



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LABOUR WELFARE DEPARTMENT :: LABOUR (RC) BRANCH

NOTIFICATION

The 20th October, 2021

GLR(RC) 10/2021/201.- The following draft rules, which the Government of Assam proposes to make in exercise of the powers conferred under section 67 of the Code on Wages, 2019 (Central Act No.29 of 2019) read with section 24 of the General Clauses Act, 1897 (Central Act No. 10 of 1897) and in supersession of the –

(i) Assam Payment of Wages Rules, 1937 :

(ii) Assam Payment of Wages (Procedure) Rules, 1981 :

(iii) Assam Minimum Wages Rules, 1952 made by the Government of Assam in exercise of the powers conferred by the Payment of Wages Act, 1936 (Central Act No. 4 of 1936) and the Minimum Wages Act, 1948 (Central Act No. 11 of 1948) which are repealed by section 69 of the said Code on Wages, 2019 except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of section 67, for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, shall be addressed to the Secretary, Labour Welfare Department, Government of Assam, Dispur-6, (Email :labour.assam@gmail.com)

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the State Government.

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.-

- (1) These rules may be called the Assam Wages Rules, 2021.
- (2) They shall extend to the whole of Assam.
- (3) They shall come into force on the date of their final publication in the Official Gazette.

2. Definitions.-

In these rules, unless the subject or context otherwise requires,—

- (a) "authority" means the authority appointed by the State Government under sub-section (1) of section 45;
- (b) "appellate authority" means the appellate authority appointed by the State Government under sub-section (1) of section 49;
- (c) "appeal" means an appeal preferred under sub-section (1) of section 49;
- (d) "Board" means the State Advisory Board constituted by the State Government under sub-section (4) of section 42;
- (e) "Chairperson" means the chairperson of the State Advisory Board;
- (f) "Code" means the Code on Wages, 2019 (Central Act 29 of 2019);
- (g) "committee" means a committee appointed by the State Government under clause (a) of sub-section (1) of section 8;
- (h) "day" means a period of 24 hours beginning at mid-night;
- (i) "Firm" means the meaning as assigned to it in the Indian Partnership Act, 1932 (9 of 1932).
- (j) "FORM" means a form appended to these rules;
- (k) "Government" means the Government of Assam;
- (l) "highly skilled occupation" means an occupation which calls in its performance a specific level of perfection and required competence acquired through intensive technical or professional training or practical occupational experience for a considerable period and also requires of an employee to assume full responsibility for his judgment or decision involved in the execution of such occupation;
- (m) "Inspector-cum-Facilitator," means a person appointed by the State Government, by notification under sub-section (1) of section 51;
- (n) "member" means a member of the Board and includes its Chairperson;
- (o) "metropolitan area" means a geographical area covered by the Municipal Corporation.
- (p) "non-metropolitan area" means a geographical area covered by a Municipal Board/Town Committee;
- (q) "rural area" means a geographical area which is neither covered by a Municipal Corporation/Municipal Board nor a Town Committee;
- (r) "registered trade union" means a trade union registered under The Trade Unions Act, 1947.

- (s) "Schedule" means the schedule to these rules;
- (t) "section" means a section of the Code;
- (u) "semi-skilled occupation" means an occupation which in its performance require the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;
- (v) "skilled occupation" means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgment;
- (w) "unskilled occupation" means an occupation which in its performance requires the application of simply the operating experience and involves no further skills;
- (x) all other words and expressions used herein in these rules and not defined shall have the meanings respectively assigned to them under the Code.

CHAPTER II Minimum Wages

3. Manner of calculating the minimum rate of wages. -

(1) For the purposes of sub-section (6) of section 6, the minimum rate of wages shall be fixed on the basis keeping in view the following criteria , namely:-

- (i) the standard working class family which includes a spouse and two children apart from the earning worker; an equivalent of three adult consumption units;
- (ii) a net intake of 2700 calories per day per consumption unit;
- (iii) 66 meters cloth per year per standard working class family;
- (iv) housing rent expenditure to constitute 10 per cent of food and clothing expenditure;
- (v) fuel, electricity and other miscellaneous items of expenditure to constitute 20 percent of minimum wage; and
- (vi) expenditure for children education, medical requirement, recreation and expenditure on contingencies.

