

Abstract	Notice
<ol style="list-style-type: none">1. Abstract of maternity act form k 19612. Abstract the contract labour (regulation & abolition act, 19703. Abstract equal remuneration act, 19764. Form u abstract of Payment of Gratuity 19725. Abstract of the payment of wages act, 19366. The payment of bonus act, 19657. Abstract of Minimum Wages in Form IX 19488. Shop & Commercial Establishment Act 1958	<p>As a part of our mission of</p> <p>Complete Honesty Complete Transparency Complete Accountability Complete Fairness</p> <p>Any email sent to helpdesk@omcs.in will be taken as a formal notice from our employee and will be given equal weight-age.</p>

As applicable to our Associates.

FORM 'K'
(See Rule 15)

(Abstract of the Maternity Benefit Act, 1961, and the rules made thereunder)

1. No employer shall knowingly employ a woman during the six weeks immediately following the day of her delivery or miscarriage and no woman shall work in any establishment during the said period.
2. No pregnant woman shall, no a request being made by her in this behalf be required by her employer to do during the period of one month immediately preceding the period of six weeks before the date of her expected delivery and also for any period during this period of six weeks for which she does not avail of leave of absence, any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.
3. (1) Subject to the provisions of the Act, every woman who has actually worked in an establishment of the employer from whom she claims maternity benefit for a period not less than one hundred and sixty days, including the days during which she was laid off, shall be entitled to and her employer shall be liable for, the payment of maternity benefit at the rate of her average daily wages, or one rupee a day, whichever is higher, for the period of her actual absence not exceeding six weeks immediately preceding and including the day of her delivery and for the six weeks immediately following that day: Provided that the qualifying period of one hundred and sixty days aforesaid shall not apply to a woman who has immigrated into the State of Punjab and was pregnant at the time of immigration: Provided further that where a woman dies during the period for which maternity benefit is payable, to her, the benefit shall be payable only for the days up to and including the day of her death. However, where the woman having been delivered of a child dies during her delivery or during the period of six weeks immediately following the date of her delivery or during leaving behind in either case the child, the employer shall be liable for the payment of maternity benefit for the entire period of six weeks immediately following the day of her delivery but if the child also dies during the said period then, for the days up to and including the day of the death of the child.
- (2) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of a certificate in Form 'B' stating that she is pregnant and is expected to be delivered of a child within six weeks of the date of production of the certificate, and the amount due for the subsequent period shall be paid by the employer to the woman within forty eight hours of production of the certificate in Form 'C' or Form 'E' stating that she has been delivered of a child or production of a certified extract from a Birth Register maintained under the provision of any law for the time being in force.
4. (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act, may give notice in writing in Form 'B' to her employer stating that her maternity benefit and any other amount to which she may be entitled under this Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she received maternity benefit.
- (2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work not being a date earlier than six weeks from the date of her expected delivery.
- (3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.
- (4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment until the expiry of six weeks after the day of her delivery.
5. (1) Every woman entitled to maternity benefit under the Act shall also be entitled to receive from her employer a medical bonus of twenty-five rupees, if no pre-natal confinement and post-natal care is provided for by the employer free of charge. The medical bonus shall be paid along with the second installment of the maternity benefit.
- (2) In case of miscarriage, a woman shall on production of a certificate in Form 'C' or Form 'B' be entitled to leave with wages at the rate of maternity benefit for a period of six weeks immediately following the day of her miscarriage. The wages shall be paid within 48 hours of production of the certificate in Form 'C' or Form 'B'
- (3) A woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall on production of a certificate in Form 'C' be entitled in addition to the period of absence allowed to her on account of maternity or miscarriage, as the case may be, to leave with wages at the rate of maternity benefit for a maximum period of one month. The wages for the leave period shall be paid within 48 hours of the expiry of the period.
6. Every woman delivered of a child who returns to duty after such delivery shall in addition to the interval for rest allowed to her be allowed in the course of her daily work two breaks of 15 minutes duration for nursing the child until the child attains the age of fifteen months. An extra sufficient period, depending upon the distance to be covered shall be allowed for the purpose of the journey to and from the crèche or the place where the children are left by women while on duty provided that such extra period shall not be less than 5 minutes and more than 15 minutes duration.
7. (1) When a woman absents herself from work in accordance with the provisions of the Act, it shall be unlawful for the employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

- (2) (a) The discharge or dismissal of a woman at any time during the pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus shall not have the effect of depriving her of the maternity benefit or medical bonus: Provided that where the dismissal is for one or more of the following acts, the employer may, by order in writing communicated to the woman deprive her of the maternity benefit or medical bonus or both: -
- (i) willful destruction of employer's goods or property;
 - (ii) assaulting any superior or co-employee at the place of work;
 - (iii) criminal offence involving moral turpitude resulting in conviction in a court of law;
 - (iv) theft, fraud, or dishonesty in connection with the employer's business or property; and
 - (v) willful non-observance of safety measures or rules on the subject or willful interfere with safety devices or with fire-fighting equipment.
- (b) Any woman deprived of maternity benefit or medical bonus or both, may, within sixty days from the date on which the order of such deprivation is communicated to her, appeal in Form 'G' to the Competent Authority and the decision of the Competent Authority on such appeal whether the woman should or should not be deprived of maternity benefit or medical bonus or both shall be final.
8. If a woman works in any establishment after she has been permitted by her employer to absent under the provisions of the Act, she shall forfeit her claim to the maternity benefit for such period.
9. (1) Any woman claiming that maternity benefit or any other amount to which she is entitled under the Act and any person claiming that payment due has been improperly withheld may make a complaint to the Inspector in writing in Form 'H' or 'I' as the case may be.
- (2) The Inspector may, of his own motion or on receipt of a complaint in Form 'H' or 'I' make an enquiry or cause an enquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders;
- (3) Any persons aggrieved by the decision of the Inspector may within thirty days from the date on which such decision is communicated to such person, appeal to the Competent Authority.
- (4) The decision of the Competent Authority where an appeal has been preferred to him or of the Inspector where no such appeal has been preferred shall be final.
10. (a) The employer shall supply to every woman employed by him at her request free of cost copies of Forms 'B', 'C', 'D', 'E', 'F', 'G', 'H', and 'I'.
- (b) The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of a woman entitled to receive maternity benefit or any other amount due under the Act. Where a notice, appeal or complaint has been received in a form other than the prescribed form the authority concerned shall within fifteen days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint as the case may be, in the prescribed form.
11. (a) (1) The employer of every establishment in which women are employed shall prepare and maintain a muster roll in Form 'A' and shall enter herein particulars of all women workers in the establishment.
- (2) All entries in the muster roll shall be made in ink and maintained up to date and it shall always be available for inspection by the Inspector during the working hours.
- (b) The employer of every establishment shall on or before the 21st. January in each year submit to the Competent Authority a return in each of the Forms 'L', 'M', 'N', and 'O', giving information as to the particulars specified in respect of the preceding year.

THE CONTRACT LABOUR (REGULATION & ABOLITION ACT, 1970 THE CONTRACT LABOUR (REGULAITON & ABOLITION) CENTRAL RULES, 1971.

- I. Extent of the Act – The Act does not take away the rights/benefits of any workmen who by terms of any agreement or contract or Standing Orders are enjoying or can obtain or are entitled to more favourable conditions of service or from entering into such agreements, etc. entitling them to more favourable benefits than provided under the Act.
- II. To whom the Act applies – The Act applies to every establishment in which 20 or more workmen are employed or were employed on any day of the preceding twelve months as contract employed on any day of the preceding twelve months as contract labour and to every contractor who employs or who employed on any day of the preceding twelve months twenty or more workmen.

The establishments in which intermittent or casual work is performed do not come within the purview of the Act. However, an establishment wherein work is performed for 120 days or more in the preceding 12 months or more than 60 days in a year on work of a seasonal character will not be deemed as carrying out the work of intermittent nature.

III. Definitions :-

(i) Appropriate Government means :

(A) Central Government in relation to –

- (a) Any establishment pertaining to any industry carried on by or under the authority of the Central Government.
- (b) Any controlled industry, which may be specified by the Central Government.
- (c) Any Railway
- (d) Cantonment Board
- (e) Major Port
- (f) Mine
- (g) Oil-field
- (h) Any establishment of a banking or insurance company.

(B) (i) In relation to any other establishment that Government of the State in which the establishment is situated.

- (ii) **Establishment** – Any office or department of the Government or local authority or any place where any industry trade, business, manufacture or occupation is carried on.
- (iii) **Principal Employer** – (a) In relation to any office or department of the Government or local authority, the head of the office or department or local authority or any other officer specified in this behalf by the Government or local authority. (b) In the case of a factory, the owner or occupier of the factory and the manager appointed under the Factories Act and in the case of a mine the owner or agent of the mine and the Manager of the Mine. (c) In any other establishment the person who is responsible for supervision and control of the establishment.
- (iv) **“Contractor.”** – A person who undertakes to produce a given result for the establishment other than a mere supply of goods or articles of manufacture to such establishment through contract labour or who supplies contract labour for any work of the establishment. A Contractor includes a sub-contractor.
- (v) **“Contract Labour”** – A workman shall be deemed to be employed as “Contract Labour” when he is hired for work in an establishment through a contractor with or without the knowledge of the principal employer.
- (vi) **“Workmen”** – Any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled manual, supervisory technical or clerical work for heir or reward, whether the terms of employment be express or implied.

