

THE HIMACHAL PRADESH MINIMUM WAGES RULES, 1978

1. Short title and extent :-(1) these rules may be called the Himachal Pradesh Minimum Wages Rules, 1978.

(2) They extend to the whole of the State of Himachal Pradesh.

(3) They shall come into force with immediate effect.

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

- a) 'Act' means the Minimum Wages Act, 1948;
- b) 'Authority' means the authority appointed under sub-section (1) of section 20;
- c) 'Board' means the Advisory Board appointed under section 7:
- d) 'Chairman' means the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section 9;
- e) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes a sub-committee appointed under that section;
- (f) 'Form' means a form appended to these rules;
- (g) 'Inspector' means a person appointed as Inspector under section 19;
- (h) 'registered trade union' means a trade union registered under the Indian Trade Unions Act, 1926;
- (i) 'section' means a section of the Act;
- (j) "State Government" means Government of Himachal Pradesh;
- (k) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them under the Act.

CHAPTER II

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

4. Terms 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 fixed by the State Government from time to time.

(2) A 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. Nomination of substitute members.---If a member is unable to attend a meeting of the Committee or the Board, the State Government may by notice in writing signed 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.

6. Travelling allowance.—The official members will be entitled to travelling and Daily Allowances admissible to them according to the rules governing them. The non-official members will be allowed Travelling Allowance and Daily Allowance as per Annexure-A given below:--

ANNEXURE —A

(1) (i) Journey by rail. (a) Member of Parliament. —A Member of Parliament serving on the Committee/Board will utilize the free first class fare issued to him as Member of Parliament in respect of all journeys undertaken by him on the business of the Committee/Board. He will not travel by air conditioned accommodation at Government expense. If such a member travels by air conditioned coach, he will pay the difference between the fare for the air conditioned and first class accommodation from his own pocket.

(b) Members other than Members of Parliament They will be treated at par with Government servants of the first grade, and will be entitled to actual rail fare of the class of accommodation actually used but not exceeding the fare in which the Government servants of the first grade are normally entitled i. e. accommodation of the highest class by whatever name it may be called provided on the railway by which the journey is performed.

(ii) Journey by road. They will be entitled to actual fare for travelling by taking a single seat in a public bus, and if the journey is performed by motor cycle/scooters, mileage allowance at 20 paise per km., and if the journey is performed by engaging full taxi/own car the Members will be entitled to mileage allowance at 60 paise per km. (which rates are inclusive of the elements of 33-1/3 per cent increase for Himachal Pradesh).

(iii) In addition to the actual fare or mileage as per item (i) and (ii) above, a member shall draw Daily Allowance for the entire absence from his permanent place of residence starting with departure from that place and ending with arrival at that place, at the same rate and subject to the same terms and conditions as apply to grade-I officers of the State Government.

(2) Daily Allowance (i) Non-official members be entitled to draw Daily Allowance for each day of the meeting at the highest rate as admissible to a Government servant of the first grade for the respective locality.

(ii) In addition to Daily Allowance for the day(s) of the meeting, a Member shall also be entitled to Daily Allowance for halt on tour at out station in connection with the affairs of the Committee or Board as under:

(a) if the absence from headquarters does not exceed

6 hours •• •• •• Nil

(b) if the absence from headquarters exceeds 6 hours

but does not exceed 12 hours •• •• 70% of the normal rate.

(c) if the absence from headquarters exceeds 12 hours Full.

A Member resident at a place where the meeting of the Committee/Board is held will not be entitled to Travelling and Daily Allowances on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of

Rs. 10.00 per day. Before the claim is actually paid the controlling Officer should verify the claims and satisfy himself after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed.

If such a Member uses his own car, he will be granted mileage allowance at the rates admissible to the officials of the first grade subject to a maximum of Rs. 10.00 per day.

(4) The Travelling and Daily Allowances will be admissible to a member on production of a certificate by him to the effect that he has not drawn any Travelling or Daily Allowance for the same journey and halts from any other government source.

(5) The members will be eligible for Travelling Allowance for the journeys actually performed in connection with the meetings of the Committee/board from and to the place of their permanent residence to be named in advance. If any member perform a journey from a place other than the place of his permanent residence to attend a meeting of the Committee/Board or returns to the place other than the place of his permanent residence after the termination of the meeting, Travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the or permanent residence and the venue of the meeting whichever is less.

(6) **Members of Parliament.**--- The member of Parliament on the committee in respect of journeys performed by him by rail, road, air and steamer connection with the work of Committee/Board, shall be entitled to T.A./D.A. on the same scale as admissible to him under Salaries and Allowances of Members of Parliament Act: as amended from time to time.