(2) The State Government shall not fix the minimum wages below the floor wages fixed by the Central Government under section 9 of the Code on Wage, 2019.

(3) When the rate of wages for a day is fixed, then, such amount shall be divided by eight for fixing the rate of wages for an hour and multiplied by twenty-six for fixing the rate of wages for a month and in such division and multiplication the factors of one-half and more than one-half shall be rounded as next figure and the factors less than one-half shall be ignored.

4. Norms for fixation of minimum rate of wages. -

(1) While fixing the minimum rate of wages under section 6, the Government shall divide the concerned geographical area into three categories, that is to say 'metropolitan area', 'non-metropolitan area' and 'rural area'.

(2) The Government shall constitute a State Level Technical Committee for the purpose of advising the Government in respect of skill categorization, which shall consist of the following members, namely: -

- (i) Labour Commissioner, Assam - Chairperson;
- (ii) Joint Secretary/Addl. Secretary/Secretary, Labour Welfare Deptt. - Member;
- (iii) Additional Labour Commissioner, Assam - Member;
- (iv) A representative from the Department of Skill, Employment and Entrepreneurship, Government of Assam, dealing with skill development - Member;
- (v) A representative from the Directorate of Skill, Employment and Entrepreneurship, Government of Assam, dealing with skill development - Member;
- (vi) Two technical experts in wage determination as nominated by the State Government - Members;
- (vii) Two representatives from Trade Union - Member;
- (viii) Two representatives from Employers - Member;
- (ix) The Deputy Labour Commissioner, Assam, dealing with the wages - Member Secretary;
- (x) Any other Member as nominated by the State Government.

(3) The Government shall, on the advice of the technical committee referred to in sub-rule (2) above, categorize the occupations of the employees into four categories that is to say unskilled, semi-skilled, skilled and highly skilled by modifying, deleting or adding any entry in the categorization of such occupations specified in Schedule -A.

(4) The technical committee referred in sub-rule (2) shall while advising the Government under sub-rule (3) shall take into account, to the possible extent, the State classification of occupation or skills qualification frame work or other similar frame work for the time being formulated to identify occupations.

5. Time Interval for revision of dearness allowance. -

Endeavour shall be made so that the cost-of-living allowance and the cash value of the concession in respect of essential commodities at concession rate shall be computed once before 1st April and 1st October in every year to revise the dearness allowance payable to the employees on the minimum wages.

6. Circumstances under clause (ii) of the proviso to section 10.—

An employee shall not be entitled to receive wages for a full normal working day under section 10, if he is not entitled to receive such wage under any other law for the time being in force.

7. Number of Hours of work which shall constitute a normal working day. —

(1) The normal working day under clause (a) of sub-section (1) of section 13 shall be comprised of eight hours of work and one or more intervals of rest which in total shall not exceed one hour.

(2) The working day of an employee shall be so arranged that inclusive of the intervals of rest, if any, it shall not spread over more than ten and half hours on any day.

(3) The provisions of sub-rules (1) and (2) above shall, in the case of an employee employed in agricultural employment, shall be subjected to such modifications as may, from time to time, be determined by the Government.

