

The Payment of Undisbursed Wages (Mines) Rules, 1989

CONTENTS

<i>Rules</i>	<i>Pages</i>
1. Short title, application and extent	197
2. Definitions	197
3. Nomination	198
4. Register of nominations	199
5. Deposit of amounts of undisbursed wages	199
6. Manner of dealing with the undisbursed wages	199
FORMS	200

The Payment of Undisbursed Wages (Mines) Rules, 1989¹

In exercise of the powers conferred by Section 26 read with Section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, namely:—

1. Short title, application and extent.—(1) These rules may be called the Payment of Undisbursed Wages (Mines) Rules, 1989.

(2) These rules apply in respect of the payment of undisbursed wages to persons employed, either by the owner in any mine to which the Mines Act, 1952 (35 of 1952), applies or in any oilfield.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) “Act” means the Payment of Wages Act, 1936 (4 of 1936);
- (b) “Chief Labour Commissioner (Central)” means an Officer appointed as such by the Central Government;
- (c) “employer” means the owner of the mine and includes a contractor, agent, manager or any other person responsible under Section 3 of the Act for payment of wages and includes in the case of a deceased employer, his legal representative;
- (d) “family” means
 - (i) in case of a male employee, his wife or wives and children, whether married or unmarried, his dependent parents and widow and children of his deceased son;
 - (ii) in case of a female employee, her husband, her children, whether married or unmarried, her dependent parents, her husband’s dependent parents and widows and children of her deceased sons;
- (e) “Form” means a form appended to these rules;
- (f) “Mines” means a mine as defined in clause (j) of Section 2 of the Mines Act, 1952 (35 of 1952);
- (g) “person employed” or “employed person” or “employee” means a person employed in a mine or an oilfield to whom the Act applies and includes, in the case of a deceased employed person, his legal representative;
- (h) “Prescribed Authority” means, in case of—
 - (i) mines covered under the provisions of the Mica Mines Labour Welfare Fund Act, 1946, the Lime-Stone and Dolomite Labour Welfare Fund Act, 1972, and the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Welfare Fund Act, 1976, the Welfare Commissioner appointed under the provisions of the aforementioned Acts;

1. Vide G.S.R. 34(E), dt. Jan. 18, 1989, published in the Gaz. of India, Extra., Part II, S. 3(i), dt. 18-1-1989, pp. 9-16.

- (ii) mines other than those covered under clause (i), but owned or operated by the public sector undertakings of the Central Government or the State Government, the Chief Executive of the public sector undertaking concerned;
- (iii) all other mines not covered under clauses (i) and (ii), the concerned Regional Labour Commissioner (Central);
- (i) "section" means a section of the Act;
- (j) "undisbursed wages" means amounts payable to an employed person as wages which could not or cannot be paid on account of his death before payment or on account of his whereabouts not being known;
- (k) words and expressions used in these rules and not defined herein shall have the same meanings respectively assigned to them in the Act.

3. Nomination.—(1) A person who is already in employment on the date of the Payment of Undisbursed Wages (Mines) Rules, 1989, ordinarily within six months from such date, and a person who has been employed after the date of the commencement of the said rules, ordinarily within three months from the date he is employed, shall nominate a person conferring on him the right to receive all amounts payable to him as undisbursed wages, and such nomination shall be in Form I and submitted in duplicate by the employed person by personal service, after taking proper receipt thereof or by sending through registered post with acknowledgement due to the employer:

Provided that any nomination may be accepted after the expiry of the specified period, if the person satisfies the employer that he had sufficient grounds for not filing the nomination within such period and no nomination so accepted shall become invalid on the ground that it was filed after the expiry of the specified period.

(2) Within thirty days from the receipt of the nomination under sub-rule (1), the employer shall get the service particulars of the employed person as mentioned in the form of nomination verified with reference to records of the mines and a duly attested copy of Form I by the employer shall be given to the employed person.

(3) If, at the time of making a nomination an employed person has a family, the nomination shall not be in favour of a person other than the members of his family.

(4) If at the time of making the nomination, the employed person has no family, the nomination may be made in favour of any person but as soon as the employed person subsequently acquires a family, such nomination shall become invalid forthwith and the employed person shall, within thirty days of acquiring a family, submit a fresh nomination in duplicate in Form II to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*, as if it was made under sub-rule (1).

(5) If the nominee predeceases an employed person, the interest of the nominee shall revert to the employed person who shall within a period of thirty days from the death of the nominee make a fresh nomination in the manner hereinafter provided for.

(6) A notice of modification of a nomination including cases where a nominee predeceases an employed person shall be submitted in duplicate in Form III to the employer in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(7) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employed person or if illiterate, bear his thumb-impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination/fresh nomination or a notice of modification of nomination, as the case may be.

(8) A nomination or a fresh nomination or a notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

4. Register of nominations.—(1) The employer shall record and file all nominations, fresh nominations, and notices of modification of nominations, as the case may be, in the register of nominations which shall be maintained chronologically by him in Form IV.

(2) The register of nominations shall be maintained by the employer up-to-date and kept permanently at the workspot or where the employer experiences difficulty in keeping them at the workspot, at any other suitable place as may be approved by the Prescribed Authority in this behalf.