(7) **Members of Vidhan Sabha**---. The non-official members who are member of the Vidhan Sabha shall be entitled to T.A./D.A. in respect of journeys performed in connection with the work of the Committee/Board on the scale as is admissible to them under the Himachal Pradesh Legislative Assembly (Allowances of Members Act,1971 (Act No. 8 of 1971) as amended from time to time.

(8) The members will not be entitled to daily allowance in connection with their assignment, when the Vidhan. Sabha or the Vidhan Sabha Committee with the members are serving is in session as they will be drawing their Daily allowance under the Himachal Pradesh Legislative Assembly (Allowances of Members) Act,1971 from the Vidhan Sabha. However, if they certify, that they were prevented from attending the session of the House or the Vidhan Sabha Committee and did not draw any daily allowance from the Vidhan Sabha they would be entitled to daily allowance at the rate as prescribed.

(9) The provisions of rule 4.17 and 6.1 of the Himachal Pradesh treasury rules will apply *mutatis mutandis* in the case of over-payment made on account of Travelling Allowance to the non-official members.

(10) The member will also not draw TA and D.A. including Conveyance allowance which will disqualify them from the Vidhan Sabha.

(11) The Labour Commissioner will be the controlling officer in regard to the countersigning of the Travelling Allowance bills of the non-official members.

(12) The expenditure will be debitable to Head "287 Labour and Employment)- A— Labour (13)—Industrial Relations (b)(iii) Wage Boards".

7. Staff—(1) The State Government may appoint on ex-officio a Secretary to the Committee, and an Advisory 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.

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

(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 decision of the Committee, the Advisory Board, as the case may be.

8. Eligibility for re-nomination of the members of the Committee, Advisory Board.:

An outgoing member shall be eligible for re-nomination for the membership of the Committee, Advisory Board of which he was a member.

9. Resignation of the Chairman and members of the Committee, Advisory Board and filling of casual vacancies.— (1) A member of the Committee, or the Board other than the Chairman, may, by giving notice in writing to the Chairman, resign his membership. The Chairman may resign by a letter addressed to the State Government in the Labour Department.

(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 Committee or the Board, the Chairman shall submit a report to the State Government in the Labour Department immediately. The State Government shall take steps to fill the vacancy.

10. Cessation and restoration of membership.:—(1) If member of the Committee, Advisory Board fails to attend 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 there for 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, the Advisory 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.

11. Disqualification.— (1) A person shall be disqualified for being nominated, as, and for being a member of, the Committee, Advisory 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 undercharged 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 in the Labour Department thereon shall be final,

12. Meetings.—The Chairman may subject to the provision of rule 13, call a meeting of the Committee, Advisory 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 receipt of such requisition.

13. Notice of meetings.— The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post within a reasonable time.

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

(2) In the absence of the Chairman the Vice-Chairman and in the absence of both, the members shall elect from amongst themselves by a majority of votes, a member, who shall preside at such meeting.

15. Quorum.— No business shall be transacted at any meeting unless one-third of the members are present :

Provided that if in any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to date not later than seven days from the date of original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the numbers of members present.

16. Disposal of business.— All business shall be considered at a meeting of the Committee, Advisory 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 on 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.

17. 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 decide, the voting shall be by secret ballot and shall be held in such manner as the Chairman may decide.

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

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

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

19. Summoning of witnesses and production of documents.—(1) A Committee Advisory 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 specific 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 organization 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' organization or a registered trade union of workers by being delivered or sent by registered post to the secretary or other principal officer of the organization 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/Advisory Board.

20. Expenses of witnesses.—Every person who is summoned and appears as a witness before the Committee/the Advisory 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 of Himachal Pradesh.

CHAPTER IV
COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND
HOLI DAYS

21. 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 State Government from time to time.

22. Time and conditions of payment of wages and the deductions permissible from wages.—(1) (i) The wages of a worker in any scheduled employment shall be paid on a working day:--

(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 tenth day, after the last day of the wage 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:

Provided that the State Government on receipt or representation in respect of any scheduled employment or class or classes of employees in such employment may,

after inviting public comments, notify and other wage periods of time limits for payment, which shall then apply to all or any class or classes of employees in such employment.

(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; in respect of such acts and omissions on the part of employed persons as may be specified by the State Government 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 or by the state government or any housing board set up under any law for the time being in force (whether the state government is the employer or not) or any other authority engaged in the business of subsidizing house accommodation which may be specified in this behalf by the state government by notification in the himachal Pradesh Rajpatra;

(v) Deductions for such amenities and services supplied by the employer as the State Government may, by general or special order, authorize.