8. Weekly day of rest. —

(1) Subject to the provisions of this rule, an employee 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:

Provided that an employee shall be entitled for the rest day under this sub-rule if he has worked 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 affected, by display of a notice to that effect in the place of employment at the place specified by the Inspector-cum-Facilitator 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, 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, a day on which an employee is laid off on payment of compensation under the Industrial Relations Code, 2020 (Central Act NO. 35 OF 2020), and 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) An employee shall be granted-

- (a) for rest day wages calculated at the rate applicable to the next preceding day; and
- (b) where he works on the rest day and has been given a substituted rest day, then, 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-

- (i) the minimum rate of wages of the employee as notified under the Code has been worked out by dividing the minimum monthly rate of wages by twenty-six; or
- (ii) the actual daily rate of wages of the employee has been worked out by dividing the 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, then, no wages for the rest day shall be payable; and
- (iii) the employee works on the rest day and has been given a substituted rest day, then, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate and, if any dispute arises whether the daily rate of wages has been worked out in accordance with the provisions of this proviso, the Labour Commissioner, Assam/Addl. Labour Commissioner, Assam and the Deputy Labour Commissioner, Assam having territorial jurisdiction for the areas as allotted to him/her by the Government may, on application made to him/her in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations:

Provided further that in case of an employee governed by a piece-rate system, the wages for the rest day, or the substituted rest day, as the case may be, shall be such as the State Government may, from time to time determine having regard to the minimum rate of wages fixed under the Code, in respect of the 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.

(3) 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 more favourable terms aforesaid.

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

9. Night shifts. —

Where an employee in an employment works on a shift which extends beyond midnight, then, -

- (a) a holiday for the whole day for the purposes of rule 7 shall, in this case means 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 employee was engaged in work shall be counted towards the previous day.

10. The extent and conditions for the purposes of sub-section (2) of section 13.-

In case of employees, -

- (a) engaged in any emergency which could not have been foreseen or prevented;
- (b) engaged in work of the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;
- (c) whose employment is essentially intermittent;
- (d) engaged in any work which for technical reasons has to be completed before the duty is over; and
- (e) engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces;

the provisions of rules 7,8 and 9 of these rules shall apply subject to the condition that -

- (i) the spread over of the hours of work of the employee shall not exceed 16 hours in any day; and
- (ii) the actual hours of work excluding the intervals of rest and the periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

11. Longer wage period.-

The longer wage period for the purposes of minimum rate of wages under section 14 shall be by the month.

CHAPTER III
Payment of Wages

12. Recovery under sub-section (4) of section 18. -

Where the total deductions authorized under sub-section (2) of section 18 exceed fifty per cent of the wages of an employee, the excess shall be carried forward and recovered from the wages of succeeding wage period or wage periods, as the case may be, in such installments so that the recovery in any month shall not exceed the fifty per cent of the wages of the employee in that month.

13. The authority under sub-section (1) of section 19.-

The Assistant Labour Commissioner and Labour Officer (Independent) having jurisdiction over the place of work of the employee concerned shall be the authority for the purposes of sub-section (1) of section 19.

14. The manner of exhibiting the notice under sub-section (2) of section 19. -

A notice referred to in sub-section (2) of section 19 shall be displayed at the conspicuous place in the premises of the work place in which the employment is carried on, so that every concerned employee would be able easily to read the contents of the notice and a copy of the notice shall be sent to the Inspector-cum- Facilitator having jurisdiction.

15. The procedure under sub-section (3) of section 19. -

The employer shall give an intimation in writing for obtaining the approval of the imposition of fine to the Assistant Labour Commissioner and Labour Officer (Independent) referred to in rule 13 who shall, before granting or refusing the approval, give opportunity of being heard to the employee and the employer concerned.

16. Intimation of deduction.-

(1) Where an employer makes any deduction in pursuance of the proviso to sub-section (2) of section 20 he shall make intimation of such deduction to the Inspector- cum-Facilitator having jurisdiction within 10 days from the date of such deduction explaining therein the reason of such deduction.

(2) The Inspector-cum-Facilitator shall, after receiving intimation under sub-rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the rules made thereunder, he shall initiate appropriate action under the Code against the employer.