A person employed mainly in a managerial or administrative capacity or employed in supervisory capacity and is drawing wages exceeding Rs.500/- per month or exercising functions mainly of a managerial nature and an out-worker who performs any work on behalf of the principal employer in premises which are not under the control and management of the principal Employer, will not be deemed as a workman within the purview of the Act.

- (v) **Machinery for enforcement of the Act/Rules in State sphere** – All Assistant Commissioners of Labour in the Offices of the Deputy Commissioners of Labour have been appointed a Registering Officers. All Inspectors of Labour and Inspectors of Plantations have been appointed as Licensing Officers. In respect of “Department of Factories Inspectorate” all Deputy Chief Inspector of Factories have been appointed a Registering Officers and all inspectors of Factories have been appointed as Licensing officers. All Deputy Commissioners of Labour have been appointed as Appellate Officers. All Deputy Commissioner of Labour Assistant Commissioners of Labour in the offices of the Deputy Commissioner of labour, Deputy Chief Inspectors of Factories, Inspectors of Factories, Assistant Inspector of Factories, Inspectors of Plantations, Inspectors of Labour, Deputy Inspectors of Labour and Assistant Inspectors of Labour have been appointed as Inspectors under the Act.

Advisory Board – The Appropriate Government shall constitute the State Advisory Contract Labour Board to advise the Government on matters connected with the administration of the Act.

- (VI) **Registration** – Every principal Employer of an establishment has to obtain a certificate of registration for his establishment from the Registering Officer of the area in which his establishment is located within the prescribed period fixed by the appropriate Government, on payment of the fees specified for the purpose. The Certificate of Registration can be revoked with previous approval of the appropriate Government if it is found that the certificate has been obtained by misrepresentation or suppression of any material fact or if the registration has become useless or ineffective.

- (VII) **Effect of non-registration** - *No Principal Employer of an establishment can employ contract labour if his establishment has not been registered within the period specified by the appropriate Government after revocation of his registration.*

IV. **Prohibition of employment of Contract Labour** – *The appropriate Government may after consultation with the Central Advisory Board or the State Advisory Contract Labour Board as the case may be, prohibit by notification in the Official Gazette employment of contract labour in any process, operation or other work in any establishment. Before issuing such notification the appropriate Government shall examine the conditions of work and benefits provided for the contract labour in that establishment and other relevant factors.*

V. **Licensing of contractor** – (1) With effect from such date as notified by the appropriate Government, no contractor to whom this Act applies shall undertake or execute any work through contract labour except under and in accordance with a license issued in that behalf by the Licensing Officer.

- (2) Every contractor to whom the Act applies has to obtain a Licence from the Licensing Officer of the area in which the establishment is located, within the period fixed by the appropriate Government by depositing Rs. 30/- (Rupees Twenty) per worker and on payment of the prescribed fee. The certificate of Licence *inter alia* contains the following information :-

- (1) that Licence shall be non-transferable;
- (2) That the maximum number of workmen that can be employed as contract labour in that establishment along with other particulars such as rates of wages payable, hours of work and other service conditions of the workmen;
- (3) That in an establishment where 20 or more workmen are ordinarily employed as contract labour the contract shall provide 2 rooms of reasonable dimensions for use as crèches and supply toys, games, beddings and cots for the use of their children.

The licence is valid for 12 months and on payment of prescribed fees it can be renewed and an application for renewal of licence should be made not less than thirty days before the date on which the licence issued expires. A licence can be revoked in case it has been obtained through, misrepresentation etc. or if the licensee has failed to comply with the conditions of the licence.

An appeal can be filed on such orders by the aggrieved party within 30 (thirty) days of the order.

VI. **Welfare and health of contract labour** - *It is the responsibility of the contractor to provide canteen, rest shelter, drinking water, latrines, urinals, washing facilities and first-aid boxes on the following scales within the prescribed time-limit shown against each of the Welfare/health amenities :*

Welfare/Health Amenities	Conditions/Scales	Time limit
Canteen	Where employment of contract labour is likely to continue for six months and the number of contract labour employed is 100 or more, an adequate canteen has to be set up and run as	In the cases of existing establishment, within 60 (sixty) days from the date the rules come into force, <i>i.e.</i> 31 st December 1975 or within 60 (sixty) days of the

	specified in the Rules	commencement of the employment of contract labour in case of new establishments.
Rest-room	Wherever employment of contract labour is likely to continue for 3 (three) months or more and contract labour is required to halt at night, rest rooms are to be maintained in accordance with the Rules.	In the case of existing establishments, within 15 (fifteen) days from the date the rules come into force, i.e. 31 st December 1975 and within 15(fifteen) days of the commencement of the employment of contract labour in case of new establishments.
Drinking Water	Wholesome drinking water shall be supplied at convenient places	In the case of the existing establishment within 7 (seven) days of the commencement of the rules, i.e. 31 st December 1975 and in case of new establishments within 7 (seven) days of the commencement of the employment of contract labour
Washing facilities	Adequate and suitable facilities for washing be provided as detailed in the Rules	Do
Urinals and latrines	(1) Where females are employed, at least one latrine for every 25 (Twenty-Five) females (2) Where males are employed at least one latrine for every 25 (twenty five) males. Where the number of males or females exceeds 100 it will be sufficient if there is one latrine for every 25 males or females as the case may be, up to the first 100 (hundred) and one for every 50 (fifty) thereafter.	Do
First – aid facilities	First-aid boxes at the rate of not less than one box for every 150 (one hundred and fifty) contract labour or part thereof should be maintained and shall be readily accessible during all working hours	Do

If the contractor fails to provide the above amenities within the time limit prescribed, then such amenities shall be provided by the Principal Employer within 60 (sixty) days in the case of canteen, 15(fifteen) days in the case of rest-room, 7 (seven) days in respect of supply of drinking water, provision of latrines and urinals, washing and first-aid facilities of the expiry of the period during which time the contractor was required to provide them.

VII. **Payment of wages** – (i) The contractor shall fix wage periods, not exceeding one month, in respect of which wages shall be paid.

- (ii) Wages are to be paid before the expiry of the 7th (seventh) day after the last day of the wage period concerned in an establishment where less than one thousand persons are employed and before the expiry of the tenth day where one thousand or more persons are employed
- (iii) On termination of employment of a worker, due wages shall be paid to him before the expiry of second working day from the date of termination of his employment.
- (iv) All payments will be made to workers directly or through other persons authorized by the workers for the purpose, the wages being paid in current coin or currency or in both on a working day at the work premises during working hours on dates notified in advance
- (v) If the work is completed before the expiry of the wage period, final payment shall be made within 48 hours of the last working day.
- (vi) The wages shall be paid to workers without any deduction except those authorized under the payment of wages Act, 1936.
- (vii) Payment of wages will be made in the presence of an authorized representative of the principal employer at the place and time notified for the purpose.

VIII. **Registers and Records** : (i) The Principal Employer shall maintain a register of contracts.

- (ii) Every contract shall maintain a register of persons employed by him and also issue an employment card to each worker within three days of his employment. On termination of employment the contractor shall issue to the workman a service certificate.
- (iii) The contractor shall maintain the following register

Muster Roll	Register of Wages;
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Register of Deductions;	Register of Fines
Register of Overtime	Register of Advances.