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

(vi) Deductions for recovery of advances or 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 and, in no case, shall the monthly installment of deduction exceed one-fourth of the wages earned in that month;

(vii) Deductions of income-tax payable by the employed person;

(viii) Deductions required to be made by order of a court or other competent authority;

(ix) Deductions for subscriptions to and for repayment of advances from any provident fund to which the Provident Funds' Act, 1952 (19 of 1952), 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 such approval;

(x) Deductions for payment to co-operative societies or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the state Government or to a scheme of insurance approved by the state government;

(xi) Deductions made with the written authorization of the employed for payment of any premium on his life insurance policy to the life insurance corporation of India, established under the life insurance corporation Act , 1956, or for the purchase of securities of the Government of India or

of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government or for contribution to the national defence fund;

Provided that prior approval of the Inspector or any other officer authorised by the State Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.

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

(4) The amount of fine or deduction for damage or loss mentioned in sub-rule (3) shall be subject to such limits as may be specified in this behalf by the State Government. All such fines imposed and deductions made shall be recorded in the registers maintained in Form I and II respectively. These registers shall be kept at the, workshop and maintained up-to-date. Where no fine or deduction has been imposed or made on or from any employee in a wage period, a 'Nil' entry shall be made across the body of the relevant register at the end of the wage period, indicating also in precise terms the wage period to which the 'Nil' entry relates.

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

(6) The amount or line imposed under sub-rule (3) shall be utilized in accordance with the directions of the State Government.

(7) Nothing in this rule shall be deemed to effect the Provisions of the Payment of Wages Act, 1936 (4 of 1936).

23. Publicity to the minimum wages fixed under the Act:-- Notices in Form IV containing the minimum rates of wages fixed together with abstracts of the Act, the rules made there under 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 the main entrance to the establishment and at its office and shall be maintained in a clean and legible condition. Such notice shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

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

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

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

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

(a) Any day on which an employee is required, to attend for work but is given only an allowance for attendance and is not provided with work:

(b) Any day on which employee is laid off on payment of compensation under the Industrial Disputes Act, 1947: and

(c) Any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days immediately preceding the rest day, shall be deemed to be days on which the employee has worked.

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

Provided that no substitution shall be made this, will result in the employee works on rest day and has been given a substituted consecutively without a rest day for 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 one of the five days, before or after the rest day, the rest day shall for the purpose of calculating the weekly hours 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 and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day he shall be paid, only for the rest day on which he worked, an amount equal to the payable to him at the overtime rate ; and if any dispute arises whether the daily rate of wages has been worked out as aforesaid, the Labour Commissioner, Himachal Pradesh may on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations:

provided further that in the case of an employee governed by a piece rate scheme, 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 Himachal Pradesh Rajpatra prescribe, having regard to the minimum rates 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.

(6) The provisions of this rule shall not operate to the prejudice of more favorable 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 favorable terms aforesaid.

Explanation: For the purposes of this rule "week" shall mean a period of seven days beginning at midnight on Saturday night.

25. Number of hours of work which shall constitute a normal working day be,-

(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 child4½ 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 12 hours on any day. The period of work on any day, in a scheduled employment, shall be so fixed that no continuous period of work shall exceed five hours and that no worker shall be required or allowed to work for more than five hours unless he has had an interval for rest for at least half an hour on the expiry of the said five hours.

(3) Working hours including overtime shall not exceed 10 hours in a day or 60 hours in a week: provided that the total overtime shall not exceed 50 hours in a period for three months.

(4) 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. No adolescent or child shall be required or allowed to work on any plantation defined in section 2(f) of the Plantation Labour Act, 1951, for more than 40 hours, in any one week, and no child who has not completed his 12th year shall be required or allowed to work in any such plantation.

(5) The provisions of sub-rules (1) to (4) shall be subject to such modifications as may, from time to time, be notified by the State Government.

(6) Nothing in this rule shall be deemed to affect the provisions of Factories Act 1948, H.P. Shops and Commercial Establishments Act, 1969 and Motor Transport Workers' Act, 1961.

26. Night Shifts:-Where a worker in a scheduled employment works on a shift which extends beyond midnight .

(a) a holiday for the whole day for the purposes of rule 24 shall in his case mean a period of twenty-four consecutive hours beginning from the time when his shift ends; and

(b) the following day in such a case shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the hours after midnight during which such worker was engaged in work shall be counted towards the previous day.

27. Extra-wages for overtime (1) Where an employee in a scheduled employment is governed by the provisions of the Factories Act, 1948 or any other enactment prescribing extra wages for overtime, he shall receive overtime wages at the rates so prescribed.