17. Procedure for deduction under sub-section (1) and (2) of section 21. -

Any employer desiring to make deduction for damages or loss from the wages of an employee shall,-

- (i) explain to the employee personally and also in writing the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how such damages or loss is directly attributable to the neglect or default of the employee; and
- (ii) thereafter, give the employee an opportunity to offer any explanation and deduction for any damages or loss, if made, shall be intimated to the employee within fifteen days from the date of such deduction.

18. Conditions regarding recovery of advance under section 23.-

The recovery, as the case may be of,-

- (i) advances of money given to an employee after the employment begins under clause (b) of section 23; or
- (ii) advances of wages to an employee not already earned under clause (c) of section 23, shall be made by the employer from the wages of the concerned employee in installments determined by the employer, so as any or all installments in a wage period shall not exceed fifty per cent. of the wages of the employee in that wage period and the particulars of such recovery shall be recorded in the register maintained in FORM-I.

19. Deduction under section 24 .-

Deductions for recovery of loans granted for house building or other purposes approved by the State Government, and the interest due in respect thereof shall be, subject to any direction made or circular issued by the State Government from time to time regulating the extent to which such loans may be granted and the rate of interest shall be payable thereon.

CHAPTER IV Payment of Bonus

20. Calculation of set on or set off for the sixth accounting year.-

For the sixth accounting year, set on or set off, as the case may be, shall be made under clause (i) of sub-section (7) of section 26, in the manner illustrated in Schedule -B, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth and sixth account years

21. Computation of gross profits under clause (a) of section 32.-

The gross profits derived by an employer from an establishment in respect of the accounting year shall in the case of banking company, be calculated in the manner specified in Schedule- C.

22. Computation of gross profits under clause (b) of section 32.-

The gross profits derived by an employer from an establishment in respect of the accounting year in a case other than banking company, be calculated in the manner specified in Schedule- D.

23. Deduction of further sums under clause (c) of section 34. -

The further sums as are specified in respect of the employer in Schedule-E shall be deducted from the gross profit as prior charges under clause (c) of section 34.

24. Manner of carrying forward under sub-section (1) of section 36. -

Where for any accounting year, the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establishment under section 26, then, the excess shall, subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year to be utilised for the purpose of payment of bonus in such manner illustrated in Schedule- B.

25. Manner of carrying forward under sub-section (2) of section 36. - Where for any accounting year, there is no available surplus or the allocable surplus in respect of that year falls short of the amount of minimum bonus payable to the employees in the establishment under section 26, and there is no amount or sufficient amount carried forward and set on under rule 29 which could be utilized for the purpose of payment of the minimum bonus, then, such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year in such manner illustrated in Schedule- B.

CHAPTER V

State Advisory Board

A. The procedure of State Advisory Board under sub-section (4) of section 42

26. Constitution of the Board.-

(1) The Board shall consist of the persons to be nominated by the Government representing employers and employees as specified in clauses (a) and (b) of sub-section (6) of section 42 and the independent persons not exceeding 1/3rd of the total Members of the Board as specified in clause (c) of that sub-section. The constitution of the Board shall be as follows:-

- (i) The Chairperson (as defined under clause (a) of sub-section (7) of section 42 of the Code on Wages, 2019);
- (ii) Six persons representing Employers;
- (iii) Six persons representing Employees;
- (iv) Six independent persons.

(2) One-third of the members of the Board as referred to in sub-rule (1) shall be women.

(3) The Chairperson of the Board shall be appointed by the State Government from among the independent persons as referred to in clause (iv) of sub-rule (1).

27. Additional function of the Board.-

In addition to the functions specified in sub-section (4) of Section 42, the Board on reference by the State Government advise the Government of Assam on the issue relating to the fixation of minimum wages in respect of-

- (i) working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act No. 45 of 1955); and
- (ii) sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (Central Act No. 11 of 1976).

State Advisory Board may constitute separate committees or sub-committees under sub-section 5 of Section 42 to look into issues pertaining to matters specified above.

