

The Tripura Payment of Wages Rules, 1980
With
The Tripura Payment of Wages Rules, 1952

TRIPURA



GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Tuesday, June 17, 1980 A. D.

Jyaistha 27, 1901 S. E.

PART-I—Orders and notifications by the Government of Tripura, the High Court,
 Government Treasury etc.

Government of Tripura
 Department of Labour.

No. F. 87 (53)/LAB/MW/79

Dated, Agartala, the May, 1980

NOTIFICATION

Whereas draft Rules further to amend the Minimum Wages Rules, 1952 were published as required under sub-section (1) of Section 30 of the Minimum Wages Act, 1948 (XI of 1948) under Government of Tripura, Department of Labour Notification No. F. 87(53)/LAB/MW/79 dated the 20th November, 1979 in the Tripura Gazette dated the 8th December, 1979 inviting objections or suggestions from any person likely to be affected thereby, within 4 (four) months from the date of publication of the Notification in the said Tripura Gazette.

And whereas, the said Gazette was made available to the public on the 8th December, 1979.

Now, therefore, in exercise of powers conferred by Section 30 of the Minimum Wages Act, 1948 (XI of 1948) the State Government hereby makes the following Rules further to amend the Minimum Wages Rules, 1952 namely ;

RULES

1. These Rules may be called the "Tripura Minimum Wages Amendment Rules, 1980."
2. In Rule-2 after clause (e), the following rule (ee) will be substituted namely :-
 "day" means a period of twentyfour hours beginning at midnight.
3. In Rule-14, the following words will be substituted and previous Rule—14 will be omitted.
14. QUORUM :- No business shall be transacted at any meeting unless, at least one-third of the members and at least one representative each of both the employers and employees are present.
 Provided that, if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members by Telegram or by written communication.

4. After Rule 18, another sub-rule namely (5) will be added. 18(5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of a summons issued under sub-rule (1) may be inspected by the Chairman and independent members, and also by such parties as the Chairman may, allow with the consent of the other party, but the information so obtained shall be treated as "confidential" and the same shall be made public only with the consent in writing of the party concerned.

Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under section 193 of the Indian Penal Code (45 of 1869).

5. Sub-rule (1) of Rule 21 will be substituted by the following sub-rule 1 (1) and Clause (a) and (b).

1. Time and payment of wages and the deduction permissible from wages.

1 (i) (The wages of a worker in any scheduled employment) shall be paid on a working day—

(a) In the case of establishments in which less than one thousand persons are employed before the expiry of the seventh day, and

(b) In the case of other establishments before the expiry the tenth day, after the last day of the wage period in respect of which the wages are payable.

6. Clause X. of sub-rule (2) of Rule 21 will be substituted by the following and other clauses namely— XI, XII and XIII after sub-rule (2) of Rule 21 will be added.

(X) deduction for payment to co-operative society (or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employers and approved in this behalf by the State Government) or deductions made with the written authorisation of the person employed for payments of any premium in his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956).

(XI) deduction for recovery or adjustment of amounts, other than wages paid to the employed person in error or in excess of what is due to him :

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

(XII) deductions made with the written authorisation of the employed persons (which may be given once generally and not necessarily every time a deduction is made), for the purchase of securities of 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.

(XIII) deduction made with the written authorisation of :—

(a) the employed person ; or

(b) the President or Secretary of the registered Trade Union of which the employed person is a member on such conditions as may be prescribed ;

for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government.

After Rule 21(4)—another sub-rule, namely Rule 41 will be added.

21 (41) Every employer shall send annually a return in Form-III so to reach the Inspector not later than the 1st February following the end of the year to which it relates.

Sub-rule (5) of Rule 21 will be substituted by following :—

(5) The amount of fine imposed under sub-rule (3) shall be utilised only for such purposes beneficial to employees, as are approved by the State Government.

7. Rule 23 will be substituted as follows :—

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

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

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

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

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

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

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

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

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

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

Provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twentysix, or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twentysix and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate, and if any dispute arises whether the daily rate of wages has been worked out as aforesaid, the Labour Commissioner may, on application made to him in this behalf, decide the same after giving an opportunity to the parties concerned to make written representation.

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

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

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

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled only to the more favourable terms aforesaid.

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

8. Rule-24 will be substituted as follows :—

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

(a) in the case of an adult— 9 hours.

(b) in the case of a child—4½ hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the State Government.