(2) In case not covered by sub-rule (1) when an employee works in an employment for more than the number of hours of work constituting normal working day prescribed in rule 25, he shall in respect of overtime work be entitled to wages 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 advantage 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.

(3) A register of overtime shall be maintained by every employer in Form V in which entries under the columns specified therein shall be made as and when overtime is worked in any establishment. The register shall be kept at the work spot and maintained up-to-date. Where no overtime has been worked in any wage period, a "Nil" entry shall be made across the body of the register at the end of the wage period indicating also in precise the wage period to which the "Nil" entry relates.

(4) Nothing 2 in this rule shall be deemed to affect the provisions of Factories Act, 1948 /Motor Transport Workers Act, 1961 and H.P. Shops and Commercial Establishments Act, 1969.

28. Form of registers and records:--- (1) A register of wages shall be maintained by every employer and kept at work site in such form as may be convenient to him 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 these wages, with an indication in each case, of the kinds of deductions mentioned in sub-rule (2) of rule 22;
- (e) The wages actually paid to each person employed for each and the date of payment.

(2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by the State 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 wage book and wage-slip.

(4) Entries in the register of wages and wage-slips 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 VI.

(6) A register of employees shall be maintained by every employer at the work-spot in Form VII.

Notwithstanding anything contained in this rule where a combined form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or rules framed there under, an alternative suitable form in lieu of any of the forms prescribed under this rule may be used with the previous approval of the Labour Commissioner, Himachal Pradesh:

Provided that the State Government on sufficient cause being shown, may by notification in the Official Gazette, exempt any schedule employment or any units of such employment, conditionally or otherwise from the observance of any of the requirements under this rule, or may vary these requirements, in respect of the employees or a class or classes of employees in such employment.

29. Preservation of Registers. ---A register required to be maintained under rules 22(4), 27(2), 28(1), 28(6) and muster-roll required to be maintained under rule 28(5) shall be preserved for a period of three years after the date of last entry made therein.

30. Production of registers and other records. ---(1) 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 the registers and records in his office or such other public place as may be near to the employer.

CHAPTER V CLAIMS UNDER THE ACT

31. Applications (1) 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 VIII, IX or X, as the case may be, one copy of which shall bear the prescribed court-fee.

(2) A single application under section 20, read with sub-section (1) of section 21 may be presented on behalf or in respect of a group of employed persons, if they are borne on the same establishment and their claim relates to the same wage period or periods.

32. Authorization.-- The authorization to act on behalf of an employed person or persons, under sub-section (2) of section 20, sub-section (1) of section 21 shall be given in Form XI by an instrument which shall be presented to the Authority hearing the application and shall form part of the record.

33. 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 XII 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 date of the said order, and the application shall then be re-heard after service of notice on the opposite party of the date fixed for re-hearing, in the manner specified in sub-rule (1).

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

34. Cost.—(1) The Authority for reasons to be recorded in writing may direct that the cost of any proceeding 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 applicant or opponents the Authority may, subject as aforesaid, award to the successful party or parties such posts as it may deem proper.

3 Court-fees: -- The court-fee payable in respect of proceedings under section 20 shall be

(1) For every application to summon a witness one rupee in respect of each witness;

(ii) For every application made by or on behalf of an individual one rupee;

(iii) For every application made on behalf or in respect of a number of employees-- one rupee per employee subject to a maximum of twenty 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 fee shall be chargeable –

(a) From persons employed in agriculture; or

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

36. Rescission and Savings.---The Himachal Pradesh Minimum Wages Rules, 1959, as in force in the areas which comprised in Himachal Pradesh immediately before 1st November, 1966 and Punjab Minimum Wages Rules, 1950 as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Reorganization Act, 1966, are hereby rescinded but all acts done and orders issued under the rules so rescinded shall so far as they are not inconsistent with these rules, be deemed to have been respectively done and issued under these rules.

FORM "I"
REGISTER OF FINES
[See Rule 22(4)]

.....EMPLOYER

Sr. No.	Name	Father's/husband's name	Sex	Department	Nature and date of offence for fine imposed
1	2	3	4	5	6

Whether workman showed cause against Fine or not. If so, Enter date	Rates of wages	Date and amount of fine imposed	Date on which fine realized	Remarks
7	8	9	10	

11

FORM "II"
REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER BY THE NEGLIGENCE OR DEFAULT OF EMPLOYED PERSONS
[See Rule 22(4)]

Sr No.	Name	Father's/husband's	Sex	Department
1	2	3	4	5

Damage or loss Caused with Date	whether workers showed cause against deduction. If so , enter date and particulars of the person in whose presence the cause shown	Date and amount of deduction imposed	Numbers of installments, if any	Date on which amount realized
6	7	8	9	10

FORM "III"
ANNUAL RETURN

[See Rule 22(5)]

Return for the year ending the 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 Incharge of the day-to-day affairs of the
Establishment owned by a company, body corporate or association.
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. Deductions:

	Number of cases	Total amount Rs. P.
(a) Fines		
(b) Deductions for damage or loss		
(c) Deductions for breach of contract		
Disbursement from fines:		
	Purpose	Amount Rs. P.
(a)		
(b)		
8. Balance of fine fund in hand at the end of the year

Signature

Designation.....