28. Meeting of the Board. -

The Chairperson may, subject to the provision of rule 30, call a meeting of the Board, at any time he thinks fit:

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

29. Notice of meetings. -

The Chairperson 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 and electronically 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.

30. Function of Chairperson. -

The Chairperson shall, -

(i) preside at the meetings of the Board:

Provided that in the absence of the Chairperson at any meeting, the members shall elect from amongst themselves by a majority of votes, a member who shall preside at such meeting;

(ii) decide agenda of each meeting of the Board;

(iii) where in the meeting of the Board, if any issue has to be decided by voting, conduct the voting and count or cause to be counted the secret voting in the meeting.

31. Quorum. -

No business shall be transacted at any meeting unless at least one-third of the members and at least one representative member each of both the employers and an employee are present:

Provided that, if at any meeting less than one-third of the members are present, the Chairperson 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 further that the date, time and place of such adjourned meeting shall be intimated to all the members electronically or by a Registered post.

32. Disposal of business of the Board. -

All business of the Board shall be considered at a meeting of the Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

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

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than two-thirds majority of the members.

33. Method of voting. -

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

34. Proceedings of the meetings. -

(1) The proceedings of each meeting of the Board showing inter alia the names of the members present there at 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 of the Board shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

35. Summoning of witnesses and production of documents. -

(1) The Chairperson may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document.

(2) Every person who is summoned and appears as a witness before the Board shall be entitled to an allowance for expenses by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing before a civil court.

36. Appointment of the committees.-

The State Government may constitute as many committee under clause (a) of sub-section (1) of section 8 as it considers necessary for the purposes specified in that clause.

B. The Terms of office of members of the Board under sub-section (11) of section 42

37. Term of office of members of the Board.-

(1) The term of office of the chairperson or a member, as the case may be, shall be normally two years commencing from the date of his nomination under sub-section (4) of section 42:

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

(2) An independent 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 other members of the Board shall hold office during the pleasure of the State Government.

38. Travelling allowance. -

A member of the Board, shall be entitled to draw travelling and halting allowance 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 Class – I officer of the State Government.

39. Officers and Staff. -

The State Government may provide a Secretary not below the rank of Secretary to the Government of Assam, other officers and staff to the Board, as it may think necessary for the functioning of the Board.

40. Eligibility for re-nomination of the members of the Board. -

An outgoing member shall be eligible for re-nomination for the membership of the Board not more than two terms.

41. Resignation of the Chairperson and other members of the Board. -

(1) A member of the Board, other than the Chairperson, may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by a letter addressed to the State Government.

(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 Board, the Chairperson shall submit a report to the State Government immediately and the State Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.

42. Cessation of membership. -

If a member of the Board, fails to attend three consecutive meetings, without prior intimation to the Chairperson, he shall, cease to be a member thereof.

43. Disqualification. -

(1) A person shall be disqualified for being nominated as, and for being a member of the Board,—

- (i) if he is declared to be of unsound mind by a competent court ;or
- (ii) if he is an un-discharged insolvent ;or
- (iii) if before or after the commencement of the Code, 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.

**CHAPTER VI
PAYMENT OF DUES, CLAIMS, ETC.**

44. Procedure for deposit of amount with the appellate authority under section 44 and as empowered by Section 49(1) of the Code :

The Government shall notify an appellate authority [as defined in rule 2(b)] as per provision of sub-section (1) of section 49 of the Code on Wages, 2019. An account for deposit of any undisbursed dues will be opened centrally under such authority in a scheduled bank and all further disbursements will be taken up, as and when necessary, electronically from the said account.

45. Payment under clause (a) of sub-section (1) of section 44.-

Where any amount payable to an employee under the Code is due after his death or on account of his whereabouts not being known, and the amount could not be paid to the nominee of the employee until the expiry of three months from the date the amount had become payable, then, such amount shall be deposited by the employer with the appellate authority who shall disburse the amount to the person nominated by the employee after ascertaining his identity within two months of the date on which the amount was so deposited with him. The identity of the employee will be ascertained as per report received from the District Authority as specified in sub-section (1) of section 45 of the Code on Wages, 2019.