(4) The provisions of sub-rule (1) to (3) shall, in the case of workers in Agricultural employment, be subject to such modification as may, from time to time, be Notified by the State Government.

(5) No child shall be employed or permitted to work more than $4\frac{1}{2}$ hours on any day.

24A. Night shift— Where a worker in a scheduled employment works on a shift which extended beyond midnight—

(a) a holiday for the whole day for the purpose of rule—23 shall in his case, mean a period of twenty four 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 later midnight during which such worker was engaged in work shall be counted towards the previous day.

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

Rule—26 will be substituted as follows :—

26. Form of registers and records— (1) A Register of wages shall be maintained by every employer at the workshop in Form—X ;

(2) Every employer shall, in respect of each person employed in the establishment complete the entries pertaining to a wage period—

(a) in columns 1 to 15 of Form—X, before the date on which the wages for such period fall due ;

(b) in columns 16 and 17 of the said Form, on the date when payment is made, and obtain the signature or thumb impression of the employee in column—18 of the said Form on the date when payment is made ;

(3) A wage slip in Form—XI shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

(4) Every employer shall get the signature or thumb impression of every person employed on the register of wages and wage slips.

(5) Entries in the register of wages and wage slips shall be authenticated by the employer or any person authorized by him in this behalf.

(6) A MUSTER Roll shall be maintained by every employer at the work spot in Form—V and the attendance of each person employed in the establishment shall be recorded daily in that Form within three hours of the commencement of the work shift or relay for the day, as the case may be.

27. These Rules shall not apply in relation to any scheduled employment in so far as there are in force rules applicable to such employment which in the opinion of the State Government making equally satisfactory provisions for the matters dealt with by these rules and such opinion shall be final.

28. A. Preservation of registers— A register required to be maintained under rules 21(4), 25(2) and 26(1) (and the muster roll required to be maintained under rule—26.(6) shall be preserved for a period of three years after the date of last entry made therein.

28B. (1) Production of registers and other records :—(1) All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector during the course of inspection of the establishment :

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

(2) Any infringement of the provisions of the Act or these rules noticed by the Inspector and communicated to the employer during the course of an inspection or otherwise, shall be rectified by the employer and compliance report in respect thereof shall be submitted to the Inspector, on or before the date specified by him in this behalf.

26C. Notwithstanding anything in these rules :— Where a combined (alternative) form is sought to be issued by the employer to avoid deplication of work for compliance with the provisions of any other Act or the rules framed thereunder, an alternative suitable form in lieu of any of the forms prescribed under these rules may be used with the previous approval of the Labour Commissioner, Tripura.

By order of the Governor,

S. K. Ghosal
Secretary,
Government of Tripura.

FORM--V
(Rule—26(5))
Muster Roll

Name of Establishment...						Place...					
Sr. No.	Name	Father's Husband's Name.	Sex	Nature of work	1	2	3	4	5	For the period ending...	(Total attendance) Remarks

1. Ins. G. S. R. 139, dated 16th January, 1974.

Form—X
Register of Wages
(Rule—16(1))

Wage period from... ..to... ..Name of Establishment ..
Place...

Deductions

1. Serial No.
2. Name of the employee
3. Father's/Husband's name
4. Designation
5. Basic } Minimum rate of wages
6. D. A. } Payable.
7. Basic Rates of wages actually
8. D.A. Paid
9. Total attendance/units of work done
10. Overtime worked
11. Gross wages payable
12. Employee's contribution to P. F.
13. H. R.
14. Other deductions
15. Total deductions
16. Wages paid
17. Date of payment
18. Signature or thumb-impression of employees.

FORM—XI
Wage slip
(Rule—26 (2))

Name of the establishment... ..
Place... ..

1. Name of employee with father's/Husband's name
2. Designation
3. Wage period
4. Rate of wages payable :
 - (a) Basic
 - (b) D. A.
5. Total attendance/units of work done.
6. Overtime wages.
7. Gross wages payable.
8. Total deductions.
9. Net wages paid.

in charge

Employee's signature/thumb impression.

TRIPURA



GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Tuesday, November 17, 2009 A. D. Kartika 26, 1931 S. E.

Part - I -- Orders & Notifications by the Government of Tripura,
the High Court, Government Treasury etc.

