

The Payment of Wages (Mines) Rules, 1956

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FORMS

The Payment of Wages (Mines) Rules, 1956¹

1. Short title, application and extent.—(1) These rules may be called the Payment of Wages (Mines) Rules, 1956.

(2) These rules apply in respect of the payment of wages to persons employed, either by the owner or by a contractor engaged by the owner, in any mine to which the Mines Act, 1952 (35 of 1952), applies ²[or in any oil-field].

(3) They extend to the whole of India ³[* * *]

1-A. The provisions of these rules shall apply in relation to oilfields as they apply in relation to mines.

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

(a) “Act” means the Payment of Wages Act, 1936 (4 of 1936);

⁴[(aa) “agent” means an agent as defined in clause (c) of Section 2 of the Mines Act, 1952 (35 of 1952);]

(b) “Authority” means an Authority appointed under sub-section (1) of Section 15;

(c) “contractor” means a person engaged under a contract by the owner of the mine for work on the mine and includes a sub-contractor;

(d) “Court” means the Court mentioned in sub-section (1) of Section 17;

(e) “deduction for breach of contract” means a deduction made in accordance with the provisions of the proviso to sub-section (2) of Section 9;

(f) “deduction for damage or loss” means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of Section 7;

⁵[(ff) “Deputy Chief Labour Commissioner (Central)” means an officer appointed as such by the Central Government;]

⁶[(g) “employer” means the owner of the mine and includes a contractor, an agent or 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 representatives];

(h) “Form” means a Form appended to these rules;

(i) “Inspector” means an Inspector referred to in Section 14;

⁷[(ii) “Manager” means the person appointed under Section 17 of the Mines Act, 1952 (35 of 1952) to discharge the functions of a manager;]

1. Published in the Gaz. of India, Part II, S. 3, p. 2105 onwards.

2. Added by S.O. 1795—PW/Mines/Oil-fields/Rules/Am., dt. May 30, 1962.

3. Omitted by G.S.R. 360, dt. 20-2-1976.

4. Ins. by S.O. 794—PW/Mines/Rules/Am., dt. Feb. 24, 1964.

5. Ins. by G.S.R. 99(E), dt. 23-2-1983.

6. Subs. by S.O. 3844, dt. Nov. 18, 1970.

7. Added by S.O. 1795—PW/Mines/Oil-fields/Am., dt. May 30, 1962.

- (j) "mines" means a mine as defined in clause (j) of Section 2 of the Mines Act, 1952 (35 of 1952);
- ⁸[(jj) "oil-field" means an oilfield as defined in clause (c) of Section 3 of the Oil-fields (Regulation and Development) Act, 1948;
- (jji) "owner" means the owner as defined in clause (1) of Section 2 of the Mines Act, 1952 (35 of 1952);]
- ⁹[(k) "person employed" or "employed person" 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];
- ¹⁰[(kk) "Regional Labour Commissioner ¹¹[(Central)]" means an officer appointed as such by the Central Government;]
- (l) "section" means a section of this Act; and
- (m) words and expressions used in these rules and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

¹²[2-A. Notice of opening, abandonment, discontinuance, reopening and change in the ownership and addresses, etc.—(1) When a mine has been opened, the owner, agent or manager shall forthwith communicate the actual date of opening to the Regional Labour Commissioner ¹³[(Central)] in Form A.

(2) When it is intended to abandon a mine or seam or to discontinue working thereof for a period exceeding 60 days, the owner, agent or manager shall not less than 40 days before such abandonment or discontinuance, give to the Regional Labour Commissioner ¹⁴[(Central)] a notice stating the reasons for the proposed abandonment or discontinuance and the number of persons likely to be affected thereby:

Provided that when on account of unforeseen circumstances a mine is abandoned or discontinued before the said notice has been given or when without previous intention the discontinuance extends beyond a period of 60 days, the notice shall be given forthwith.

