the wages payable to him at the overtime rate; and if any dispute arises without the daily rate of wages has been worked out as aforesaid, the Labour Commissioner, may, on application made to him in this behalf decide the same, after giving an opportunity to the parties concerned to make written representation :

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

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

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

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

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

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

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

(b) in the case of a child, 4½ hours.

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

(3) The periods of work of an adult worker shall be so arranged

that inclusive of his interval's for rest under sub-rule (2), they shall spreadover more than ten and a half-hour in any day :

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

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

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

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

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

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

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

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

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

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

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

(a) The minimum rates of wages payable to each person employed;



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

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

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

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

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

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

**[26B. Production of Register and other records**— All registers and records required to be maintained by an employer, under these rules shall be produced on demand before the Inspector during the course of inspection of the establishment :

Provided that the Inspector may, if it is necessary, demand the production of the registers and records in his office or such other public place as may be nearer to the employer.]<sup>1</sup>

1. Substituted Rule "26B" vide Notification No.GLR.(RC)97/91/14, dated the 10th February, 1994 (with effect from 13.7.1994), published in the Assam Gazette, Part IIA, dated 13th July, 1994. Before substitution Rule "26B", read as follows—

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

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

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

## CHAPTER-V

### Claims under the Act

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

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

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

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

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

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



## CHAPTER-VI

### Scale of costs in proceedings under the Act

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

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

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

**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	

**<sup>1</sup>FORM III**

[Rule 21 (4A)]

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

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

**<sup>1</sup>[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],<sup>2</sup>

(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 <sup>1</sup>[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.

<sup>2</sup>[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



**\*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.

**<sup>1</sup>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 ..... at .....O'clock in the ..... noon, to answer the claim; and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

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

Date.....

Signature of the Authority.

**THE ASSAM MINIMUM WAGES (DRAFT)  
(AMENDMENT) RULES, 1992<sup>1</sup>****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 off;].

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