46. Deposit of the undisbursed dues under clause (b) of sub-section (1) of section 44.-

(1) Where any amounts payable to an employee under this Code remains undisbursed because either no nomination has been made by such employee or for any other reason, such amounts could not be paid to the nominee of employee until the expiry of six months from the date the amount had become payable, all such amounts shall be deposited by the employer with the Appellate Authority before the expiry of the fifteenth day after the last day of the said period of six months.

(2) The amounts referred to in sub-rule (1) shall be deposited by the employer with the appellate authority through bank transfer/any other electronic mode.

47. Manner of dealing with the undisbursed dues under clause (b) of sub-section (1) of section 44.-

(1) The amount referred to in sub rule (1) of rule 46 (hereinafter in this rule referred to as the amount) deposited with the appellate authority shall remain with him and be invested in the State Government Securities or deposited as a fixed deposit in a scheduled bank as specified in rule 44 of these rules.

(2) The Assistant Labour Commissioner/ Labour Officer(Independent)having jurisdiction will exhibit, as soon as maybe possible, a notice containing such particulars regarding the amount as the Assistant Labour Commissioner/Labour Officer(Independent)considers sufficient for information at least for fifteen days on the notice board and also publish such notice in any two newspapers being circulating in the language commonly understood in the area in which undisbursed wages were earned.

(3) Subject to the provision of sub-rule (4) and on receipt of intimation from the Assistant Labour Commissioner/Labour Officer(Independent)having jurisdiction, Appellate Authority as mentioned in rule 45 shall release the amount to be paid to the nominee or to that person who has claimed such amount, as the case may be in whose favour such Assistant Labour Commissioner/Labour Officer(Independent)has decided and intimated the appellate authority, after giving the opportunity of being heard.

(4) If the undisbursed amount remains unclaimed for a period of seven years, the same shall be dealt in the manner as directed by the State Government from time to time in this behalf.

CHAPTER VII THE FORM, REGISTER AND WAGE SLIP

48. The form of a single application. –

A single application, may be filed under sub-section (5) of section 45 in FORM-II along with documents specified in such Form.

49. Appeal.-

Any person aggrieved by an order passed by the authority under sub-section (2) of section 45 may prefer an appeal under sub-section (1) of section 49 in FORM III, along with documents specified in such forms, to the appellate authority having jurisdiction.

50. Form of register, etc.-

(1) All fines and all realization thereof referred to in sub-section (8) of section 19 shall be recorded in a register to be kept by the employer in FORM – I appended to these rules, electronically or otherwise and the authority referred to in said sub-section (8) shall be the Assistant Labour Commissioner/Labour Officer (Independent) having jurisdiction.

(2) All deductions and all realization referred to in sub-section (3) of section 21 shall be recorded in a register to be kept by the employer in FORM- I appended to these rules, electronically or otherwise.

(3) Every employer of an establishment to which the Code applies shall maintain a register under sub-section (1) of section 50 in FORM I and FORM IV, electronically or otherwise.

51. Wage slip.-

Every employer shall issue wage slips, electronically or otherwise to the employees in FORM-V under sub-section (3) of section 50 on or before payment of wages.

52. Power of Inspectors-cum-Facilitators.-

In addition to the powers specified in sub-section (1) of section 51 of the Code, an Inspector shall, for the purposes of enforcement of the Code, have powers, subject to the provisions of the Code, to prosecute, conduct or defend before a Court, any complaint or other proceeding arising under the Code or in discharge of his duties as an Inspector and secure such evidence as may be necessary for the purpose.