(3) When a mine or seam has been abandoned, or the working thereof has been discontinued over a period exceeding 60 days, the owner, agent or manager shall without seven days of the abandonment or the expiry of the said period, give to the Regional Labour Commissioner ¹⁵[(Central)], notice in Form A.

(4) When it is intended to reopen a mine or seam after abandonment or after discontinuance for a period exceeding 60 days, the owner, agent or manager shall

8. Added by S.O. 1795—PW/Mines/Oil-fields/Am., dt. May 30, 1962.
 9. Subs. by S.O. 3844, dt. Nov. 18, 1970.
 10. Added by Noti. No. 1650, dt. June 24, 1960.
 11. Ins. by G.S.R. 99(E), dt. 23-2-1983.
 12. Added by S.O. 1795—PW/Mines/Oil-fields/Rules/Am., dt. May 30, 1962.
 13. Ins. by G.S.R. 99(E), dt. 23-2-1983.
 14. Ins. by G.S.R. 99(E), dt. 23-2-1983.
 15. Ins. by G.S.R. 99(E), dt. 23-2-1983.

not less than 30 days before resumption of mining operations, give to the Regional Labour Commissioner ¹⁶[(Central)], notice in Form A.

(5) When a mine has been reopened, the owner, agent or manager of the mine shall forthwith communicate the actual date of reopening to the Regional Labour Commissioner ¹⁷[(Central)].

(6) When a change occurs in the name or ownership of a mine or in the address of the owner, the owner, agent or manager shall, within seven days from the date of change, give to the Regional Labour Commissioner ¹⁸[(Central)], a notice in Form A:

Provided that where the owner of a mine is a firm or other association of individuals, a change—

- (i) of any partner in the case of a firm,
- (ii) of any member in the case of an association;
- (iii) of any director in the case of public company; or
- (iv) of any shareholder in the case of a private company;

shall also be intimated to the Regional Labour Commissioner (Central), within seven days from the date of the change.]

3. Register of fines.—(1) Every employer who has obtained approval under sub-section (1) of Section 8 to a list of acts and omissions in respect of which fines may be imposed, shall maintain a Register of Fines ¹⁹[in Form C specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017].

(2) The list of acts and omissions in respect of which fines may be imposed shall be entered in the Register of Fines, at the beginning.

(3) At the beginning of the Register of Fines, there shall also be entered serially numbered the approved purpose or purposes on which the amount of the fines realised are to be expended.

(4) At the end of every month, the amounts realised as fines shall be totalled and carried forward, after deduction of disbursement, if any, as per Part II of Form I.

(5) When any disbursements are made from the amounts of the fines realised, a *deduct* entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the register. If more than one purpose has been approved, the entry of the disbursement shall also indicate the purpose for which it is made.

²⁰[(6) The Register of Fines shall be kept at the workspot ²¹[or, where the employer experiences difficulty in keeping it at the workspot, at other suitable place

16. Ins. by G.S.R. 99(E), dt. 23-2-1983.

17. Ins. by G.S.R. 99(E), dt. 23-2-1983.

18. Ins. by G.S.R. 99(E), dt. 23-2-1983.

19. Subs. for "in Form I" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

20. Ins. by S.O. 2021/PWA/Mines/Am., dt. 12-7-1963.

21. Subs. by G.S.R. 426, dt. 2-3-1976 (w.e.f. 20-3-1976).

approved by the Chief Labour Commissioner in this behalf] and maintained up-to-date. Where no fine has been imposed on any employee in a 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 terms the wage-period to which the 'nil' entry relates.]

4. Register of deductions for damage or loss.—The Register of Deductions for damage or loss referred to in sub-section (2) of Section 10 shall be ²²[in Form C specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017], ²³[and shall be kept at the workspot ²⁴[or, where the employer experiences difficulty in keeping it at the workspot, at other suitable place approved by the Chief Labour Commissioner in this behalf] and maintained up-to-date. Where no deduction has been made from the wages of any employee in a 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 terms the wage-period to which the 'nil' entry relates.]