Government of Tripura
Department of Labour
(Factories & Boilers Organisation)

No. F. 7(124)-FB/AM/2009/3114

Dated, Agartala, the 7th November, 2009.

NOTIFICATION

In exercise of the powers conferred by Section 26 of the Payment of Wages Act, 1936 (IV of 1936), the State Government proposes to make the following draft Rules, which are published in the Official Gazette as required under Sub-section (5) of Section 26 of the Act for information of all persons likely to be affected giving them 3 (three) months time for proposing suggestions/objections, if any, from the date of publication of the same.

Any objection or suggestion which may be received from any person in respect of the said draft rules before the date so specified will be taken into consideration by the Government.

Draft Rules

1. Short Title and Commencement :-

(i) These Rules may be called "The Tripura Payment of Wages (Amendment) Rules, 2009".

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

2. In Rule 5 of the Principal Rule, the following shall be substituted, namely :-

Rule 5 - REGISTER OF WAGES -- A Register of Wages shall be maintained in every factory as prescribed in Form - VI including the following particulars :-

- (a) the gross wages earned by each person employed for each wage period ;
- (b) all deductions made from those wages, with an indication in each case of the clause of the sub-section (2) of section 7 under which the deduction is made ;
- (c) the wages actually paid to each person employed for each wage period ;

3. In Rule 23 of the Principal Rule, the following shall be substituted, namely :-

Rule 23 -- PENALTIES -- Any breach of Rules 3, 4, 5, 6, 8, 12, 15 & 18 of these Rules shall be punishable with fine which shall not be less than rupees seven hundred fifty but which may extend to rupees one thousand and five hundred.

By order of the Governor,
H. Debbarma
Deputy Secretary to the
Government of Tripura.

Printed at the Tripura Government Press, Agartala.

The Tripura Minimum Wages Rules, 1952.

Registered No.—37

TRIPURA GAZETTE
EXTRA-ORDINARY ISSUE
21st Feb., 1953 A.D.

PART—I

GOVERNMENT OF TRIPURA
DEPARTMENT OF LABOUR

No. 219/53/LAB/131

Dated, Agartala, the 28th January, 1953.

NOTIFICATION

In exercise of the powers conferred by section-31 of the Minimum Wages Act, 1948 (XI of 1948) the Chief Commissioner is pleased to make the following rules, the same having been previously published in the Tripura Gazette as required by the said section namely :—

‘The Tripura Minimum Wages Rules, 1952’.

Sd/- V. Nanjappa
Chief Commissioner
Government of Tripura.

THE TRIPURA MINIMUM WAGES RULES, 1952.

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THE MINIMUM WAGES RULES, 1952

CHAPTER I PRELIMINARY

1. Short title and extent :—These rules may be called the Tripura Minimum Wages Rules, 1952.

2. Interpretation :—In these rules unless the context otherwise require—

- (a) "Act" means the Minimum Wages Act, 1948 ;
- (b) "Advisory Committee" means an advisory committee appointed under section 6 and includes an advisory sub-committee appointed under that section ;
- (c) "Authority" means the authority appointed under sub-section (1) of Section 20 ;
- (d) "Board" means the Advisory Board appointed under Section 7 ;
- (e) "Chairman" means the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under Section 9 ;
- (ee) "day" means a period of twentyfour hours beginning at midnight.
- (f) "Committee" means a committee appointed under clause (a) of sub-section (1) of Section 5 and includes a sub-committee appointed under that section ;
- (g) "Inspector" means a person appointed as Inspector under Section 19 ;
- (h) "Form" means a form appended to these rules ;
- (i) "Registered trade union" means a trade union registered under the Indian Trade Union Act, 1926 and
- (j) "Section" means a section of the Act ; and
- (k) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act ;
- (l) State Government means the Chief Commissioner, Tripura.

1. Inserted by notification No. F. 87 (53)-LAB/MW/79 dated May, 1980 published in the Tripura Gazette, Extra-ordinary issue dated 17-6-1980.

CHAPTER II

MEMBERS AND STAFF, AND MEETINGS OF THE BOARD, COMMITTEE AND ADVISORY COMMITTEE.

3. Term of Office of the members of the Committee and the Advisory Committee—The term of office of the members of the committee or an Advisory Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employments concerned and the State Government may, at the time of constitution of the committee or an Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

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

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

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

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

5. Travelling Allowances :—A non-official member of the Committee an Advisory Committee or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the appropriate rules of the State Government.