5. Deposit of amounts of undisbursed wages.—(1) Where all amounts payable as wages to a person employed in an establishment in relation to mines remain undisbursed because either no nomination has been made by the employed person or for any reasons, such amounts could not be paid to the nominee of the employed person until the expiry of three years from the date the same had become payable, all such amounts shall be deposited by the employer with the Prescribed Authority before the expiry of the fifteenth day after the last day of the said period of three years.

(2) The amounts referred to in sub-rule (1) shall be deposited by the employer through crossed demand draft obtained from any scheduled bank in India drawn in favour of the Prescribed Authority, and such demand draft shall be submitted by the employer to the Prescribed Authority together with relevant details in Form V by registered post.

6. Manner of dealing with the undisbursed wages.—(1) The amount deposited with the Prescribed Authority shall remain with the Prescribed Authority for four years and be invested in the Central or State Government securities or deposited in the nationalised banks.

(2) As soon as possible, the Prescribed Authority will exhibit at least for fifteen days on the notice-board of the mine(s) and shall also publish in any two newspapers circulating in the language commonly understood in the area of the mine(s) in which undisbursed wages were earned.

(3) The Prescribed Authority shall release the money to the nominee or to that person who has claims to this money and which has been decided by the competent authority/court.

(4) The amount deposited shall, after a lapse of four years from the date the amount is deposited with the Prescribed Authority by the employer, be applied by the Prescribed Authority to meet the expenditure incurred in connection with the measures which in his opinion are expedient to promote the welfare of persons employed in mines and in particular to defray the cost of measures for the benefit of persons employed in the mines directed towards—

- (i) the provision and improvement of educational facilities;
- (ii) the provision and improvement of recreational facilities;
- (iii) the provision and improvement of family welfare including family planning;
- (iv) the provision and improvement of vocational training, rehabilitation of disabled and handicapped persons; and
- (v) the provision and improvement of transport facilities.

(5) The expenditure incurred in connection with the measures referred to in sub-rule (4) either by an employer in relation to a mine or a trade union registered under the Trade Unions Act, 1926 of persons employed in a mine may be reimbursed to the person concerned by the Prescribed Authority either wholly or partly at his discretion, provided he is satisfied that the expenditure has been actually incurred by that person for bona fide purpose as specified in sub-rule (4).

FORM I

[See sub-rule (1) of Rule 3]

Nomination

To

(Give here name and address of employer together with name and full address of the mine.)

I,.....

(name in full here)

whose particulars are given in the statement below, hereby nominate the person mentioned below to receive all amounts payable to me as wages if such amounts could not or cannot be paid on account of my death before the payment or on account of my whereabouts not being known.

2. I hereby certify that the person nominated by me is a member of my family within the meaning of clause (d) of Rule 2 of the Payment of Undisbursed Wages (Mines) Rules, 1989.

3. I hereby declare that I have no family within the meaning of clause (d) of Rule 2 of the said rules and should I acquire a family hereafter, the above nomination shall be void and in that event I shall make a fresh nomination in Form II.

4. (a) My father/mother/parents is/are not dependent upon me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

Nominee

Name and address of the nominee	Nominee's relationship with the employed person	Age of Nominee
1	2	3

Statement

1. Name of the employed person in full.....
2. Sex.....
3. Religion.....
4. Whether unmarried/married/widow/widower.....
5. Department/Branch/Section where employed.....
6. Post held with ticket number or serial number, if any.....
7. Date of appointment.....
8. Present address.....
9. Permanent address.....

Village Thana Sub-division Post
Office District State

Place..... Signature/thumb-impression of the employed person
Date.....

Declaration by witnesses

Nomination signed/thumb-impressioned before me

Name in full and full address	Signature of witnesses
1.	1.
2.	2.

Place.....
Date.....

Certificate by the employer

Certified that the particulars of the above nomination have been verified and recorded in the Register of Nominations in Form IV at serial number.....

Signature of the employer/Officer authorised.
Designation
Place.....
Date.....
Name and address of the mine or rubber stamp thereof.

Acknowledgement of the employed person

Received the duplicate copy of the nomination in Form I filed by me and duly certified by the employer.

Signature of the employed person
Place.....
Date.....

Note.—Strike out the words and paragraphs not applicable.

FORM II

[See sub-rule (4) of Rule 3]

Fresh Nomination

To

(Give here name and address of employer together with name and full address of the mine.)

I,
(name in full here)

whose particulars are given in the statement below have acquired a family within the meaning of clause (d) of Rule 2 of the Payment of Undisbursed Wages (Mines) Rules, 1989, with effect from..... (date here)..... in the manner indicated below and therefore nominate afresh the person mentioned below to receive all amounts payable to me as wages if such amounts could not or cannot be paid on account of my death before the payment or on account of my whereabouts not being known.

2. I hereby certify that the person nominated by me is a member of my family within the meaning of clause (d) of Rule 2 of the said rules.

3. (a) My father/mother/parents is/are not dependent upon me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

(b) My husband's father/mother/parents is/are not dependent on my husband.