- (iv) Every contractor shall display an abstract of the Act and Rules in English and in the language spoken by the majority of workers.
- (v) All registers and other records shall be persevered in original for a period of three calendar years from the date of last entry therein. The registers and records maintained under the Act or Rules shall be produced on demand before the Inspector or any other authority under the Act or any person authorized in that behalf by the Government.
- XIII.. **Notice** – Notices showing the rates of wages, hours of work, wage periods, date of payment of wages, names and addresses of the Inspectors having jurisdiction and date of payment of unpaid wages shall be displayed in English and in the local language understood by the majority of the workers.
- XIV. **Returns** – Every contractor shall send half-yearly return in Form XXIV (in duplicate) to the Licensing Officer and every Principal Employer shall send annual return in Form XXV (in duplicate) to the Registering Officer.
 Note :-Half-year means a period of 6 months from 1st January to 1st July of every year.
 The half-yearly return is to be sent not later than 30 days after the close of the half-year and the annual return not later than 15th February following the end of the year to which it relates.
- XV. **Powers** - The Board, Committee, Chief Labour Commissioner (Central) or the Inspector or any other authority under the Act shall have powers to call for any information or statistics in relation to contract labour from any principal employer or contractor at any time by an order in writing..
- XVI. **Penalties for offences** – (i) Any person who obstructs an Inspector in discharge of his duties or refuses or willfully neglects to afford the Inspector any reasonable facility for making any inspection, examination, inquiry or investigation under the Act, shall be punishable with imprisonment up to a period of three months or with fine which may extend up to five hundred rupees or with both. The same punishment will be applicable to any person who willfully refuses to produce any required documents or any register kept under the Act or prevents or attempts to prevent or does anything which the Inspector has reason to believe is likely to prevent any person appearing before or being examined by him.
- (ii) Any person who contravenes any provisions of this Act or Rules prohibiting, restricting or regulating the employment of contract labour or contravenes any condition of a licence granted under this Act, shall be punishable with imprisonment up to a period of three months or with fine which may extend to one thousand rupees or with both, and in the case of a continuing contravention with an additional fine of Rupees one hundred for every day during which such contravention continues after conviction for the first contravention.
- (iii) Every person who contravenes any of the provisions of the Act or Rules for which no other penalty is elsewhere provided shall be punishable with imprisonment up to three months or with fine which may extend to one thousand rupees or with both.
- XVII. **Offences by companies** :- If the person committing an offence under this Act and Rules is a company, the company as well as every person in charge of and responsible to the Company for the conduct of the business shall be liable for the proceedings under the Act and the Rules.
- XVIII. **Power of Inspectors** – An Inspector under the Act may –
- (a) enter at all reasonable hours with such assistance as necessary any premises of place where a contract labour is employed, for the purpose of examination of any register or record or notices as required to be kept or exhibited by or under this Act or Rules made thereunder and require the production thereof for inspection;
- (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe is a workman employed therein;
- (c) require any person giving out work and any workman to give any information which is in his power to give with respect to names and addresses of the persons to, for and from whom the work is given out or received and with respect to the payments made for the work;
- (d) seize or take copies of such documents or notices, etc. which he may consider relevant in respect of an offence under this Act;
- (e) exercise such other powers as may be prescribed by the Government.

Equal Remuneration Act, 1976

What is the scope & coverage of this Act ? The Act extends to the whole of India and applies to every establishment or employments notified by the Central Government. However, the provisions of the Act do not apply :- to cases affecting the terms and conditions of a woman's employment in complying with the requirements of any law giving special treatment to women [**Sec 15(a)**]. to any special treatment accorded to women in connection with - the birth or expected birth of a child, or the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death [**Sec 15(b)**]

Are there any exceptions?As per **Sec 15**, the Act shall not apply where any special treatment is accorded to the women in complying with the requirements of any law giving special treatment to women & to any special treatment accorded to women in connection with child-birth, terms & conditions relating to retirement, marriage, death.

What is meant by 'remuneration' ?

"Remuneration" means the basic wage or salary, and any additional emoluments whatsoever payable, either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled [**Sec 2(g)**].

What is meant by 'same work or work of a similar nature' ?As per **Sec 2(h)** of the Act, "same work or work of a similar nature" means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required to a woman are not of practical importance in relation to the terms and conditions of employment.

What is the role of Advisory Committee?For the purpose of providing increasing employment opportunities for women, the appropriate government shall constitute one or more advisory committees to advise it with regard to the extent to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf [**Sec 6(1)**]. Every advisory committee shall consist of not less than ten persons, to be nominated by the appropriate government, of which one-half shall be women [**Sec 6(2)**]. In tendering its advice, the advisory committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including part-time employment and such other relevant factors as the committee may think fit [**Sec 6(3)**]. The advisory committee shall regulate its own procedure [**Sec 6(4)**]. The appropriate government may, after considering the advice tendered to it by the advisory committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations, issue such directions in respect of employment of women workers, as the appropriate government may think fit [**Sec 6(5)**].

Can the employer pay unequal remuneration to men & women workers for the same / similar work?

[**Sec 4**] An employer cannot pay to any worker employed by him in his establishment, remuneration payable in cash or in kind, at rates less favorable than those at which remuneration is paid by him to workers of the opposite sex for performing same / similar work. Further the employer cannot for this purpose reduce the rate of remuneration of any worker. The principle of equal pay for equal work is not applicable in professional services. No exemption from the Act can be claimed by an employer on the ground of financial incapability.

Can the employer make any discrimination while recruiting men and women workers?As per **Sec 5** of the Act, an employer cannot while recruiting workers for same/ similar job make any discrimination against women except where the employment of women in such work is prohibited/restricted. However this will not affect any priority or reservation for scheduled castes or scheduled tribes, ex-servicemen, retrenched employees or any class of persons in the matter of recruitment / employment.

Who is the authority for hearing and deciding claims and complaints under the Act?As per **Sec 7** of the Act, the Govt. shall appoint an officer not below the rank of a Labour Officer to hear and decide claims and complaints under the Act.

Is the employer required to maintain any registers?As per **Sec 8** of the Act, every employer must maintain an upto-date register in relation to workers employed by him in Form-D at the place where the workers are employed.

What are the offences & penalties prescribed under the Act ?

Offence	Penalty	Section
<ul style="list-style-type: none">• employer omits or fails to maintain any register or other document in relation to workers employed by him ;• employer omits or fails to produce any register, muster-roll or other document relating to the employment of workers ;• employer omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence.	Simple imprisonment for a term which may extend to one month or with fine which may extend to Rs. 10,000 or with both.	Sec 10(1)
<ul style="list-style-type: none">• employer makes any recruitment in contravention of the provisions of this Act ;• employer makes any payment of remuneration at unequal rates to men and women workers, for the same work or work of a similar nature ;• employer makes any discrimination between men and women workers in contravention of the provisions of this Act ;• employer omits or fails to carry out any direction made by the appropriate government under sub-section (5) of section 6.	Fine which shall not be less than Rs. 10,000 but which may extend to Rs. 20,000 or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences.	Sec 10(2)
<ul style="list-style-type: none">• Any person being required so to do, omits or refuses to produce to an inspector any register or other document or to give any information.	Fine which may extend to five hundred rupees.	Sec 10(3)

What if the offence is committed by a company?

Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly [Sec 11].

Form U
Abstract of Gratuity Act 1972
Abstract of the Act & Rules

1. Extent of the Act.-The Act extends to the whole of India:Provided that in so far as it relates to plantations or ports, it shall not extend to the State of Jammu and Kashmir.[Section 1(2)]

2. To whom the Act applies.-The Act applies to

(a) every factory, mine, oilfield, plantation, port and railway company;

(b) every shop or establishment within the meaning of any law for the time

being in force in relation to shop and establishment in State, in ten or more persons are employed, or were employed, on any day of the preceding twelve months; and (c) such other establishment, or class of establishment, in which ten or more employees are employed, on any day of the preceding twelve months, as the Central Government May, by notification, specify in this behalf, [Section 1(3)]

3. Definitions,-(a) "Appropriate Government" means-(i) in relation to an establishment;(a) belonging to, or under the control of, the Central Government,(b) having branches in more than one

State,(c) of a factory

belonging to, or under the control of, the Central Government,(d) of a major port, mine, oilfield or railway company, the Central Government.(ii) in any other case, the State Government.

[Section 2(a)].(b)

"Completed year of service" means continuous service for one year; [Section 2(b)].(c) "Continuous Service" means uninterrupted service and includes service which is interrupted by sickness, accident, leave,

lay-off, strike or a lock-out or cessation of work not due to any fault of the employees concerned, whether such uninterrupted or interrupted service was rendered before or after the commencement of this Act.

Explanation I.- In the case of an employee who is not in uninterrupted service for one year, he shall be deemed to be in continuous service if he has been actually employed by an employer during the twelve months immediately preceding the year for not less than-(i) 190 days, if employed below the ground in a mine, or(ii) 240 days, in any other case, except when he is employed in seasonal establishment.

Explanation II.- An employee of a seasonal establishment shall be deemed to be in continuous service if he has actually worked for not less than seventy-five per cent of the number of days on which the establishment was in operation during the year. [Section 2(d)].(d) "Controlling authority" means an authority appointed by an appropriate Government under section 3. [Section 2(d)].(e)

"family", in relation to an employee, shall be deemed to consist of-(i) in the case of a male employee, himself, his wife, his children, whether married or unmarried, his dependant parents and the widow and children, of his predeceased son, if any,(ii) in the case of a female employee, herself, her husband, her children,whether married or unmarried, her dependant parents and the dependant parents of her husband and the widow and children of her predeceased son, if any: Provided that if a female employee, by a notice in writing to the controlling authority, express her desire to exclude her husband from her family, the husband and his dependant parents shall no longer be deemed for the purposes of this Act, to be included in the family of such female employee unless the said notice is subsequently withdrawn by such female employee.