“Provided that a non-official member residing within eight kilometres of the place where the meeting of the committee or board is held, may be allowed the actual cost of conveyance subject to a maximum of rupees ten per day”.

6. Staff :—(1) The State Government may appoint a Secretary to the Committee, an Advisory Committee or the Board, and such other staff as it may think necessary and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee or the Board as the may be. He may attend the meeting of such committee, Advisory Committee or the Board but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, the Advisory Committee or the Board, as the case may be.

7. Eligibility for renomination of the members of the Committee, Advisory Committee or the Board :—An outgoing member shall be eligible for renomination for the membership of the Committee, Advisory Committee or the Board of which he was a member.

8. Resignation of the Chairman and members of the Committee, Advisory Committee and the Board and filling of casual vacancies :—(1) A member of the Committee, Advisory Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman resign his membership.

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

(3) When a vacancy occurs or is likely to occur in the membership of the Committee, Advisory Committee or the Board. The Chairman shall submit a report to the State Government immediately. The State Government shall then take steps to fill vacancy.

9. Cessation and restoration of membership :—(1) If a member of the Committee, Advisory Committee or the Board fails to attend three consecutive meetings, he shall subject to the provisions of sub-rule (2) cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within 15 (fifteen) days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letters. The application for restoration of membership if received within the said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. Disqualification :—(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, Advisory Committee or the Board, as the case may be—

- (i) if he is declared to be of unsound mind by a competent court ;
- (ii) If he is an undischarged insolvent ; or
- (iii) If before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

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

11. **Meetings** :—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, Advisory Committee or the Board, as the case may be, at any time he thinks fit ;

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

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

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

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

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

14. **Quorum** :—No business shall be transacted at any meeting unless at least one-third of the members and at least one representative each of both the employers and employees are present.

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

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members by Telegram or by written communication.

15. **Disposal of business** :—All business shall be considered at a meeting of the committee, Advisory Committee or the Board as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote :

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

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

1. Substituted by Notification No. F. 87(53)-LAB/MW/79 dated May, 1980 published in the Tripura Gazette, Extra-ordinary issue dated 17-6-1980.

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

17. **Proceeding of the meeting :—**(1) The proceedings of each meeting showing inter alia the names of the members present thereof 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 proceeding of each meeting shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

CHAPTER III

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

18. **Summoning of witnesses and production of documents:—**(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before each on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

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

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

(i) in the case of an individual by being delivered or sent to him by registered post;

(ii) in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the Secretary or other Principal Officer of the organisation or union, as the case may be.

(4) The provision or the code of Civil Procedure, 1908, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceeding before a Committee, Advisory Committee or the Board.

(5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of a summon issued under sub-rule (1) may be inspected by the Chairman and independent members, and also by such parties as the Chairman may, allow with the consent of the other party, but the information so obtained shall be treated as "confidential" and the same shall be made public only with the consent in writing of the party concerned.

Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under section 193 of the Indian Penal Code (45 of 1860).

19. **Expenses of Witnesses:—**Every person who is summoned and appears as a witness before the Committee, the Advisory Committee or the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witnesses appearing in civil courts in the State.

CHAPTER IV

COMPUTATION AND PAYMENT OF WAGES, HOURS OR WORK AND HOLIDAYS.

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

21. Time and condition of payment of wages and the deduction permissible from wage². (1) Time and payment of wages and the deduction permissible from wages.

1. (i) The wages of a worker in any scheduled employment shall be paid on a working day—

(a) In the case of establishments in which less than one thousand persons are employed before expiry of the seventh day, and

(b) In the case of other establishments before the expiry of the tenth day, after the last day of the wage period in respect of which the wages are payable.

(ii) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.

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

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

(i) fines ;

(ii) deductions for absence from duty ;

(iii) deduction for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damaged or loss is directly attributable to his neglect or default ;

2. Substituted by Notification No. F. 87 (53)-LAB/79 dated May, 1980.
(Published in the Tripura Gazette, Extra-ordinary issue dated 17-6-1980)

(b) Inserted by Notification No. F. 87(53)-LAB/MW/79 Dt. May, 80
published in the Tripura Gazette, Extra-ordinary issue dated 17-6-1980.

- (iv) deduction for house accommodation supplied by the employer ;
- (v) deduction for such amenities and services supplied by the employer as the State Government, may by general or special order authorise.