5. Register of wages.—A Register of Wages ²⁵[in Form B specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017] shall be maintained [up-to-date]²⁶ and kept at the workspot, ²⁷[or, where the employer experiences difficulty in keeping it at the workspot, at other suitable place approved by the Chief Labour Commissioner in this behalf] by every employer in proof of payment of wages. The rates of wages for all classes of workers shall be entered at the beginning of the Register.

²⁸[**5-A.** The Register required to be maintained under the Mines Rules, 1955, in Form B in the First Schedule to those rules shall be deemed to be required to be maintained under these rules also.]

²⁹[**5-B. Combined Form of Register.**—³⁰[Notwithstanding anything contained in these rules, where mechanised payrolls are introduced for better administration or a combined (alternative) Form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder, an alternative suitable Form in lieu of any of the Forms prescribed under these rules may be used with the previous approval of the Central Government.]]

³¹[**6. Preservation and maintenance of registers.**—(1) Every register maintained under the Act or these rules shall be preserved for a period of three years after the date of the last entry made therein ³²[at the workspot or where the

22. Subs. for "in Form II" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

23. Added by S.O. 2021/PWA/Mines/Rules/Am., dt. 12-7-1963.

24. Subs. by G.S.R. 426, dt. 2-3-1976 (w.e.f. 20-3-1976).

25. Subs. for "in Form III" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

26. Ins. by G.S.R. 99(E), dt. 23-2-1983.

27. Subs. by G.S.R. 426, dt. 2-3-1976 (w.e.f. 20-3-1976).

28. Ins. by G.S.R. 99(E), dt. 23-2-1983.

29. Added by S.O. 3514, dt. 4-11-1965.

30. Subs. by G.S.R. 136, dt. 31-1-1986.

31. Subs. by S.O. 3844, dt. 18-11-1970.

32. Ins. by G.S.R. 99(E), dt. 23-2-1983.

employer experiences difficulty in keeping them at the workspot, at other suitable place approved by the Regional Labour Commissioner (Central) in this behalf.]

(2) The registers maintained under the Act or these rules shall be maintained in English and in Hindi or in the language understood by the majority of the persons employed in the mine:

Provided that where a register is maintained in Hindi or any other language a true translation thereof in English shall also be maintained.]

³³[6-A. Production of registers and other records.—All registers and records required to be maintained by the employer under these rules shall on demand be produced 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 nearer to the employer.]

7. Places for displaying notices.—The Inspector shall specify such place or places in the mine as he thinks fit (hereinafter referred to as the “specified place or places”) for the display of notices, lists and rules under Rules 8, 12 and 16.

8. Notice of dates of payment.—(1) The employer shall display in a conspicuous place outside the office of the mine and at the specified place or places, notices in English and Hindi or in the language—if that be not Hindi—of the majority of the persons employed at such places showing—

³⁴[(i) the wages period for which the wages are payable;]

(ii) for not less than two weeks in advance the days on which wages are to be paid; and

(iii) the rates of wages and scales of allowances payable to persons employed in the mines concerned in Form IV [and]³⁵

³⁶[(iv) the day or days on which unpaid wages are to be paid, indicating the relevant wage period].

(2) Copies of all such notices and alterations therein shall be sent to the Inspector.

³⁷[8-A. Supervision of payment.—Whenever so directed by the Inspector, the employer or his representative at the workspot shall pay wages to the employed person on the notified date of payment under the supervision of the Inspector.]

9. Prescribed authority.—The ³⁸[Regional Labour Commissioner (Central)] shall be the prescribed authority competent to approve, under sub-section (1) of Section 8, acts and omissions in respect of which fines may be imposed and under sub-section (8) of Section 8, the purposes to which the fines realised may be applied.