Explanation.- Where the personal law of an employee permits the adoption by him of a child, any child lawfully adopted by him shall be deemed to be included in his family, and where a child of an employee has been adopted by another person and such adoption is, under the personal law of the person making such adoption, lawful, such child shall be deemed to be excluded from the family of the employee. [Section 2(h)].

4. Nomination.-(1) Each employee, who has completed one year of service, after the commencement of the Payment of Gratuity (Central) Rules, 1972, shall make within thirty days of completion of one year of service, a nomination [Section 6(1) read with Rule 8, 6(1)].(2) If an employee has a family at the time of making a nomination the nomination shall be made in favour of one or more members of his family and any nomination made by such employee in favour of a person who is not member of his family shall be void. [Section 6(3)].(3) If at the time of making a nomination, the employee has no family, the nomination can be made in favour of any person or persons, but if the employee subsequently acquires a family, such nomination shall forthwith become invalid and the employee shall make within 90 days a fresh nomination in favour of one or more members of this family. [section 6(4) read with rule 6(3)].(4) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee or, if illiterate, shall bear his thumb impression in the presence of two witnesses, who shall also sign declaration to that effect in that nomination, fresh nomination or notice of modification of nomination as the case may be. [Rule 6(5)]

.(5) A nomination may, subject to the provisions of sub-sections (3) and (4) of section 6 be modified by an employee any time after giving to his employer a written notice of his intention to do so.[Section 6(5)].

(6) A nomination or fresh nomination or notice of modification of nomination shall take effect from the date of receipt of the same by the employer. [Rule 6(6)].5. Application for gratuity.- (1) An employee who is eligible for payment of gratuity under the Act, or any person authorised, in writing, to act on his behalf, shall apply ordinarily within thirty days from the date of gratuity became payable:

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement.

[Rule 7(1)].(2) A nominee of an employee who is eligible for payment of gratuity shall apply, ordinarily within thirty days from the date the gratuity became payable to him, to the employer. [Rule 7(2)].

(3) A legal heir of an employee who is eligible for payment of gratuity shall apply, ordinarily within one year from the date the gratuity became payable to him, to the employer. [Rule 7(3)].(4) An application for payment of gratuity filed after the expiry of the periods specified above shall also be entertained by the employer if the applicant adduces a sufficient cause for the delay. [Rule 7(5)].6. Payment of gratuity.- (1) Gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years-(a) on his superannuation, or(b) on his retirement or registration, or(c) on his death or disablement due to accident or disease:

Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement:Provided further that in case of death of the employee, gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs, and where any such nominees or heirs is a minor the shares of such minor, shall be deposited with the controlling authority who shall invest the same for the benefit of such minor in such bank or other financial institution, as may be prescribed, until such minor attains majority.Disablement means such disablement

which incapacitates an employee for the work which he was capable of performing before the accident or disease resulting in such disablement. [Section 4(1)].(2) For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to an employee at the rate of fifteen days' wages based on the rate of wages last drawn by the employee concerned:Provided that in the case of a piece-rated employee, daily wages shall be computed on the average of the total wages received by him for a period of three months immediately preceding the termination of his employment, and, for this purpose, the wages paid for any overtime work shall not be taken into account:Provided further that in the case of an employee employed in seasonal establishment, the employer shall pay the gratuity at the rate of seven days' wages for each season. [Section 4(2)].Explanation.-In case of a monthly rated employee, the fifteen days' wages shall be calculated by dividing the monthly rate of wages last drawn by him by twenty-six and multiplying quotient by fifteen.(3) The amount of gratuity payable to an employee shall not exceed twenty months wages.[Section 4(3)].

7. Forfeiture of gratuity.- (1) The gratuity of an employee, whose services have been terminated for any act, wilful omission or negligence causing any damage or loss to, or destruction of, property belonging to the employer, shall be forfeited to the extent of the damage or loss so caused;(2) The gratuity payable to an employee shall be wholly forfeited-(a) If the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or(b) If the services of such employee have been terminated for any act which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment.[Section 4(6)].

8. Notice of opening, change or closure of the establishment.- (1) A notice shall be submitted by the employer to the controlling authority of the area within thirty days of any change in the name, address, employer or nature of business.[Rule 3(2)].(2) Where an employer intends to close down the business he shall submit a notice to the controlling authority of the area at least sixty days before the intended closure.[Rule 3(3)].

9. Application of controlling authority for direction.- (1) If an employer-(i) refuses to accept a nomination or to entertain an application for payment of gratuity, or (ii) issues a notice either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or(iii) having received an application for payment of gratuity, fails to issue notice within fifteen days; the claimant employee, nominee, or legal heir, as the case may be, may within ninety days of the occurrence of the cause for the application, apply to the controlling authority for issuing a direction under sub-section (4) of section 7 with as many extra copies as are the opposite party: Provided that controlling authority may accept any application on sufficient cause being shown by the applicant after the expiry of the period of ninety days. [Rule 10]

10. Appeal. Any person aggrieved by an order of the controlling authority may, within sixty days from the date of the receipt of the order, prefer an appeal to the Regional Labour Commission (Central) of the area who been appointment as the appellate authority by the Central Government:

Provided that the appellate authority may, if it is satisfied that the appellate was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by further period of sixty days. [Section 7(7)].

11. Machinery for enforcement of the Act or Rules in Certain spheres.-All Assistant Labour Commissioners (Central) have been appointed as Controlling Authorities and all the Regional Labour Commissioners (Central) as Appellate Authorities.

12. Power of the controlling authority.-The Controlling Authority for the purpose of conducting an inquiry as to the amount of gratuity payable to an employee or as to the admissibility of any claim of, or in relation to, an employee for payment of gratuity, or as to the person entitled to receive the gratuity, shall have the same powers as are vested in court, under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

(a) enforcing the attendance of any person or examining him on oath;(b) requiring the discovery and production of documents;(c) receiving evidence on affidavits; and(d) issuing commissions for the examination

(b) of witnesses. [Section 7(5)].

13. Recovery of gratuity.-If the amount of gratuity payable is not paid by the employer, within the prescribed time, to the person entitled thereto the controlling authority shall, on an application made to it in this behalf by the aggrieved person, issue a certificate for that amount to the Collector, who shall recover the same together with compound interest thereon at the rate of nine per cent per annum, from the date of expiry of the prescribed time, as arrears of land revenue and pay the same to the person entitled thereto. [Section 8].

14. Protection of gratuity.-No gratuity payable under the Payment of Gratuity Act and rules made thereunder shall be liable to attachment in execution of any decree or order of any civil, revenue or criminal court. [Section 13].

15. Penalties for offences.-(1) Whoever, for the purpose of avoiding any payment to be made by himself or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement

or false representation shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. [Section 9(1)].(2) An employer who contravenes, or makes default in complying with, any of the provisions of the Act or any rule or order made thereunder shall be punishable with imprisonment for term which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that if the offence relates to non-payment of any gratuity payable under the Payment of Gratuity Act, the employer shall be punishable with imprisonment for a term which shall not be less than three months unless the court trying the offence, for reasons to be recorded by it in writing, is of opinion that a lesser term of imprisonment or the imposition of a fine would meet the ends of justice. [Section 9(2)].

16. Display of notice.-The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and in the language understood by the majority of the employees specifying the name of the officer with designation authorised by the employer to receive on his behalf notices under the Payment of Gratuity Act or the rules made thereunder. [Rule 4].

17. Display of abstract of the Act and Rules.-The employer shall display an abstract of the Payment of Gratuity Act and the rules made thereunder in English and in the language understood by the majority of the employees at a conspicuous place at or near the main entrance of the establishment. [Rule 20]].

Abstract of the Payment of Wages Act, 1936

IX. and the Rules made thereunder

Whom the Act affects

1. The Act applies to the payment of wages to persons in the factory or industrial establishment receiving less than Rs. 400 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 fulfillment of the terms of his employment.
 - (a) Any remuneration payable under any award or settlement between the parties or order of a Court.
 - (b) Any remuneration payable in respect of overtime work or holidays or leave period.
 - (c) Any additional remuneration payable under the terms of employment (whether called a bonus or by any other name).
 - (d) Any sum which by reason of the termination of employment is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions but does not provide for the time within which the payment is to be made.
 - (e) Any sum payable under any law for the time being in force.

It does not include:

- (1) Any bonus which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court.
- (2) The value of any house accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by an order of the State Government;
- (3) Any contribution paid by the employer to any pension or provident fund, and the interest, which may have accrued thereon.
- (4) Any traveling allowance or the value of any traveling concession;
- (5) Any sum paid to the employed person to defray special expenses entitled on him by the nature of his employment; or
- (6) Any gratuity payable on the termination of employment in case other than those specified in sub-clause (d)

X. Responsibility for and Method of Payment

4. The manager of the factory 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 employed and in the case of an industrial establishment, the person responsible, if any, and employer are jointly and severally responsible for such payment.
5. Wage-periods 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 1030 or more persons are employed.
7. Payments in kind are prohibited. However, when an employed person gets bonus exceeding one-fourth of his earning) exclusive of dearness allowance) for the year to which the bonus relates, such excess shall be paid or invested in the manner prescribed by the State Government.