Explanation :—The words “amenities” and “services” in this clause does not include the supply of tools and protectives required for the purposes or employment ;

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

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

- (vii) deduction of income tax payable by the employed person ;
 - (viii) deduction required to be made by order of a court or other competent authority ;
 - (ix) deduction for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1952, applies or any recognised provident fund as defined in section 58 A of the Indian Income Tax Act, 1922 or any provident fund approved in this behalf by the State Government during the continuance of such approval.
1. (x) deduction for payment to co-operative society or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employers and approved in this behalf by the State Government or deductions made with the written authorisation of the person employed for payment of any premium in his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956).
 2. (xi) deduction for recovery or adjustment of amounts, other than wages paid to the employed person in error or in excess of what is due to him ;

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

- (xii) deductions made with the written authorisation of the employed persons (which may be given once generally and not necessarily every time a deduction is made), for the purchase of securities of 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.

4. (xiii) deduction made with the written authorisations of:—

(a) the employed person; or

(b) the President or Secretary of the registered Trade Union of which the employed person is a member on such conditions as may be prescribed;

for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government.

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

(4) The amount of the fine or deduction mentioned in sub-rule (3) shall be such as may be specified by the State Government. All such deduction and all realisations thereof shall be recorded in a register maintained in form I, II, III, as the case may be. A return in form III shall be submitted annually by the employer.

5(4-A) Every employer shall send annually a return in Form III so as to reach the Inspector not later than the 1st February following the end of the year to which it relates.

6(5) The amount of fine imposed under sub-rule (3) shall be utilised only for such purposes beneficial to employees, as are approved by the State Government.

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

22. Publicity to the Minimum wages fixed under the Act:—

Notices maintaining the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder, the names and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice board of all Divisional, Sub-divisional and District Offices.

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

5. Inserted by Notification No. F. 87(53)-LAB/MW/79 Dt. May, 1980.

6. Substituted by Notification No. F. 87(53)-LAB/MW/79, Dt. May, 1980. (Published in the Tripura Gazette, Extra-ordinary issue dated 17.6.1980.)

1. Substituted by Notification No. F. 87(53)-LAB/MW/79 Dt. May, 1980.

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

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

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

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

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

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

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

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

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

Provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twentysix, or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twentysix and such actual daily rate of wages is not less than the notified minimum rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate, and if any dispute arises whether the daily rate of wages has been worked out as aforesaid, the Labour Commi-

ssioner may, on application made to him in this behalf, decide the same after giving an opportunity to the parties concerned to make written representation.

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

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

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

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled only to the more favourable terms aforesaid.

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

Rule 24 :—Number of hours of work which shall constitute a normal working day—(1) The number of hours which shall constitute a normal working day shall be—

- | | |
|------------------------------|-----------|
| (a) In the case of an adult— | 9 hours. |
| (b) In the case of a child— | 4½ hours. |

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the State Government.

(4) The provisions of sub-rule (1) to (3) shall, in the case of workers in Agricultural employment, be subject to such modification as may, from time to time, be Notified by the State Government.

(5) No child shall be employed or permitted to work more than 4½ hours on any day.

Rule 24A.—Night shift—Where a worker in a scheduled employment works on a shift which extends beyond midnight—

(a) a holiday for the whole day for the purpose of rule 23 shall in his case, mean a period of twenty four hours beginning from the time when his shift ends; and

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

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

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

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

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

Explanation :—The expression "ordinary rate of wages" means the basic wage plus such allowances including the cash equivalent of the advantages occurring through the concessional sale to the persons employed of foodgrains and other articles as the persons employed is for the time being entitled to but does not include a bonus.

(2) A register showing overtime payment shall be kept in form IV.

(3) Nothing in these rules shall be deemed to affect the provisions of the Factories Act, 1948.

26. Form of registers and records—(1) A Register of wages shall be maintained by every employer at the workshop in Form-X ;

(2) Every employer shall, in respect of each person employed in the establishment complete the entries pertaining to a wage period—

(a) in columns 1 to 15 of Form-X, before the date on which the wages for such period fall due ;

(b) in columns 16 and 17 of the said Form, on the date when payment is made, and obtain the signature or thumb impression of the employee in column-18 of the said Form on the date when payment is made ;

(3) A wage slip in Form-XI shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.