33. Added by S.O. 3844, dt. 18-11-1970.

34. Ins. by G.S.R. 99(E), dt. 23-2-1983.

35. Ins. by G.S.R. 99(E), dt. 23-2-1983.

36. Ins. by G.S.R. 99(E), dt. 23-2-1983.

37. Ins. by G.S.R. 99(E), dt. 23-2-1983.

38. Subs. by Noti. No. 2172/PWA/Mines/Am., dt. 31-8-1961.

10. Application in respect of fines.—Every employer desiring to have power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the ³⁹[Regional Labour Commissioner (Central)]—

- (a) a list, in English, in duplicate, clearly defining such acts and omissions;
- (b) in cases where the employer himself does not intend to be the sole authority empowered to impose fines, a list, in duplicate, showing by virtue of office or otherwise, such members of his staff as may pass orders imposing fines and the class of establishment on which any such member may impose a fine.

11. Approval of list of acts and omissions.—The ⁴⁰[Regional Labour Commissioner (Central)] may, on receipt of the lists referred to in clause (a) of Rule 10, and after such inquiry as he considers necessary, pass orders in respect of the said list either—

- (a) disapproving the list, or
- (b) approving the list in its original form or as amended by him, in which case such list shall be deemed to have been approved under sub-section (1) of Section 8:

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause in writing against such order.

12. Posting of the list.—(a) The employer shall also display outside the office of the mine and at the specified place or places, notice showing the name and complete address of the Inspector who exercises jurisdiction under the Act over the mine.

(b) The employer shall display outside the office of the mine and at the specified place or places, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed at such mine or place, of the list approved under Rule 11.

13. Persons authorised to impose fines.—(1) No fine may be imposed upon a person employed in a mine by any person other than the employer or by a person included in the list referred to in clause (b) of Rule 10.

(2) In the case of persons employed by a contractor, no fines may be imposed by any person other than the contractor:

Provided that a contractor who runs more than one establishment in two or more localities, and who employs not less than 50 persons in one locality, may, with the approval of the ⁴¹[Regional Labour Commissioner (Central)], delegate his power to fine to his representative in that locality.

14. Procedure in imposing fines and deductions.—(1) No fine shall be imposed on, and no deductions shall be made from, the wages of any person

39. Subs. by Noti. No. 2172/PWA/Mines/Am., dt. 31-8-1961.

40. Subs. by Noti. No. 2171/PWA/Mines/Am., dt. 31-8-1961.

41. Subs. by Noti. No. 2171/PWA/Mines/Am., dt. 31-8-1961.

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employed in a mine except in accordance with the procedure laid down in the rules and regulations or certified Standing Orders in force in the mine, and no fine shall be imposed or deduction made from the wages until the employed person has been given an opportunity in writing of showing cause against such imposition or deduction.

(2) No fine shall be imposed on and no deduction for damage or loss shall be made from, the wages of a person employed by a contractor until the person authorised to impose the fine or make the deduction has explained personally to the said person the act or omission, or damage or loss in respect of which the fine or deduction is proposed to be imposed or made and the amount of fine and deduction, which it is proposed to impose or make and has heard his explanation in the presence of at least one other employed person.

15. Information to the employer.—The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is the employer) at once inform the employer of all particulars necessary for the completion of the register prescribed by Rule 3 or Rule 4, as the case may be.

16. Deductions under the proviso to sub-section (2) of Section 9.—(1) No deduction under the proviso to sub-section (2) of Section 9 shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No such deduction shall be made from the wages of any employed person unless—

- (a) there is a provision in writing in the terms of the contract of employment or in the certified Standing Orders of the employer requiring him to give notice of the termination of his employment;
- (b) this rule has been displayed in English and in the language of the majority of the employed persons outside the office of the mine, and at the specified place or places concerned, and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made; and
- (c) at least one week before such deduction is made, a notice has been displayed outside the office of the mine and at the specified place or places concerned, giving the names of the persons from whom deduction is proposed to be made, the number of days, wages to be deducted and the conditions, if any, on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any department or section of the mine, it shall be sufficient, in lieu of giving the names of such persons in the department or section of the mine, to specify the department or section affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment or certified Standing Orders.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no such deduction shall be made from any person who has complied with such conditions.