XI. Fines and deductions

8. No deductions shall be made from wages except those authorized under the Act (See paragraph 9-16 below). Any loss of wages resulting from the imposition for good and sufficient cause, of any of the following penalties, namely –
 - (1) The withholding of increment or promotion (including the stoppage of increment at an efficiency bar);
 - (2) The reduction to a lower post or time scale or to a lower stage in a time scale; or
 - (3) **Suspension-**
In any case where the rules framed by the employer for the imposition of any such penalty are in conformity with the requirements, if any, which may be specified in this behalf by the State Government, shall not be deemed to be a deduction from wages.

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval, in the case of establishments, belonging to Municipalities of the Municipal Commissioner, or the Chief Officer, or Secretary, as the case may be, within whose jurisdiction the establishment is situated, and in other cases of the Chief Inspector of Factories, specify by a notice displayed at or near the main entrance of the Factory or industrial establishment and after giving the employed person an opportunity for explanation.
- (2) **Fines: -**
- (a) Shall not exceed three paise in the rupee;
 - (b) Shall not be recovered by installments, or later than sixty days of the date of imposition:
 - (c) Shall be recorded in a register applied to such purposes beneficial to the employed persons employed in the factory or establishment as are approved by the Municipal Commissioner, Chief Officer, Secretary or Chief Inspector of Factories, as the case may be, but in case of any factory or establishment to which the Bombay Labour Welfare Fund Act, 1953 applied all such realizations shall be paid into the fund constituted under the said Act.
 - (d) Shall not be imposed on a child.
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 and concert, absent themselves, without reasonable cause and without due notice, the deduction for absence can include wages for eighty days in lieu of notice but -
- (i) No deduction for breaking a contract can be made from a person under fifteen years or a woman.
 - (ii) There must be a provision in writing which forms part of the contract of the employment, requiring that a specific period of notice of intention to cease work not exceeding fifteen 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.
 - (iii) The above provision must be displayed at or near the main entrance of the factory or industrial establishment.
 - (iv) No deductions of the nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory or industrial establishment.
 - (v) No deduction must exceed the wages of the employed person for the period of which the notice he gives of leaving employment is less than the notice he should give 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 be made only after giving the employed person an opportunity for explanation.
Deductions can be made equivalent to the value thereof –
For house accommodation supplied by the employer or by Government or any Housing Board set up under any law for the time being in force (whether the Government or the Board is the employer or not) or nay other authority engaged in the business of subsidizing house accommodation which may be specified in this behalf by the State Government; or
For amenities or services (other than the supply of tolls and raw materials) required for the purposes of employment, supplied by the employer.
The deductions referred to above can be made if house accommodation, amenity or service is accepted by the employed person as a term of his employment and in the case of amenity and service if such amenity or service is authorized by the order of the State Government.
13. (a) Deductions can be made for the recovery of advances, or for adjustments 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 traveling expenses before employment began.
 - (c) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of four months' wages without the permission of an Inspector.
These advances can be recovered by installments, spread over not more than 12 months and the installments must not exceed one-third or if the wages are not more than Rs. 20/- one-fourth of wages for any wage-period.
14. Deductions can be made for subscription to and for repayment of advances from any recognized provident fund.

15. Deduction can be made for payments to co-operative societies approved by the State Government or to the postal insurance subject to any conditions imposed by the State Government.
16. Deduction can be made with the written authorization of the person employed for payment of any premium on his life insurance policy to the Life Insurance Corporation of India or for the purchase of securities of the Government of India or of any State Government in furtherance of any savings scheme of any such Government.

XII. Inspections

17. An Inspector can enter on 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.

XIII. Complaints of Deductions or Delays

18. (1) 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 one year 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.
(2) An Inspector under the Act or a representative union registered as such under the Bombay Industrial Relations Act, 1946 or any law corresponding to that Act in force in any part of the State, or when authorized in writing by the employed person, any legal practitioner or official of registered trade union, or with the permission of the Authority, any other person can apply to the Authority for a direction under sub-section (3) of Section 1 on behalf of an employed person. In case an employed person is dead, his legal representative can also make an application for a similar direction.
(3) A single application may be presented by or on behalf of any member of person belonging to the same factory or industrial establishment the payment of whose wages has been delayed.
19. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deduction, it may also direct the payment of such compensation in cases, where the amount deducted or the delayed wages are paid by the employer to the employed person or his legal representative before the disposal of the application.
If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50/- on the applicant and order that it be paid to the employer.

Appeal against the Authority

20. An appeal against an order or a direction made by the Authority may be preferred within thirty days, in Greater Mumbai to the Court of Small Causes and elsewhere to the District Court.
 - (a) by the paymaster if the total amount directed to be paid exceeds Rs.300 and the amount payable under the order appealed against is deposited with the Authority.
 - (b) By an employed person or any legal practitioner or any official of a registered trade union authorized in writing to act on his behalf or a representative union registered as such under the Mumbai Industrial Relations Act, 1946 or any law corresponding to that Act in force in any part of the State or any Inspector under the said Act or any other person authorized by an Authority to make an application under sub-section (2) of Section 15 and in the case of death of the employed person by his legal representative, if the total amount of wages withheld from him or his co-workers, exceeds fifty rupees;

Punishment for Breaches of the Act

21. Any one delaying the payment of wages beyond the due date, or making any unauthorized deduction from wages is liable to a fine up to Rs. 2000/- but only if prosecuted with the sanction of the State Government or any officer authorized by it in this behalf. No court shall take cognisance of such complaint unless the application for refund of the amount deducted or for payment of delayed wages has been granted wholly or in part by the Authority or the Appellate Court.
22. **The paymaster 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 factory this Abstract in English and in the language of the majority of the employed person. Or
 - (4) Breaks certain rules made under the Act, is liable to a fine not exceeding Rs. 200/-A complaint to this effect can be made only by the Inspector or with his sanction.

THE PAYMENT OF BONUS ACT, 1965

Bonus- Meaning: - Bonus is not defined under the act, nor there exist any definition of bonus under any other enactment. One of the terms of reference to 'Bonus Commission' was to define the concept of bonus. The commission in his report said. "It is difficult to define in rigid terms the concept of bonus but it possible to urge that once profit exceed a certain base, labour should legitimately have a share in them In other words, we think it proper to construe the concept of bonus as sharing by the workers in the prosperity of the concern in which they are employed. This has also the advantage that in case of low paid workers such sharing in prosperity augments their earnings and so helps to bridge the gap between the actual wages and need based wage. If it is not feasible to better the standard of living of all the industrial and agricultural workers as aimed at in article 43 of the constitution, there is nothing wrong in endeavouring to do so in respect of at least those workers whose efforts have contributed to the profit of the concern in which they have worked. The validity of such a conception of bonus is not affected by the difficulty of determining or qualifying precisely the 'living wage' or even the need –based wage at any given time and place.

1. **Short title, extent and application.**-(1) This Act may be called the Payment of Bonus Act, 1965.
- (2) It extends to the whole of India
- (3). Save as otherwise provided in this Act, it shall apply to –
 - (a) every factory; and
 - (b) every other establishment in which twenty or more persons are employed on any day during an accounting year.

[Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act with effect from; such accounting year as may be specified in the notification, to any establishment or class of establishment [including an establishment being a factory within the meaning of sub-clause (ii) of clause (m) of section 2 of the Factories Act, 1948 (63 of 1948)] employing such number of persons less than twenty as may be specified in the notification; so, however, that the number of persons so specified shall in no case be less than ten.]

- (4). Save as otherwise provided in this Act, the provisions of this Act shall, in relation to a factory or other establishment to which this Act applies, have effect in respect of the accounting year commencing on any day in the year 1964 and in respect of every subsequent accounting year:

[Provided that in relation to the State of Jammu and Kashmir, the reference to the accounting year commencing on any day in the year 1964 and every subsequent accounting year shall be construed as reference to the accounting year commencing on any day in the 1968 and every subsequent accounting year:]

⁴[Provided further that when the provisions of this Act have been made applicable to any establishment or class of establishments by the issue of a notification under the proviso to sub-section (3), the reference to the accounting year commencing on any day in the year 1964 and every subsequent accounting year or, as the case may be the reference to the accounting year commencing on any day in the year 1968 and every subsequent accounting year, shall, in relation to such establishment or class of establishments, be construed as a reference to the accounting year specified in such notification and every subsequent accounting year.]

- (5) An establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of person employed therein falls below twenty [or, as the case may be, the number specified in the notification issued under the proviso to sub-section (3)].