53. Manner of holding enquiry under sub-section (1) of section 53.-

(1) When a complaint is filed before the officer in FORM VI appended to these rules appointed under sub-section (1) of section 53 (hereinafter in this rule referred to as the officer) in respect of the offences referred to in said sub-section either by an officer authorized for such purpose by the State Government or by an employee aggrieved or a registered trade union registered under the Trade Unions Act, 1926 (Central Act No. 16 of 1926) or an Inspector-cum-Facilitator, the officer shall after considering such evidences as produced before him by the complainant, is of the opinion that an offence has been committed issue summons to the offender on the address specified in the complaint fixing a date for his appearance.

(2) If the offender to whom the summons has been issued under sub- rule (1) appears or is produced before the officer, he shall explain the offender the offence complained against him and if the offender pleads guilty, the officer shall impose penalty on him in accordance with the provisions of the Code and when the offender does not plead guilty, the officer shall take evidence of the witnesses produced by the complainant on oath and provide opportunity of cross examination of the witnesses so produced . The officer shall record the statement of the witnesses on oath and in cross examination in writing and take the documentary evidence on record.

(3) The officer shall, after the complainant's evidence is complete, provide opportunity of defence to the accused person and the witnesses produced by the accused shall be cross examined after their statements on oath by the complainant and documentary evidence in defence shall be taken on record by the officer.

(4) The officer shall after hearing the parties and considering the evidences both oral and documentary decide the complaint in accordance with the provisions of the Code.

54. The manner of imposing fine under sub-section (1) of section 56.-

(1) An accused person desirous of making composition of offence under sub-section (1) of section 56 may make an application in FORM VI to the Gazetted Officer notified under said sub-section (1).

(2) The Gazetted Officer referred to in sub-rule (1), shall, on receipt of such application, hold a meeting with the accused person to satisfy himself as to whether the offence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compromise the offence for a sum of fifty per cent. of the maximum fine provided for such offence under the Code, to be paid by the accused within the time specified in the order of composition issued by such officer.

(3) Where the offence has been compromised under sub-rule (2) after the institution of the prosecution, then, the officer shall send a copy of such order made by him for intimation to the officer referred to in sub-section (1) of section 53 for needful action under sub-section (6) of section 56.

**CHAPTER VIII
MISCELLANEOUS**

55. Timely Payment of Wages.-

Where the employees are employed in an establishment through contractor, then, the company or firm or association of any other person who is the proprietor of the establishment shall pay to the contractor the amount payable to him or it, as the case may be, before the date of payment of wages so that payment of wages to the employees shall be made positively in accordance with the provisions of section 17.

56. Technical Committee for working Journalist.-

The State Government may, for the purpose of fixing minimum wages under the code for the working journalist as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (Central Act No. 45 of 1955), appoint a technical advisory committee under clause (a) of sub-section (1) of section 8 to recommend the State Government in respect of such fixation.

57. Responsibility for payment of minimum bonus.-

Where in an establishment, the employees are employed through contractor and the contractor fails to pay minimum bonus to them under section 26, then, the company or firm or association or other person as referred to in the proviso to section 43 shall, on written information of such failure, given by the employees or any registered trade union or unions of which the employees are members and on confirming such failure, pay such minimum bonus to the employees.

58. Inspection Scheme.-

(1) For the purpose of this Code and the rules framed thereunder, the Inspectors -cum- Facilitators appointed under this Code will inspect establishments/factories as per inspection schemes (electronic or otherwise) formulated by the Commissionerate of Labour and notified by the Government of Assam which will provide for generation of a web-based inspection report.

(2) In the inspection scheme referred to in sub-rule (1), apart from other structural facts, a number shall be specified in the scheme for each Inspector-cum-Facilitator and establishment.