*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 attendances during the year by the number of working days.

***Cash value of wages 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"
(See Rule 23)

NOTICES

(Abstracts of the Minimum Wages Act, 1948 and the Rules made there under)

I. WHOM THE ACT AFFECTS

1. (a) The Act applies to persons engaged in 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 fulfillment of his contract of employment and includes house rent allowance. 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) The 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 a 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; and

(iii) an all inclusive rate comprising of basic rate, cost of living allowance and cash value of concession, if any.

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

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

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

III. COMPUTATION AND CONDITIONS OF PAYMENT

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

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

Wage periods shall be fixed for the payment of wages at intervals not exceeding one month or such other larger period as may be prescribed.

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 mission of the employer to provide him with work for that period.

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

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

IV. HOURS OF WORK AND HOLIDAYS

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

- (a) in the case of an adult, 9 hours.
- (b) in the case of a child, 4 1/2 hours.

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

The employer shall allow a day of rest with wages to the employees 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 (See rule 24).

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 in scheduled employments at double the ordinary rate of wages.

V. FINES AND DEDUCTIONS

No deduction shall be made, from wages except those authorized 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 person.

The amount of the said fine shall also be intimated to him. It shall be subject to such limits as may be specified by the State Government. It shall be utilized in accordance with the directions of the State Government.

(ii) Deduction 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 an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him. It shall be subject to such limits as may be specified by the State Government.

(iv) Deduction for house accommodation supplied by the employer, or by a State Government or any authority constituted by a 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 authorize. These will not include the supply of tools and protective's 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 installment 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 advance from any provident fund.

(x) Deductions for payment to co-operative societies or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the State Government or deductions made with the written authorization of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under Life Insurance Act, 1954 (3 of 1954) or for contribution to the National Defense Fund.

(xi) 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.

(xii) Deductions made with the written authorization of the employed person (which may be given once generally and not necessarily every time a deduction is made) for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any Savings Schemes of any such Government.

Every employer shall send annually a return in Form III showing the deductions from wages so as to reach the Inspector not later than the 1st February, following the end of the year to which it relates:

Provided that prior 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 deduction.

VI. MAINTENANCE OF REGISTERS AND RECORDS

Every employers shall maintain at the work spot a register of wages in the form prescribed 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) The deductions made from wages;
- (e) The wages actually paid and the date of payment.

Every employer shall issue wage slips in the form prescribed 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, register of fines, register of deductions for damage or loss and register of overtime shall be maintained by every employer at the work spot in the form prescribed.

Every employer shall keep exhibited at main entrance to the establishment and its office, notices in English and in a language understood by a majority of the workers of the following particulars in a clean and legible form:

- (a) Minimum rate of wages;
- (b) Abstracts of the Acts and the Rules made there under;
- (c) Name and address of the Inspector.

Register of wages, muster-roll, register of fines, and register of deductions for damage or loss and register of overtime shall be preserved for a period of three years after the date of last entry made therein.

All registers and records required to be maintained by an employer under the rules shall be produced on demand before the Inspector provided that where an establishment has been closed, the Inspector may demand the production of the registers and records in his office or such other place as may be nearer to the employers.

VII. INSPECTORS

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

VIII. CLAIMS AND COMPLAINTS

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

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

A single application may be presented on behalf of or in respect of a group of employed persons whose wages have been delayed, if they are borne on the same establishment and their claim relates to the same wage period or the periods.

"A complaint under section 22(a) relating to payment of less than the minimum rates of wages or less than the amount due to an employee under the provisions of the Act can be made to the Court only after an application in respect of the facts constituting the offence has been presented under section 20 and has been granted wholly or in part, and the State Government or an officer authorized by it in this behalf has sanctioned the making of the complaint.

A complaint under section 22(b) or 22-A regarding contravention of the provisions relating to hours of work and weekly day of rest or other miscellaneous offences relating to maintenance of registers, submission of returns etc., can be made to the Court by or with the sanction of an Inspector. The time limit for making such complaints is one month from the date of grant of sanction by the Inspector, in the case of offences falling under section 22(b) and six months from the date on which the offence is alleged to have been committed, in the case of offences falling under section 22-A".