2. Definition.- In this Act, unless the context otherwise requires,-

- (1) "accounting year" means -
 - (i) in relation to a corporation, the year ending on the day on which the books and accounts of the corporation are to be closed and balanced.
 - (ii) in relation to a company, the period in respect of which any profit and loss account of the company laid before it in annual general meeting is made up, whether that period is a year or not;
 - (iii) in any other case -
 - (a) the year commencing on the 1st day of April; or
 - (b) if the accounts of an establishment maintained by the employer thereof are closed and balanced on any day other than the 31st day of March, then, at the option of the employer, the year ending on the day on which its accounts are so closed and balanced:

Provided that an option once exercised by the employer under paragraph (b) of this sub-clause shall not again be exercised except with the previous permission in writing of the prescribed authority and upon such conditions as that authority may think fit;

- (2) "agricultural income" shall have the same meaning as in the Income-tax Act;
- (3) "agricultural income-tax law" means any law for the time being in force relating to the levy of tax on agricultural income;
- (4) "allocable surplus" means-

- (a) in relation to an employer, being a company [(other than a banking company)] which has not made the arrangements prescribed under the Income-tax Act for the declaration and payment within India of the dividends payable out of its profits in accordance with the provisions of section 194 of that Act, sixty-seven per cent of the available surplus in an accounting; year;
- (b) in any other case, sixty percent of such available surplus;
- (5) “appropriate Government” means-
- (i) in relation to an establishment in respect of which the appropriate Government under the Industrial Disputes Act, 1947 (14 of 1947), is the Central Government, the Central Government;
- (ii) in relation to any other establishment, the Government of the State in which that other establishment is situate;
- (6) “available surplus” means the available surplus computed under section 5;
- (7) “award” means an interim or a final determination of any industrial dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947), or by any other authority constituted under any corresponding law relating to investigation and settlement of industrial disputes in force in a State and includes an arbitration award made under section 10A of that Act or under that law;
- (8) “banking company” means a banking company as defined in section 5 of the Banking Companies Act, 1949 (10 of 1949), and includes the State Bank of India, any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959) any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), [any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Under takings) Act, 1980 (40 of 1980),] any co-operative bank as defined in clause (bii) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934),] and any other banking institution which may be notified in this behalf by the Central Government;
- (9) “company” means any company as defined in section 3 of the Companies Act, 1956 (1 of 1956), and includes a foreign company within the meaning of section 591 of that Act;
- (10) “co-operative society” means society registered or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force in any State relating to co-operating societies;
- (11) “corporation” means any body corporate established by or under any Central, Provincial or State Act but does not include a company or a co-operative society;
- (12) “direct tax” means-
- (a) any tax chargeable under-
- (i) the Income-tax Act;
- (ii) the Super Profits Tax Act, 1963 (14 of 1963);
- (iii) the Companies (Profits) Surtax Act, 1964 (7 of 1964);
- (iv) the agricultural income-tax law; and
- (b) any other tax which, having regard to its nature or incidence, may be declared by the Central Government, by notification in the Official Gazette, to be a direct tax for the purposes of this Act;
- (13) “employee” means any person (other than an apprentice) employed on a salary or wage not exceeding three thousand and five hundred rupees] per mensem in any industry to do any skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied;
- (14) “employer includes-
- (i) in relation to an establishment which is a factory, the owner or occupier of the factory, including the agent of such owner or occupier, the legal representative of a deceased owner or occupier and where a person has been named as a manager of the factory under clause (f) of sub-section (1) of section 7 of the Factories Act, 1948 (63 of 1948), the person so named; and
- (ii) in relation to any other establishment, the person who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent;
- (15) “establishment in private sector” means any establishment other than an establishment in public sector;
- (16) “establishment in public sector” means an establishment owned, controlled or managed by-
- (a) a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956);
- (b) a corporation in which not less than forty per cent of its capital is held (whether singly or taken together) by-
- (i) the Government; or
- (ii) the Reserve Bank of India; or

- (iii) a corporation owned by the Government or the Reserve Bank of India;
- (17) “factory” shall have the same meaning as in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);
- (18) “gross profits” means the gross profits calculated under section 4;
- (19) “Income-tax Act” means the Income-tax Act, 1961 (43 of 1961);
- (20) “prescribed” means prescribed by rules made under this Act;
- (21) “salary or wage” means all remuneration (other than remuneration in respect of over-time work) capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of work done in such employment and includes dearness allowance (that is to say, all cash payments, by whatever name called, paid to an employee on account of a rise in the cost of living), but does not include-
- (i) any other allowance which the employee is for the time being entitled to;
 - (ii) the value of any house accommodation or supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles;
 - (iii) any traveling concession;
 - (iv) any bonus (including incentive, production and attendance bonus);
 - (v) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the employee under any law for the time being in force;
 - (vi) any retrenchment compensation or any gratuity or other retirement benefit payable to the employee or any ex gratia payment made to him;
 - (vii) any commission payable to the employee.

Explanation. – Where an employee is given in lieu of the whole or part of the salary or wage payable to him, free food allowance or free food by his employer, such food allowance or the value of such food shall, for the purpose of this clause, be deemed to form part of the salary or wage of such employee;

- (22) words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947 (14 of 1947) shall have the meanings respectively assigned to them in that Act.

Abstract of Minimum Wages 1948

FORM IX-A (Rule 22)

I. Whom the Act affects

1. (a) The Act applies to persons engaged in scheduled employments or in specified class of work in respect of which minimum wages have been fixed.
- (b) No employee can give up by contract or agreement his rights in so far as it purports so reduce the minimum rates of wages fixed under the Act.

Definition of wages

- (1) 'Wages' means all remuneration payable to an employed person on the fulfilment of his contract of employment and includes house rent allowance. It excludes—
 - (i) the value of any house-accommodation, supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the appropriate Govt.;
 - (ii) contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of Social Insurance;
 - (iii) the travelling allowance or the value of any travelling concession;
 - (iv) the sum paid to the person employed to defray special expenses entailed by him by nature of his employment;
 - (v) gratuity payable on discharge.
- (2) The minimum rate of wages may consist of—
 - (i) a basic rate of wages and special allowance called the cost of living allowance;
 - (ii) a basic rate of wages with or without a cost of living allowance and the cash value of any concessions, like supplies of essential commodities at concession rates; and
 - (iii) an all-inclusive rate comprising basic rate, cost of living allowance and cash value of concession, if any.
- (3) The minimum wages payable to employees of scheduled employments notified under Section 5, read with Section 3 or as revised from time to time under Section 10, read with Section 3, may be—
 - (a) a minimum time rate,
 - (b) a minimum piece rate,
 - (c) a guaranteed time rate,
 - (d) an overtime rate,

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

III. Computation and conditions of payment

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

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

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

Wage shall be paid on a working day within seven days of the end of the wage-period or within ten 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.

If an employee is employed on any day for a period less than the normal working day, he shall be entitled to receive wages for a full normal working day provided his failure to work is not caused by his unwillingness to work but by the omission of the employer to provide him with work for that period.

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

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

IV. Hours of work and holidays

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

- (a) in the case of an adult, 9 hours,
- (b) in the case of a child, 4 ½ hours.

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

The employer shall allow a day of rest with wages to the employees every week. Ordinarily, Sunday will be the weekly day of rest, but any other day of the week may be fixed as such rest day. No employee shall be required to work on a day fixed as rest day, unless he is paid wages for that day at the overtime rate and is also allowed a substituted rest day with wages. (See Rules 23).

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 worked be entitled to wages in scheduled employment other than agriculture, at double the ordinary rate of wages.

V. Fines and deductions

No deduction shall be made from wages except those authorised by or under the rules.

Deductions from the wages shall be one or more of the following kinds, namely:

- (i) Fines: An employed person shall be explained personally and also in writing the act or omission in respect of which the fine is proposed to be imposed and given an opportunity to offer any explanation in the presence of another person. The amount of the said fine shall also be intimated to him. It shall be subject to such limits as may be specified in this behalf by the Central Government. It shall be utilised in accordance with the directions of the Central Government;
- (ii) deductions for absence from duty;
- (iii) deductions for damage to or loss of goods entrusted to the employee for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default. The employed person shall be explained personally and also in writing the damage or loss, in respect of which the deduction is proposed to be made and given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him. It shall be subject to such limits as may be specified in this behalf by the Central Government.;
- (iv) deductions for house-accommodations supplied by the employer or by the State Government or any authority constituted by a State Government for providing housing accommodation.
- (v) deductions for such amenities and services supplied by the employer as the Central Government may by general or special order authorise. These will not include the supply of tools and protectives required for the purposes of employment;
- (vi) deductions for recovery of advances or for adjustment of overpayment of wages. Such advances shall not exceed an amount equal to wages for two calendar months of the employed person and the monthly instalment of deduction shall not exceed one-fourth of the wages earned in that month;
- (vii) deductions of income-tax payable by the employed person;
- (viii) deductions required to be made by order of court or other competent authority;
- (ix) deductions for subscription to and for repayment of advances from any provident fund;
- (x) deductions for payment to co-operative societies or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the Central Government or deductions made with the written authorisation of the person employed, for payment of any premium on his like insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956);
- (xi) deductions for recovery or adjustment of amount other than wages, paid to the employed person in error or in excess of what is due to him;
Provided that prior approval of the Inspector or any other officer authorised by the Central Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deduction;
- (xii) deductions made with the written authorisation of the employed person (which may be given once generally and not necessarily every time a deduction is made) for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Officer Savings Bank in furtherance of any Savings Scheme of any such Government.