17. Measurement of the amount of work done by piece-workers.—(1) In the case of piece-rated work, the employer shall be responsible for arranging, at the end of each day or shift or such longer period not exceeding the wage-period as may be found convenient, for the weighment, measurement or assessment of the work done by the workers concerned in their presence or in the presence of their gangman (*mistry*), if any, and for the recording immediately thereafter of the particulars in a register maintained ⁴²[in Form B specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017]. At the close of the wage-period, the total weighment, measurement or assessment in respect of each worker shall be recorded in a slip and issued to the worker at least a day prior to the disbursement of wages. In case of any dispute regarding weighment, measurement or assessment, the employer shall as far as possible have the dispute settled on the spot in consultation with the worker or his gangman, if any:

⁴³[Provided that where the Deputy Chief Labour Commissioner (Central) is satisfied that the register or records maintained by an employer will serve the purpose, he may permit such employer to continue to maintain such register or records in lieu of the register required to be maintained ⁴⁴[in Form B specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017].]

⁴⁵[(1-A) The Chief Labour Commissioner (Central) may exempt, from the provisions of sub-rule (1), any mine which has provided weighbridge or any other mechanical device for the weighment of the work done by the workers subject to the condition that such weighbridge or mechanical device shall be tested and certified by the Inspector or by such other agency and at such intervals as may be specified by the Chief Labour Commissioner (Central).]

(2) All weights, measures and weighing-machines which are used for checking or ascertaining the wages of employed persons shall be made available for examination to the Inspector, who may in the event of his not being satisfied with the correctness of the apparatus or the weights, seal and prohibit their future use and report the matter immediately for necessary action to the appropriate authority, responsible for the administration of the Measure of Length Act, 1889 (2 of 1889) and the Standards of Weights Act, 1939 (9 of 1939).

⁴⁶**[18. Annual Return.**—Every employer shall, on or before the 1st day of February in each year, upload unified annual return in Form V on the web portal

42. Subs. for "in Form IV-A" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

43. Ins. by S.O. 2147 PWA/Mines/Rules/Am., dt. 6-6-1964.

44. Subs. for "in Form IV-A" by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

45. Ins. by G.S.R. 1423, dt. 15-12-1973 (w.e.f. 29-12-1973).

46. Subs. by G.S.R. 53(E), dt. 29-1-2019 (w.e.f. 29-1-2019). Prior to substitution it read as:

of the Central Government in the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year:

Provided that during inspection, the inspector may require the production of accounts, books, registers and other documents maintained in electronic form or otherwise.

Explanation.—For the purposes of this rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).]

19. Advances to persons employed by an employer.—(1) An advance of wages not already earned shall not ordinarily exceed the amount equal to two calendar months’ wages of the employed person. In exceptional circumstances, the amount of such advance may, with the previous sanction of the Regional Labour Commissioner (Central), be made to the extent of four calendar months’ wages.

(2) The advance may be recovered in instalments by deductions from the wages spread over not more than twelve months in the case of an ordinary advance and twenty-four months in the case of an advance granted in exceptional circumstances. In no case shall the amount of an instalment exceed one-fourth of the wages earned in a wage-period.

(3) The amount of all advances sanctioned and the repayments thereof shall be entered in a register ⁴⁷[in Form C specified in the Schedule to the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017] which shall be maintained in English and in the language spoken by the majority of workers.

20. Procedure, costs and court-fees.—The procedure to be followed by the authorities appointed under sub-section (1) of Section 15 and the Courts mentioned in sub-section (1) of Section 17, the scales of costs which may be allowed in, and the amount of court-fees payable in respect of proceedings under the Act to which these rules apply shall be such procedure, scales and amounts as are from time to time, prescribed by the State Government in the exercise of its powers under the Act in that behalf for the authority or court concerned.

21. Abstracts.—The abstracts of the Act and of the rules made thereunder to be displayed under Section 25 shall be in Form VII.