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

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

(6) A MUSTER Roll shall be maintained by every employer at the work spot in Form-V and the attendance of each person employed in the establishment shall be recorded daily in that Form within three hours of the commencement of the work shift or relay for the day, as the case may be.

²26A. Preservation of registers—A register required to be maintained under rules 21 (4), 25 (2) and 26 (1) (and the muster roll required to be maintained under rule-16 (6) shall be preserved for a period of three years after the date of last entry made therein.

²26B. (1) Production of registers and other records :—All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector during the course of inspection of the establishment :

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

(2) Any infringement of the provisions of the Act or these rules noticed by the Inspector and communicated to the employer during the course of an inspection or otherwise, shall be rectified by the employer and compliance report in respect thereof shall be submitted to the Inspector, on or before the date specified by him in this behalf.

6. 26C. Notwithstanding anything in these rules :—
Where a combined (alternative) form is sought to be issued by the employer to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder, an alternative suitable form in lieu of any of the forms prescribed under these rules may be used with the previous approval of the Labour Commissioner, Tripura.

6. Inserted by a notification No. F. 87(53)-LAB/MW/79 dated May, 1980 published in the Tripura Gazette, Extra-ordinary issue dated 17-6-80.

3, 4, 5, inserted by a Notification No. F. 87(53)-LAB/MW/79 Dt. May, 1980 and published in the Tripura Gazette, ²Extraordinary issue dated 17-6-1980.

CHAPTER V

CLAIMS UNDER THE ACT.

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

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

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

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

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

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

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT.

30. COSTS :—(1) The authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include

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

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

31. Court fee :—The court fee payable in respect of proceedings under Section 20 shall be—

- (i) for every application to summon a witness, one rupee in respect of each witness ;
- (ii) for every application made by or on behalf of an individual—one rupee ;

Provided that the Authority may if in its opinion the applicant is a proper exempt him wholly or partly from the payment of such fees ;

Provided further that no fee shall be chargeable :

- (a) from persons employed in Agriculture ; and
- (b) in respect of an application made by an Inspector.

FORM I
REGISTER OF FINES

RULE 21(4)

Sl. No.	Name of Employees	Father's/Husband's name	Sex
1	2	3	4

Department	Nature and date of offences for which fine imposed.	Whether workman showed cause against fine or not, if so, enter date.
5	6	7

Rate of wages	Date & amount of fine imposed.	Date on which fine realised.	Remarks
8	9	10	11

FORM II

RULE 21 (4)

Register of deduction for damage or loss caused to the employer, by the neglect or default of the employed persons.

Sl. No.	Name of employees	Father's/Husband's name	Sex	Department
1	2	3	4	5

Damage or loss caused with date.	Whether worker showed cause against deduction if so, enter date.	Date and amount of deduction imposed.
6	7	8

No. of instalments, if any.	Date on which total amount realised.	Remarks.
9	10	11

ANNUAL RETURN

FORM III

(Rule 21 (4))

DEDUCTION FROM WAGES

Return for the year ending the 31st December

1. (a) Name of the establishment & postal address
- (b) Name and residential address of the owner/Contractor
- (c) Name & residential address of the Managing Agent/Director
(Partner-in-charge) of the day to day affairs of the establishment
owned by a Company, body corporate or Association
- (d) Name and residential address of the manager/agent, if
2. Number of days worked during the year
- *3. Number of mandays worked during the year
- **4. Average daily number of persons employed during the year
- (i) Adults (ii) Children
5. Total wages paid in cash
- ***6. Total cash value of the wages paid in kind
7. Disbursement from fines.

	Purpose	Rs.	Total amount paise.
(a)			
(b)			
(c)			
(d)			
8. Deduction :—	No. of cases	Rs.	Total amount, paise.
(a) Fines.			
(b) Deduction for damage or loss.			
(c) Deduction for breach of contract.			

9. Balance of fine fund in hand at the end of the year

Dated

Signature

Designation

- * This is the aggregate number of attendance during the year
- ** The average daily number of persons employed during the year is obtained by dividing the aggregate number of attendance during the year by the number of working days.
- *** Cash value of the wages paid in kind should be obtained by taking the difference between the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given at concessional rates.

FORM VI

(FORM OF APPLICATION BY AN EMPLOYEE UNDER SECTION 20(2))

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

Application No. of 19

(1)

(2)

Application(s)

(3)

(Through a local practitioner

..... official of Union which is registered under the Trade Unions Act, 1926.