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 THE 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 contravenes any provision of the Act or of any rules or order made there under shall, if no other penalty is provided for such contravention of the Act, be punishable with fine which may extend to five hundred rupees. If the person committing any offence under the Act is a company every person who at the time of the offence was committed, was in charge of and was responsible to the company for the conduct of the 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. No such person will be liable to punishment, if he proves that the offence was committed, without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Any director, manager, secretary or other officer of the company with whose consent or connivance an offence has been committed is liable to be proceeded against and punished under the Act.

Note.-- (a) "Company" means anybody corporate and includes a firm or other ' association of individuals,

(b) "Director" in relation to a firm means a partner in the firm.

XL MINIMUM RATES OF WAGES FIXED

Name of undertaking.....

Serial number	Category of employees'	Minimum wages
---------------	------------------------	---------------

XII. NAME AND ADDRESS OF THE INSPECTOR(S)

Name	Address
------	---------

FORM "V"

[See rule 27(3)]

OVERTIME REGISTER ROLL FOR WORKERS FOR THE MONTH ENDING

..... **19**

Sl. of over-	Name	Father's/ No. Husband's each name occasion	Sex	Designation and Department	Dates on which over-time	Extent time on worked
1	2	3	4	5	6	7

Total Overtime Work or Overtime Production in case of Piece Workers	Normal hours	Normal rate of pay	overtime rate of pay	Normal earnings	overtime earnings	Total earnings	Date on which payments made
8	9	10	11	12	13	14	15

FORM "VI"
[See rule 28(5)]

NAME OF ESTABLISHMENT..... PLACE.....

Sl. No.	Name	Father's/husband's Name	Sex	Nature of work	For the period ending (1),(2),(3), (4), (5)	Remark
1	2	3	4	5	6	7

FORM "VII"

[See rule 28(6)]

REGISTER OF EMPLOYEES

Name of establishment.....
Name, of owner/employer.....

Sr. No.	Name and surname of employees	Age and Sex	Father's/husband's name	Nature of employment/designation
1	2	3	4	5

Permanent address of employee, village, District and Thana	Date and commencement of employment	Date of termination or leaving of employment	Signature or thumb-impression of employees
6	7	8	9

FORM "VIII"
[See rule 31(1)]

**FORM OF APPLICATION BY AN EMPLOYEE UNDER SECTION 20 (2) OF
MINIMUM WAGES ACT, 1948**

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

For..... area

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

(Through..... a legal practitioner/am official
of.....
....., which is a registered trade union).

Address.....
.....

Versus

- 1)
- (2) Opponent(s).
- (3) J

Address.....

The applicant above named states as follows :—

(1) The applicant was/has been employed from..... as.....
(Category) in(Nature of work) which is a scheduled
employment within the meaning of section 2(g) of the Minimum Wages Act, 1948.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(8) to the Minimum
Wages Act, 1948.

(3) *(a) The applicant has been paid wages at less than the minimum rate of wages fixed for his
category of employment under the Act by Rs.....per
day for the period from..... to.....

*(b) The applicant has not been paid wages at Rs.....
per day for the weekly days of rest from..... to.....

*(c) The applicant has not been paid wages at the overtime rate for the period
from..... to.....

(4) The applicant estimates the value of relief sought by him on each account as under:—

- (a) Rs.....
- (b) Rs.....
- (c) Rs.....

Total Rs

(5) The applicant, therefore, prays that a direction may be issued under section 20(3).of the Act
for:--

- (a) Payment of the difference between the wages payable under the Minimum Wages Act and
the wages actually paid;
- (b) Payment of remuneration for the days of rest
- (c) Payment of wages at the overtime rate;
- (d) Compensation amounting to Rs.....

(6) The applicant begs leave to amend or add to or make alterations in the application, if and when necessary, with the permission of the Authority. –

(7) The applicant does solemnly declare that the facts stated in the application are true to the best of his knowledge, belief and information.

Signature or thumb-impression of employed person or legal practitioner or official of a registered trade union duly authorized.

**FORM "IX"
[See rule 31(1)]
FORM OF GROUP APPLICATION UNDER SECTION 21(1)**

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

For area

Application No..... of 19..... Between A.B.C and (state the number) others; Applicants ; (through..... a legal practitioner/an official of..... which is a registered Trade Union).

Address.....and X Y Z.....
..... Opposite party Address.....