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

VI. Maintenance of registers and records

Every employer shall maintain at the workspot a register or wages in the form prescribed specifying the following particulars for each period in respect of each employed person:

- (a) the minimum rates of wages payable,
- (b) the number of days in which overtime was worked,
- (c) the gross wages,

- (d) all deductions made from wages,
- (e) the wages actually paid and the date of payment.

Every employer shall issue wage-slips in the form prescribed containing prescribed particulars to every person employed.

Every employer shall get the signature or the thumb-impression of every person employed on the wage-book and wage-slips.

Entries in the wage-book and wage-slips shall be properly authenticated by the employer or his agent.

A muster-roll, register of fines, register of deductions for damage or loss and register of overtime shall be maintained by every employer at the workspot in the form prescribed.

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

- (a) minimum rate of wages,
- (b) abstracts of the Acts and the rules made thereunder,
- (c) name and address of the Inspector.

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

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

VII. Inspectors

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

VIII. Claims and complaints

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

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

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

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

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

Action by the Authority

The Authority may direct the payment of the amount by which the minimum wages payable exceed the amount actually paid together with the payment of compensation not exceeding ten times the amount of such excess. The Authority may direct payment of compensation in cases where the excess is paid before the disposal of the application.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the application and order that it be paid to the employer.

Every direction of the authority shall be final.

Penalties for offence under the Act

Any employer who pays to any employee less than the amount due to him under the provisions of this Act or infringes any order or rules in respect of normal working day, weekly holiday, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

NAME AND ADDRESS OF LABOUR AUTHORITIES UNDER THE PAYMENT OF GRATUITY ACT & VARIOUS OTHER ENACTMENTS

Regional Labour Commissioner (Central) at Chandigarh

Assistant Labour Commissioner (Central) at your district

Labour Enforcement Officer (Central) as assigned to your area.

CENTRAL LABOUR DEPARTMENT KEDRIYA SADAN, SECTOR 9-C, CHANDIGARH	Labour Enforcement Officer (C),
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PAYMENT OF GRATUITY ACT, 1972

NAME OF THE OFFICER AUTHORISED TO RECEIVE NOTICES
UNDER THE ACT/ RULES.

Scan and email to helpdesk@omcs.in

NAME AND ADDRESS OF LABOUR INSPECTOR
UNDER PUNJAB SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1958

Where applicable, please check these details from the principal Employer where you have been deployed.

**NOTICE SHOWING THE WAGE
PERIOD AND PLACE AND TIME
OF DISBURSEMENT of wages**

On 7th of every month between 9:30. am to 6:30 pm
At front desk area of this office.

(All salaries are disbursed through direct bank transfer to
Employee accounts of their choice to ensure full transparency)

HOURS OF WORK

8 or 9 hour duty subject to maximum of 48 hours a week

WAGE PERIOD

Monthly

DATE OF PAYMENT

Before 7TH of every month

DATE OF PAYMENT OF UNPAID WAGES

Before 20TH of every month

PROVISIONS OF THE EMPLOYEES' PROVIDENT FUND SCHEME 1952 ON SETTLEMENT OF EMPLOYEES' PROVIDENT FUND CLAIMS

SETTLEMENT UNDER PARA 69-TO MEMBER:

THROUGH FORM No.19

Immediate settlement without waiting period of 2 months	Settlement only after a waiting period of two months
69(1)(a) Retirement after attaining 55 years of age.	69(1)(e)(i) transfer of a non retrenched employee from a closed establishment to uncovered establishment.
69(1)(b) Retirement on account of total and permanent incapacity due to bodily or mental infirmity .	69(1)(e)(ii) Transfer of an employee from a covered establishment to an un-covered establishment under the same employer.
69(1)(d) Termination of service on retrenchment.	69(2) Other cases viz. Resignation, Leaving service, etc.
69(1)(dd) Termination on V.R.S	Note: For female members leaving service for the purpose of getting married; waiting period not applicable.
69(1)(c) Migration from India for permanent settlement abroad or taking employment abroad.	69(1)(e)(iii) Members discharged & retrenchment compensation paid under I.D. Act 1947.

Settlement under para 70:

(Accumulation of a deceased member) through **Form No. 20**

70(i) If a nomination exists, payment is made to the nominee in accordance with **Form 2(R)** . (Nomination and Declaration Form).

70(ii) If no nomination subsists, payment is to be made to every member of his family (as defined under para-2(g) of Employees' Provident Fund Scheme 1952) in equal share. For the purpose of this paragraph, a member's posthumous child, if born alive , shall be treated as a surviving child, born before the member's death. But the following will not be eligible for any share, if other family members are available to receive the accumulations.

- a. Major sons ,
- b. Major sons of a deceased son ,
- c. Married daughters whose husbands are alive ,
- d. Married daughter of a deceased son whose husbands are alive.

70(iii) In cases where para 70(i), 70(ii) , does not apply, the payment is to be made to the person who is legally entitled to it, vide para 70(iii). In case there is no nominee and also there is no person entitled to receive the amount, if the amount to the credit of the fund does not exceed Rs. 10,000/-, the Commissioner may pay such amount to the claimant after enquiry and after satisfying the title of the claimant.

When the payment is to be made to a minor, it is payable to :

- a. **The Guardian appointed under Guardian and Wards Act 1890 , failing (a), to**
- b. **The Guardian appointed by the member as per para 61(4A), failing (a),(b), to**
- c. **To the natural guardian of the minor, failing (a) (b) (c), to**
- d. **To the person , considered to be the proper person by the commissioner when the amount not exceeding Rs.20,000/- or the person considered to be the proper person , by the Chairman , C.B.T where the amount exceeds Rs. 20,000/- . Para-72(3)**

When the payment is to be made to a lunatic person , it is payable to:

- a. **The Manager appointed for the minor's estate under Indian Lunacy Act ,1912 failing (a),**
- b. **The natural guardian of the lunatic, failing (a)(b),**
- c. **To the person considered by the Commissioner as proper person , amount not exceeding Rs.20,000/- or to person considered by Chairman C.B.T as proper person amount exceeding Rs. 20,000/-. Para-72(3A)**

Note: Maximum amount payable by money order is Rs.2000/- and beyond that by cheque. If the amount is beyond Rs. 500/-, the M.O. cost will be borne by the claimant.

Para 70(A):

If a person entitled to received a share in the Provident Fund accumulations of a deceased member is charged with committing the murder of the member or with abetting the crime, the share payable to such person shall be retained till the case is finalised . If, subsequently he/she is exonerated, the share will be paid to him/her. If such a person is found guilty and convicted, the share will be paid equally to other person(s) entitled to receive the accumulations.

WITHDRAWALS

Page 26 of 43

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
The purchase of site for construction of house	5 Years of membership of the Fund (Minimum balance in member's a/c should be Rs. 1000/-) * The purchase should be in favour of member or member & spouse.	1 24 months wages (Basic & DA) OR 1 Member's own share of contribution + Company's share of Contribution with interest thereon	No.31	A declaration from the member that, dwelling site or dwelling house/flat or the house under construction is free from encumbrances and the same is under the title of the member or the spouse (notification dated 25.2.2000)
The Construction of House	5 Years of membership of the Fund (Minimum balance in member's a/c should be Rs. 1000/-) * The purchase should be in favour of member or member & spouse.	1 36 months wages (Basic+DA) OR 1 Members own share of contribution + Company's share of contribution with interest thereon	No.31	A declaration from the member that, dwelling site or dwelling house/flat or the house under construction is free from encumbrances and the same is under the title of the member or the spouse (notification dated 25.2.2000)
The purchase of dwelling flat	5 Year of membership of the Fund (Minimum balance in member's a/c should be Rs. 1000/-) * The purchase should be in favour of member or member & spouse.	1 36 months wages (Basic+DA) OR 1 Members own share of contribution + Company's share of contribution with interest thereon	No.31	A declaration from the member that, dwelling site or dwelling house/flat or the house under construction is free from encumbrances and the same is under the title of the member or the spouse (notification dated 25.2.2000)
Additions, Alterations or improvements to the dwelling house	5 years from the date of completion of dwelling house	12 months basic or members own share of contribution with thereon.	No.31	

68 BB : REPAYMENT OF LOAN

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
Advance from the fund for repayment of loan	10 years membership of the fund & member should have taken loan from Govt. Body	36 month wages (Basic + DA) OR Members own share of Contribution + Company's share of Contribution with interest thereon.	No.31	A certificate from the lending authority furnishing the details of loan and outstanding amount.