Nominee

Name and address of the nominee	Nominee's relationship with the employed person	Age of Nominee
1	2	3

Manner of acquiring a "family"

(Here give details as to how a family was acquired, i.e., whether by marriage or parents being rendered dependent or through other process like adoption.)

Statement

1. Name of the employed person in full.....
 2. Sex.....
 3. Religion.....
 4. Whether married/unmarried/widow/widower.....
 5. Department/Branch/Section where employed.....
 6. Post held with ticket number or serial number, if any.....
 7. Date of appointment.....
 8. Present address.....
 9. Permanent address.....
- Village..... Thana..... Sub-division..... Post Office
..... District..... State.....

Place.....

Date.....

Signature/thumb-impression of the employed person

Declaration of witnesses

Fresh nominations signed/thumb-impressioned before me.

Name in full and full address

Signature of witnesses

1.

1.

2.

2.

Place.....

Date.....

Certificate by the employer

Certified that the particulars of the above nomination have been verified and recorded in the Register of Nominations in Form IV at serial number.....

Place.....

Signature of the employer/Officer authorised.

Date.....

Designation

Name and address of the mine or rubber stamp thereof.

Acknowledgement of the employed person

Received the duplicate copy of the nomination in Form II filed by me and duly certified by the employer.

Place.....

Signature of the employed person

Date.....

Note.—Strike out the words and paragraphs not applicable.

FORM III

[See sub-rule (6) of Rule 3]

Modification of Nomination

To

(Give here name and address of employer together with name and full address of the mine.)

I,.....

(name in full here)

.....
.....

whose particulars are given below hereby give notice that the nomination filed by me on..... and recorded under your reference number..... date.....

Number..... dated..... shall stand modified in the following manner:—

(Here give details of the modifications intended)

Statement

1. Name of the employed person in full.....

2. Sex.....

3. Religion.....

4. Whether unmarried/married/widow/widower.....

5. Department/Branch/Section where employed.....
 6. Post held with ticket number or serial number, if any.....
 7. Date of appointment.....
 8. Present address.....
 9. Permanent address.....
 Village Thana Sub-division
 Post
 Office District State

Place.....

Signature/thumb-impression of the employed person

Date.....

Declaration by witnesses

Modification of nomination signed/thumb-impressioned before me

Name in full and full address

Signature of witnesses

1.

1.

2.

2.

Place.....

Date.....

Certificate by the employer

Certified that the particulars of the above nomination have been verified and recorded in the Register of Nominations in Form IV at serial number.....

Signature of the employer/Officer authorised.

Place.....

Designation

Date.....

Name and address of the mine or rubber stamp thereof.

Acknowledgement by the employed person

Received the duplicate copy of the notice for modifications in Form III filled by me on..... duly certified by the employer.

Place.....

Signature of the employed person

Date.....

Note.—Strike out the words not applicable.

FORM IV

[See sub-rule (1) of Rule 4]

Register of Nominations

Name and address of the mine.....

Name and address of the employer.....

PART I

Sl. No.	Name and complete address of the employed person	Nature of employment	Name and complete address of the nominee initially nominated in Form I with date	Name and address of the nominee subsequently nominated in Form II with date	Details of modifications if any specified in the notices of modification given in Form III with date	Remarks
1	2	3	4	5	6	7

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

PART II

It shall contain one copy each of the nomination in Form I and, as the case may be, the fresh nomination in Form II and notice of modification of nomination in Form III in serial order indicated in Part I.

FORM V

[See sub-rule (2) of Rule 5]

Registered

From:

(Give here name and complete address of the employer)

To

(Give here name and address of the Prescribed Authority)

Subject.—Deposit of amounts of undisbursed wages.

Sir,

As required under sub-rule (1) read with sub-rule (2) of Rule 5 of the Payment of Undisbursed Wages (Mines) Rules, 1989, I enclose the crossed demand draft bearing number..... dated.....

(mention the number)

(mention the date)

for Rs..... (Rupees.....)

(mention the amount in figures)

(mention the amount in words)

drawn in your favour obtained from

(mention the name and address of the bank)

..... The above-mentioned
 amounts represent all amounts payable as wages to persons employed in

.....
 (mention the name and address of the mine)

which remained undisbursed because either no nomination had been made by the employed person(s) or for any reasons such amount could not be paid to the respective nominee(s) of the employed person(s).

The relevant details are furnished hereunder:

1. Particulars of the relevant wage-period.....
 (mention the details of the wage-period)
2. Particulars of the relevant wage-period
 (mention the number of such cases)
3. Number of cases in which all amountspayable to an employed person aswages could not be paid to person(s) nominated by employed person(s)(details as per Annexure II)
 (mention the number of such cases)

Yours faithfully,

(Signature of the employer/Officer
 authorised)

Designation

Name and address of the establishment or
 rubber stamp thereof

Place.....

Date.....

ANNEXURE I

Sl. No.	Name and address of the employee	Wage-period	Amount payable
1	2	3	4

1.

2.

3.

Total

ANNEXURE II

Sl. No.	Name and address of the employee	Name and address of nominee	Wage-period	Amount payable
1	2	3	4	5

Total