The applicants state as follows :

(1) The applicants whose names appear in the attached schedule were/have been employed from..... to..... as..... (Categories) in..... (Establishment) of Shri/Messrs..... engaged in..... (Nature of work) which is/are scheduled employment(s) within the meaning of section 2(g) of the Minimum Wages Act.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(e) of the Minimum Wages Act, 1948.

(3)(a) The applicants have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act by Rs..... per day for the period(s) from..... to

(b) The applicants have not been paid wages at Rs per day for the weekly days of rest from..... to.....

(c) The applicants have not been paid wages at the overtime rate(s) for the period from..... to

(4) The applicants estimate the value of relief sought by them on each account as under:—

- (a) Rs.....
- (b) Rs.....
- (c) Rs.....

Total Rs.....

(5) The applicants, therefore, pray that a direction may be issued under section 20(3) of the Act for:

- (a) Payment of the difference between the wages payable under the Minimum Wages: Act and the wages actually paid;

- (b) Payment of remuneration for the days of rest;
- (c) Payment of wages at the overtime rate(s);
- (d) Compensation amounting to Rs

(6) The applicants beg leave to amend or add to or make alterations in the application, if and when necessary, with the permission of the Authority.

(7) The applicants solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

date

Signature or thumb-impression of the employed persons or legal practitioner or official of a Registered Trade Union duly authorized.

FORM " X"
[See rule 31(1)]
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(s) Address

The applicant above-named states as follows:

(1) The opponent(s) has/have—

(a) Paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act by Rs..... per day for the period(s) from to.....

(b) not paid wages at Rs..... per day for the weekly days of rest from..... to.....

(c) Not paid wages at the overtime rate(s) for the period from..... to to the following employees :

(2) The applicant estimates the value of relief sought for the employees on each account as under:

- (a) Rs.....
- (b) Rs.....
- (c) Rs.

(3) The applicant, therefore, prays that a direction may be issued under section 20(3) of the Act for:

- (a) Payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid;
- (b) Payment of remuneration for the days of rest;
- (c) Payment of wages at the overtime rate(s);
- (d) Compensation amounting to Rs.....

(4) The applicant begs leave to amend or add to or make alterations in the application, if and when necessary with the permission of the Authority.

(5) The applicant does solemnly declare that the facts stated in the application are true to the best of his knowledge, belief and information.

Date.....

Signature.

FORM "XI"
(See rule 32)
FORM OF AUTHORITY IN FAVOUR OF LEGAL PRACTITIONER OR
ANY OFFICIAL OF A REGISTERED TRADE UNION REFERRED TO IN
SECTION 20(2)

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

For area.

Application No of 19

- (1)
- (2) Applicant(s)
- (3)

Versus

- (1)
- (2) opponent(s)
- (3)

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

Date.....

*Signature or thumb-impression
of the
employee.*

~~FORM "XII"~~
~~(See rule 32)~~
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).

Whereashas 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 authorized 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 0" 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 pre-pared 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 defense.

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.

[Authoritative English Text of this Department Notification No. Shram (A) 4-7/2006, dated 23-4-2007 as required under clause (3) of Article 348 of the Constitution of India].

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT LABOUR AND EMPLOYMENT

Shimla-2,

the 23rd April, 2007

No. Shram(A)4-7/2006.-

NOTIFICATION

Whereas the draft of the Himachal Pradesh minimum Wages Rules, 1978 were published as required under section 30 of the minimum Wages Act, 1948, (11 of 1948) in the Rajpatra, Himachal Pradesh (Extra Ordinary) on 27-2-2007 vide notification of even number dated 17-2-2007 for inviting the objection & suggestions from the persons likely to be affected thereby before the expiry of 30 days from the date of the publication of the notification in the Rajpatra Himachal Pradesh (Extra Ordinary);

And whereas no objections/suggestions were received from the general public. Now, therefore, in exercise of the powers conferred by section 30 of aforesaid Act, the Governor of Himachal Pradesh is pleased to make the following rules namely:

Rules

1. Short title:-- These Rules may be called the Himachal Pradesh minimum Wages (Amendment) Rules, 2006.

2. Amendment of rule-28. In rule 28 of the Himachal Pradesh Minimum Wages Rules, 1978 (hereinafter referred to as the said Rules), after sub-rule (6), new sub-rule (7) shall be added namely:

"(7) (a) Every employer shall submit employees/workers Identity Cards to the area Labour Officer within three days from the date of employment of the employees/workers on the prescribed Form-XIII and the Labour Officer shall return the Identity Card to the employer within a period of seven days duly attested for further distribution to the concerned employee/worker :

Provided further that if the employee/workman is required to be issued Employment Card/Pass Book under the Contract Labour (Regulation and Abolition) Act, Himachal Pradesh Rules, 1974 or under the Himachal Pradesh Migrant Workmen (Regulation of Employment & Condition of Service) Himachal Pradesh Rules, 1983, respectively, there shall be no need to issue employees/workers Identity Cards under the provisions of the Himachal Pradesh Minimum Wages Rules, 1978. However, if an identity card is required to be issued under the Minimum Wages rules 1978 and ticket is required to be issued under the item No. 3 of Schedule 1 under Rule 3 of Industrial Employment (Standing order) Himachal Pradesh Rules 1973 and amendment Rules 1991 the same shall be issued under the former.