FORM-I
 [See rules-18, rule-50(1),(2) and(3)]
Register of Wages, Overtime, Fine, Deduction for damage and Loss under the code on wages

Name of the Establishment
 Name of the Owner :
 Labour Identification Number (LIN)

Name of the Employer
 PAN/TAN of the Employer

Sl. no. in employe register	Name of the Employee	Designation / Department	Duration of Payment of Wages (Monthly/Fortnightly/Weekly/Daily/Piece rated)	Wage Period From-To	Total No of days worked during the period	Total overtime (hours worked or production in case of piece workers)	Rates of wages			Overtime earning	Nature of Acts & Omissions for which fine imposed with Date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of Deduction from wages	Total amount of wages paid	Date of payment	Date of Attendance	
							Basic	DA	Allowances								Date	Signature
2					6	7	8	9	10	11	12	13	14	15	16	17	18	19

FORM-II

[See rule 48]

[SINGLE APPLICATION UNDER SUB-SECTION (5) OF SECTION 45]
BEFORE THE AUTHORITY APPOINTED UNDER SUB SECTION (1) OF SECTION 45 OF THE
CODE ON WAGES, 2019 (29 OF 2019)

FOR..... AREA.....

Application Noof 20.....

Between ABC and (State the number).....other..... Applicant

(Through employees concerned or registered trade union or inspector cum facilitator

Address.....

And

XYZ.....

Address.....

The application states as follows:

- 1) The applicants whose names appear in the attached schedule were/have been employed fromto..... as.....categories in.....(establishment) Shri/M/s.....engaged in (nature of work) which is/are covered by the Code on Wages, 2019.
 - 2) The opponent(s) is/are the employer(s) within the meaning of section 2(l) of the Code on Wages, 2019.
 - 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 Code 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 overtime rate(s) for the period from.....to.....
 - 4) The applicants estimate the value of relief sought by them on each amount asunder:
 - (a) Rs.....
 - (b) Rs.....
 - (c) Rs.....
 - Total Rs.....
 - 5) The applicants, therefore, prays that a direction may be issued under section 45(2) of the Code on Wages, 2019 for;
 - (a) payment of the difference between the wages payable under the Code and the wages actually paid,
 - (b) payment of remuneration for the days of rest
 - (c) payment of wages at the overtime rates,
 - (d) compensation amounting to Rs.....
-) The applicants do hereby solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

Dated.....

Signature or thumb-
impression of the
employed Person, or
official of a registered
trade union duly
authorized.

FORM- III

(See rule 49)

Appeal under Section 49(1) of the Code on Wages, 2019
Before The Appellate Authority under the Code on Wages, 2019

A.B.C

Address.....APPELLANT

Vs.

C.D.E.

Address.....RESPONDENT

DETAILS OF APPEAL:

1. Particulars of the order against which the appeal is made : Number and date:

The authority who has passed the impugned order:

Amount Awarded:

Compensation awarded , if any

2. Facts of the case:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

3. Grounds for appeal:

4. Matters not previously filed or pending with any other Court or any appellate Authority:

The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respect of which this appeal has been made, before any Court or any other Authority or Appellate Authority nor any such appeal, writ petition or suit is pending before any of them.

5. Reliefs sought:

In view of the facts mentioned above the appellant prays for the following relief(s) :—
(Specify below the relief(s) sought)

6. List of enclosures:

- 1.
- 2.
- 3.
- 4.

Date : Place :

Signature of the appellant.

For Office Use

Date of filing or

Date of Receipt by Post Registration No.

FORM-IV

[See rule 50(3)]
 FORMAT OF EMPLOYEE REGISTER

Name of the Establishment-----

Name of Employer-----

LIN-----

Sl. No.	Employee Code	Name	Surname	Gender	Father's/Spouse Name	Date of Birth#	Nationality	Education Level	Date of Joining	Designation
1	2	3	4	5	6	7	8	9	10	11

Category Address (HS/S/SS/US)	Type of Employment	Mobile	UAN	PAN	ESIC IP	LWF	AADHAAR	Bank A/c Number	Bank	Branch (IFSC)	Present Address	Permanent
12	13	14	15	16	17	18	19	20	21	22	23	24

Service Book No.	Date of Exit	Reason for Exit	Mark of Identification	Photo	Specimen Signature/Thumb Impression	Remarks
25	26	27	28	29	30	31