“18. Annual Returns.—(1) Every employer shall on or before the 1st day of February in each year upload annual returns in the Form V on the web portal of the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year.

(2) Every employer on or before the 1st day of February in each year may file annual returns in the Form V to the Regional Labour Commissioner (Central) and Inspector giving information as to the particulars specified in respect of the preceding year:

Provided that during inspection, the inspector shall require the production of the accounts, books, register and other documents if the same are maintained in manual form or in electronic form, as the case may be.

Explanation.—For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of Section 2 of the Information Technology Act, 2000 (21 of 2000).”

47. Subs. for “in Form VI” by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).

⁴⁸[**22. Penalties.**—Whoever, being required under these rules, to maintain any register or records or to furnish any information or return fails to maintain such register or record or to furnish such information or return or fails to observe provisions of any of these rules shall, for each such offence, be punishable with fine which may extend to five hundred rupees:

Provided that an employer who maintains the required register or record or furnishes the required return without making up-to-date entries therein, or fails to display notices shall be punishable with fine which may extend to two hundred rupees:]

⁴⁹[Provided further that no penalty shall be imposed on any person under this rule without giving him a reasonable opportunity of being heard.]

23. Rescission and savings.—The Payment of Wages (Mines) Rules, 1949, 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.

FORMS

Editorial Note: Drastic amendments to the Forms under this Rule have been made by **Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017**, Rule 1 and 2 of which provide as follows:

“1. Short title and commencement.—(1) These rules may be called the Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017.

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

[These Rules came into force on 21-2-2017, *vide* G.S.R. No. 154(E), dated 21-2-2017]

2. Maintenance of registers under certain labour related laws.—(1) Notwithstanding anything contained in any rules made under the,—

- (i) Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996);
- (ii) Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970);
- (iii) Equal Remuneration Act, 1976 (25 of 1976);
- (iv) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979);
- (v) Mines Act, 1952 (35 of 1952);
- (vi) Minimum Wages Act, 1948 (11 of 1948);
- (vii) Payment of Wages Act, 1936 (4 of 1936);
- (viii) Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976); and
- (ix) Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);

the combined registers in the Forms specified in the Schedule* to these rules shall be maintained either electronically or otherwise and used for the purposes, of the aforesaid enactments and the rules made thereunder, as specified therein.

(2) If the combined register referred to in sub-rule (1) is required for inspection by the concerned Inspector appointed under any of the enactments referred to in the said sub-rule,

48. Subs. by S.O. 3844, dt 18-11-1970.

49. Ins. by Noti. No. 1383, dt. 27-9-1977.

* *Vide* G.S.R. 154(E), dated 21-2-2017, published in the Gazette of India, Extra., Part II, Section 3(i), dated 21-2-2017, No. 126.

the concerned persons shall make available the combined registers or provide the necessary particulars for the purposes of accessing the information, as the case may be.

(3) Where any register referred to in sub-rule (1) is maintained in electronic form, then, layout and presentation of the register may be adjusted without changing the integrity, serial number and contents of the columns of the register, but not otherwise."

Full text of the Schedule of Ease of Compliance to Maintain Registers under various Labour Laws Rules, 2017 containing Forms A to Forms E is printed at page 144.

⁵⁰[FORM A

[See Rule 2-A]

Notice of Opening, Abandonment, Discontinuance, Reopening and Change in the Ownership and Address, etc.

From

.....
.....

To

The Regional Labour Commissioner (Central),

Sir,

I have to furnish the following particulars in respect of * at
(mine) of (owner).

1. In case of change of name of mine: Old name of mine date of change
2. (a) Situation of the mine: Village Police Station
Sub-Division (Taluq) District Station
- (b) In the case of a new mine, particulars of situation of mine: Post Office
Telegraph Office Railway Station Rest-House (Give distances therefrom) Means of travelling
3. (a) Name and Postal address of Present**/Previous:
 - (i) Owner
 - (ii) Managing agent, if any
 - (iii) Agent, if any
 - (iv) Manager
- (b) In case of change, day of change
4. Date on which it intended to open/re-open/abandon/discontinue† the mine
5. Actual date of opening/re-opening/abandonment/discontinuance† of the mine
- ⁵¹[6. Number of persons affected.]