(b) The employer shall bear the cost of issue of employees/workers Identity Cards to the employees/workers employed in the establishment.

(c) The employer shall maintain the record of issue of Identity Cards of employees/workers of the establishment in Form-VII and shall also maintain its Index in Form-VII-A. The employer shall submit the copy of Form-VII and its index in Form-VII-A to the concerned Labour Officer. The employer shall preserve the same for a period of three years after the date of last entry made therein.

(d) The employees/workers identity Cards shall be valid for a period for three years from the, date of issue or date of termination of employment from the establishment by the employer, whichever is earlier.

(e) The employer shall submit new Identity Cards in Form-XIII not less than thirty days before the date on which the Identity Card expires for attestation for further period of three year to the area Labour Officer. The Labour Officer shall return the same duly attested within a period of seven days from the date of receipt of the same, to the employer for further distribution to the employees/workers.

(f) The Identity Card shall be maintained up to date and any change in it and corresponding Form No.-VI and VII-A including addition, deletion and alteration shall be intimated to the concerned Labour Officer within seven days from such changes by the employer and shall be attested by the concerned Labour Officer".

3. Substitution of Form VII. For Form VII appended to these rules, the following shall be substituted, namely:-

FORM-VII

[See rules-28, 6 and 7]

Register of Employee

Sl. No.

(last 4 digits of Identity Card No.)

1. Name & Address of the Establishment.....

.....

Tel. No.

2. Registration/Licence No.

3. Contractor Name.....

Affix Latest
photograph of
employee to be
attested by the
employer

4. Contractor Licence No.....

5. Contractor address

.....

6. SL No. of the worker in the Register of Workers.....

7. Worker/Employee Name.....

8. Father/Husband' s Name.....

9. Date of Birth [DD/MIVI/YYYY]/..... / 10. Sex [M/F]

11. Local Residential address of the worker

..... State.....

12. Permanent address of the worker.....

..... State

13. Name of next of kin of the worker.....

..... Relationship.....

14. Date of Employment...../...../ (In the Current Job)

15. Wage Rate Per Month.....

16. Nature of Job/ DesignationCODE (#)

17. Intended time limit in present employment/...../.....

.....
Signature /Thumb Impression of the Employee

Declaration:-- It is declared that the information given in the Register of Workmen is correct as per record and factual position.

Place

Date

Signature of Employer/Contractor".

4. Addition of Form-VII-A.—After Form VII appended to these rules, the following form shall be inserted, namely:

FORM-VII-A

[See rule-28(7)]

Index of Form-VII

(to be maintained as a Column wise Register)

- 1. Serial No. of Form XIII (same as last 4 digits of Identity Card No.)
- 2. Name of the Workman
- 3. Father's name of the Workman
- 4. Date of issue of Identity Card
- 5. Date of Employment
- 6. Date of termination of employment along with reasons
- 7. Remarks.....

Declaration.—It is declared that the information given in above Index are correct as per record and factual position.

Signature of the Employer".

5. Addition of Form-XIII.—After Form XII appended to these said rules, the following form shall be added, namely:

FORM-XIII

[See rule-28(7)]

WORKERS/EMPLOYEES IDENTITY CARD

- 1.Name & Address of the Establishment.....
- 2. ID Card No.
- 3. Name.....
- 4. Date of Birth [DD/MIVI/YYYY]/.....

<p>Affix Latest photograph of employee to be attested by the employer</p>

- 5. Father/Husband' s Name.....
- 6. Local address.....
- 7.Name of Next of Kin
- 8. Parmanent Address.....
- 9.Contractor Name.....

Signature of the worker.....

- 10. Licence No. if any.....
- 11. Address.....
- 12. Nature of employment.....
- 13. Date of employment
- 14. wage rate
- 15. Valid up to

Issued by
Employer/Contractor Signature
Date of Issue.....

Attested by
Labour Officer/Inspector
Place..... ” .

By order,
Sd/- Secretary