Address

Versus

(1)

(2)

Opponents.

(3)

Address

The above named applicant(s) beg(s) respectfully to submit as follows:—

(1) that

(2) that

The applicant(s) has (have) been paid wages at less than the minimum rates of wages.

The applicant(s) estimate(s) the value of the relief sought by him (them) at the sum of Rs.

The applicant(s) pray(s) that a direction may be issued under sub-section (3) of the Section for:—

(a) Payment of the difference between the wages due according to the minimum rates of wages fixed by the Government and to the wages actually paid, and

(b) Compensation amounting to Rs.

The applicant(s) beg(s) leave to amend or made alternation in the application, if any and when necessary.

Signature or thumb impression of the employees, legal practitioner or official of a registered trade union duly authorised.

The applicant(s) do (es) solemnly declare that what is stated above is true to the best of his (their) knowledge, belief and information.

This verification is signed at on day of 19

Signature or thumb impression of the employee(s) or legal practitioner or official of a registered trade union duly authorised.

* When the application is by a group of employees, the thumb impression or signature of two of the applicants needs be put to the application and a full list of applications should be attached to the applications.

FORM VII

FORM OF APPLICATION BY AN INSPECTOR OR PERSON ACTING WITH THE PERMISSION OF THE AUTHORITY UNDER SECTION 20(2).

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

Application No. of 19

(1) applicant.

Address

Versus

(1) Opponent.

Address

The above named applicant begs respectfully to submit as follows:—

(1) that

(2) that

The opponent is bound to pay wages at the minimum rates of wages fixed by Government but he has paid less wages to the following employees at the sum of Rs.

The applicant prays that a direction may be issued under sub-section (3) of Section 20 for:—

(a) Payment of the difference between the wages due according to the minimum rates of wages fixed by Government and the wages actually paid, and

(b) Compensation amounting to Rs.

The applicant begs leave to amend or add to or make alterations in the application if and when necessary.

Signature

The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information.

This verification signed

at on day 19

FORM VIII

Form of Authority in favour of a Legal Practitioner or any official of a registered trade union referred to in Section 20(2).

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

Application No. of 19

(1)

(2)

(3)

Applicant(s)

Versus.

(1)

(2)

(3)

Opponent(s)

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

Signature or thumb-impression
of the employee.

FORM IX

FORM OF SUMMONS TO THE OPPONENT TO APPEAR BEFORE THE AUTHORITY WHEN AN APPLICATION UNDER SUB-SECTION (2) OF SECTION 20 OR UNDER SECTION 21 IS ENTERTAINED.

(Title of the application)

To

(Name, description and place of residence)

WHEREAS has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned

to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day at o'clock in the noon, to appoint for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

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

Date

FORM X

Register of Wages (Rule 26(1))

Wage period from to Name of Establishment
Place

- | | | |
|--|--------------------------------|------------|
| 1. Serial No. | | |
| 2. Name of the employee. | | |
| 3. Father's/Husband's name | | |
| 4. Designation. | | |
| 5. Basic | Minimum rate of wages payable. | |
| 6. D. A. | | |
| 7. Basic | Rates of wages actually | |
| 8. D.A. | paid | |
| 9. Total attendance/units of work done | | |
| 10. Overtime worked. | | |
| 11. Gross wages payable. | | |
| 12. Employee's contribution to P.F. | | |
| 13. H. R. | | Deductions |
| 14. Other deductions. | | |
| 15. Total deductions | | |
| 16. Wages paid | | |
| 17. Date of payment | | |
| 18. Signature or thumb-impression of employee. | | |

Inserted by Notification No. 87(53)-LAB/MW/80 Dt. May, 1980
published in the Tripura Gazette, Extra-ordinary issue dated 17-6-1980.

FORM XI
WAGE SLIP
(Rule—26(2))

Name of the establishment

Place

1. Name of employee with Father's/Husband's name
2. Designation
3. Wage period
4. Rate of wages payable :
 - (a) Basic
 - (b) D. A.
5. Total attendance/units of work done.
6. Overtime wages.
7. Gross wages payable.
8. Total deductions.
9. Net wages paid.
pay in charge

Employee's signature/thumb
impression.

Inserted by Notification No. F. 87(53)-LAB/MW/79 Dt. May, 1980
published in the Tripura Gazette, Extra ordinary issue dated 17-6-1980.