Yours faithfully,

Signature.....

Designation: Owner/Agent/Manager

Date.....

Instructions

*Mention the matter to which the notice refers.

**To be filled in only when the notice refers to a change, and only against the item in respect of which notice is given.

⁵⁰ Added by S.O. 794/PW/Mines/Rules/Am., dt. 24-2-1964.

⁵¹ Added by S.O. 3844, dt. 18-11-1970.

†Delete whatever is not applicable.

FORM I⁵²[* * *]**FORM II**⁵³[* * *]**FORM III**⁵⁴[* * *]**FORM IV**

[See Rule 18]

Name of mine

Date from which wage rates will be or are enforced

Serial No.	Class of employees or description of work	Particulars of wage- period or the unit of work <i>e.g.</i> , per day, per tub, etc.	Rate of wages		Rate of allowances, if any	Remarks
			Rs.	Paise		
1	2	3	4		5	6

FORM IV-A⁵⁵[* * *]⁵⁶[**FORM V**

[See Rule 18(1)]

*Unified Annual Return***A. General Part:****Particulars:**

(a) Name of the establishment

Address of the establishment. House No./Flat No.

Street/Plot No.

52. Form I omitted by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).
 53. Form II omitted by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).
 54. Form III omitted by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).
 55. Form IV-A omitted by G.S.R. 154(E), dt. 21-2-2017 (w.e.f. 21-2-2017).
 56. Subs. by G.S.R. 351(E), dt. 1-5-2015 (w.e.f. 1-5-2015).

Town District State Pin Code

(b) Name of the employer

Address of the employer. House No./Flat No. Street/Plot No.

Town District State Pin Code

E-mail ID Telephone Number Mobile Number

(c) Name of the manager or person responsible for supervision and control of establishment

Address House No./Flat No. Street/Plot No.

Town District State Pin Code

E-mail ID Telephone Number Mobile Number

B. Employer's Registration/License number under the Acts mentioned in column (2) of the table below:

Sl. No.	Name	Registration		If yes (Registration No.)
(1)	(2)	(3)		(4)
1.	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996			
2.	The Contract Labour (Regulation and Abolition) Act, 1970			
3.	The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979			
4.	The Employees Provident Funds and Miscellaneous Provisions Act, 1952			
5.	The Employees' State Insurance Act, 1948			
6.	The Mines Act, 1952 Notice of opening under Regulation 3 of Coal Mines Regulation, 1957 or Regulation 3 of Metalliferous Mines Regulation, 1961			
7.	The Factories Act, 1948			

1.	Name of the principal employer in the case of a contractor's establishment	
2.	Date of commencement of the establishment	
3.	Number of Contractors engaged in the establishment during the year	
4.	Total Number of days during the year on which Contract Labour was employed	
5.	Total number of man-days worked by Contract Labour during the year	
6.	Name of the Manager or Agent (in case of mines)	
7.	Address House No./Flat No. <input type="text"/> Street/Plot No. <input type="text"/> Town <input type="text"/> District <input type="text"/> State <input type="text"/> Pin Code <input type="text"/> E-mail ID <input type="text"/> Telephone Number <input type="text"/> Mobile No. <input type="text"/>	

1.	Number of working days worked during the year
2.	Number of man-days worked during the year
3.	Daily hours of work
4.	Day of weekly holiday

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years)	Children (below 14 years of age)	Total

[illegible]

Skilled									
Semi-skilled									
Un-skilled									

G. (a) Details of Payments:

Gross wages paid		Deductions			New wages paid	
In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kind

(b) Number of workers who were granted leave with wages during the year:

Sl. No.	During the year	Number of workers	Granted leave with wages

H. Details of various welfare amenities provided under the statutory schemes:

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)

DECLARATION

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place

Date

here Sign

FORM VI

57 [* * *]

FORM VII

[See Rule 21]

Abstract of the Payment of Wages Act, 1936 and the Rules made thereunder

Whom the Act affects

1. The Act applies to the payment of wages to persons in mines receiving less than Rs 200 a month.

2. No employed person can give up by contract or agreement his rights under the Act.

Definition of Wages

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes:

- (a) the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Central Government;
- (b) the employer's contribution to a person or provident fund;
- (c) travelling allowance or concession or other special expenses entailed by the employment; and
- (d) any gratuity payable on discharge.

Responsibility for and Method of Payment

4. The employer is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

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

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1000 or more persons are employed).

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

7. Payments in kind are prohibited.

Fines and Deductions

8. No deductions shall be made from wages except those authorised under the Act (See Paragraphs 9-15 below).

⁵⁸[9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Inspectors, specify by a notice displayed at or near the main entrance of the workplace or places at the mine and after giving the employed person an opportunity for explanation.

(2) Fines—

- (a) shall not exceed three naye paise in the rupee;
- (b) shall not be recovered by instalments, or later than sixty days of the date of imposition;
- (c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Inspector; and
- (d) shall not be imposed on any employed person who is under the age of fifteen years.]

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

- (1) no deduction for breaking contract can be made from a person under 15 or a woman;
- (2) there must be a proviso in writing which forms a part of the contract of employment or the certified Standing Orders, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;
- (3) the above provision must be displayed at or near the main entrance of the workplace or places at the mine or workplace;

- (4) no deduction of this nature can be made until a week's notice that this deduction is to be made has been pasted at or near the main entrance of the workplace or places at the mine or workplace;
- (5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should have given under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the Central Government.

13. (a) Deduction can be made for the recovery of advances, or for adjustment of overpayment of wages.

(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(c) Advances of unearned wages can be made at the employer's discretion during employment.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to cooperative societies approved by the Central Government or to the postal insurance, subject to any conditions imposed by the Central Government.

Deductions can also be made with the written authorisation of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India or for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Saving Bank in furtherance of any savings scheme of any such Government.

15-A. Any loss of wages resulting from withholding of increment or promotion, reduction to a lower post or time-scale or to a lower stage in a time-scale or suspension does not constitute deduction from wages within the meaning of the Act. For this purpose the rules framed by an employer in relation to his employees in mines for the purpose of any of the aforesaid penalties shall provide that—

(i) any such penalty as aforesaid except the penalty of suspension, shall not be imposed unless the person concerned—

(a) has been informed to the charges in respect of which it is proposed to impose the penalty;

(b) has been given a reasonable opportunity of showing cause why the proposed penalty should not be imposed;

(ii) the person concerned is given a right of appeal against any order imposing the penalty.

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

Complaints of Deduction or Delays

17. (a) Where irregular deductions are made from wages or delays in payment take place, an employed person can make an application in the prescribed form within 6 months to the Authority

appointed by the State Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

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

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

Action by the Authority

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

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.

Appeal against the Authority

19. An appeal in the prescribed form against a direction made by the Authority may be preferred within 30 days in Calcutta to the Chief Judge, Court of Small Causes and elsewhere to the District Court—

- (a) by the employer, if the total amount directed to be paid exceeds Rs 300;
- (b) by an employed person, if the total amount of wages withheld from him or his co-workers exceeds Rs 50;
- (c) by a person directed to pay a penalty for a malicious or vexatious application.

Punishments for Breaches of the Act

20. Anyone tried for delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages, is liable to a fine up to Rs 500, but only if prosecuted with the sanction of the Authority of the appellate Court.

21. The employer who—

- (1) does not fix a wage-period, or
- (2) makes payment in kind, or
- (3) fails to display at or near the main entrance of the workplace or places at the mine or workplace this abstract in English and in the language of the majority of the employed persons, or
- (4) breaks certain rules made under this Act,

is liable to fine not exceeding Rs 200.

A complaint to this effect can be made only by the Inspector or with his sanction.