68 J : ADVANCE FROM FUND FOR ILLNESS

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
Advance from the fund for illness viz. hospitalisation for more than a month, major surgical operation or suffering from TB, Leprosy, Paralysis, Cancer, Heart ailment etc.	Stay in Hospital at least for a month	6 moths wages (Basic + DA)	No.31	A certificate from the Medical Practitioner for hospitalisation or operation.

68 K : ADVANCE FROM THE FUND FOR MARRIAGE

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
1 Advance from the fund for Marriage of self/son/daughter/ sister/brother etc. 1 Advance from the fund for education of Son/Daughter	1 7 years membership of the fund & minimum balance in member's account should be Rs. 1000/-	1 50% of member's own share of contribution	No.31	Declaration by the member which is attested by the employer.

68L : ADVANCE IN ABNORMAL CONDITIONS

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
Grant of advance in abnormal conditions, Natural calamities etc.	1 Certificate of damage from appropriate authority. 1 State Govt. declaration.	1 Rs. 5000/- or 50% of member's own share of contribution (To apply within 4 months)	No.31	1 Certificate from the Appropriate Authority.

68 M : ADVANCE TO MEMBER AFFECTED BY CUT IN THE SUPPLY OF ELECTRICITY

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
Grant of advance to members affected by cut in the supply of electricity	1 The advance may be granted only to a member whose total wages for any one month commencing from the month of January 1973 were 3/4 th or less than 3/4 th of wages for a month	1 Wages for a month OR 1 Rs.300/-	No.31	Certificate from State Govt. regarding cut in the supply of electricity.

68 N : GRANT OF ADVANCE TO MEMBERS WHO ARE PHYSICALLY HANDICAPPED

Types of Benefit	Eligibility	Eligible Amount	Form	Documentary Support
To Physically Handicapped member for purchase of an equipment required to minimize the hardship on account of handicap.	Production of medical certificate from a competent medical practitioner to the effect that he is physically handicapped	Basic wages+ DA for six months or own share of contribution with interest or cost of equipment which ever is least.	No.31	Certificate from the Medical practitioner to the effect that the member is physically handicapped..

Note: For calculation/ computing the period of membership U/P 68B, 68BB, 68K, total service exclusive of periods of break under the same employer before the scheme is applied to him, as well as period of membership of the fund is always included.

The Employees' State Insurance Act, 1948

"An Act to provide for certain benefits to employees in case of sickness, maternity and employment injury and to make provision for certain other matters in relation thereto."

Medical Benefit

TYPE OF MEDICAL BENEFITS PROVIDED

The Employees' State Insurance Scheme provides full medical care in the form of medical attendance, treatment, drugs and injections, specialist consultation and hospitalization to insured persons and also to members of their families where the facility for Specialist consultation, hospitalization has been extended to the families.

For the families, this benefit has been divided into two categories as under:-

FULL MEDICAL CARE

This consists of hospitalization facilities and includes specialist services, drugs and dressings and diets as required for in-patients.

EXPANDED MEDICAL CARE

This consists of consultation with the specialists and supply of special medicines and drugs as may be prescribed by them in addition to the out-patient care. This also includes facilities for special laboratory tests and X-Ray examinations.

Apart from the curative services provided through hospitals and dispensaries, the Corporation also provides the following facilities including family welfare services.

IMMUNIZATION

The Corporation has embarked upon a massive programme of immunization of young children of insured persons. Under this programme, preventive inoculation and vaccines are given against diseases like diphtheria, pertussis, polio, tetanus, measles, mumps, rubella, tuberculosis etc.

FAMILY WELFARE SERVICES

Along with the immunization programme, the Corporation has been undertaking provision of family Welfare Services to the beneficiaries of the Scheme. The Corporation has organized these services in 180 centres besides reserving 330 beds in hospitals for undertaking tubectomy operations. So far, 828976 sterilization operation viz. 176197 vasectomies and 652779 tubectomies have been performed upto 31.3.1999. The ESI Corporation has also extended additional cash incentive to insured persons to promote acceptance of sterilization method by providing sickness cash benefit equal to full wage for a period of 7 days for vasectomy and 14 days for tubectomy. The period for which cash benefit is admissible is extended beyond the above limits in the event of any complications after Family Planning operations.

SUPPLY OF SPECIAL AIDS

Insured persons and members of their families are provided artificial limbs, hearing aids, and artificial appliances like spinal supports, cervical collars, walking calipers, crutches, wheel chairs and cardiac pace makers as a part of medical care under the Scheme.

Sickness Benefits

Sickness Benefit represents periodical cash payments made to an IP during the period of certified sickness occurring in a benefit period when IP requires medical treatment and attendance with abstinence from work on medical grounds. Prescribed certificates are; Forms 8,9,10,11 & ESIC-Med.13. Sickness benefit is 70% of the average daily wages and is payable for 91 days during 2 consecutive benefit periods.

Qualifying Conditions

- (i) To become eligible to Sickness Benefit, an IP should have paid contribution for not less than 78 days during the corresponding contribution period.
- (ii) A person who has entered into insurable employment for the first time has to wait for nearly 9 months before becoming eligible to sickness benefit, because his corresponding benefit period starts only after that interval.
Sickness Benefit is not payable for the first two days of a spell of sickness except in case of a spell commencing within 15 days of closure of earlier spell for which sickness benefit was last paid. This period of 2 days is called "waiting period". This provision should be clearly understood by
- (iii) IMOs/IMPs as actual experience shows that such of IPs who want to avail medical leave on flimsy grounds generally come for First Certificate/First & Final Certificate within 15 days of earlier spell, usually on unpaid holidays and/or on each weekly off etc, to avoid loss of benefit for 2 days due to fresh waiting period.

Temporary Disablement Benefit

(a) TDB is payable to an employee who suffers employment injury (EI) or Occupational Disease and is certified to be temporarily incapable to work. "Employment Injury" has been defined under Section 2(8) of the Act, as a personal injury to an employee caused by accident or occupational disease arising out of and in the course of his employment, being in insurable employment, whether the accident occurs or the occupational disease is contracted within or outside the territorial limits of India.

b. Certificates Required for TDB:

Accident Report in form 16,
Form 8,9,10, 11 and ESIC Med.13.

c. Eligibility for TDB :

The benefit is not subject to any contributory conditions. An IP is eligible from the day he joins the insurable employment.

(d) TDB Rate is 90% of average daily wages.

d. Duration of TDB :

There is no prescribed limit for the duration of TDB. This is payable as long as temporary disablement lasts and significant improvement by treatment is possible. If a Temporary Disablement spell lasts for less than 3 days (excluding day of accident), IP will be paid sickness benefit, if otherwise eligible. A special point for IMOs/IMPs is that some IPs may resist taking a Final Certificate especially before 3 days for fear of loss of TDB.

Permanent Disablement Benefit

(a) PDB is payable to an IP who suffers permanent residual disablement as a result of EI (including Occupational Diseases) and results in loss of earning capacity. The proper authority for assessing loss of earning capacity for injuries is the Medical Board and for Occupational Diseases, Special Medical Board.

(b) The duration of PDB may be for the period given by Medical Board, if assessment is provisional or for entire life if assessment is final.

(c) PDB Rate: The PDB rate is calculated as percentage of loss of earning capacity as assessed by the Medical Board/MAT/EI Court in relation to TDB. List of injuries deemed to result in permanent total disablement and percentage loss of earning capacity has been previewed in 2nd Schedule to ESIC Act, 1948. Hence, the maximum rate of PDB can be equal to the rate of TDB.

PDB amount is revised by the ESIC from time to time to adjust for inflation. The latest enhancement is with effect from 01.08.2009

(d) Commutation of PDB (Regulation 76-B): IP whose PDB has been assessed as final and who has been awarded the same at the rate not exceeding Rs.1.50 per day may apply for commutation of periodical payments of PDB into a lump-sum. When an application for commutation is made within 6 months of the date of communication of Medical Board decision periodical payments shall be commuted into a lump sum provided the total commuted value does not exceed Rs.10,000 at the time of commencement of final award. However, where such an application is made after expiry of 6 months, LO/RO will refer the case to MR/PTMR to certify whether the IP has an average expectation of life for his age. Such a certificate is issued by Medical Referee in the relevant place on RO/LO letter.

(e) Age of an IP will have to be proved to the satisfaction of the Corporation in all cases. Medical Boards assess the age of IPs who are not able to produce satisfactory proof of age and opinion of Medical Board shall be final in this regard.

Maternity Benefit

Maternity Benefit is payable to an Insured Woman in the following cases subject to contributory conditions:-

Confinement-payable for a period of 12 weeks (84 days) on production of Form 21 and 23.

Miscarriage or Medical Termination of Pregnancy (MTP)-payable for 6 weeks (42 days) from the date following miscarriage-on the basis of Form 20 and 23.

Sickness arising out of Pregnancy, Confinement, Premature birth-payable for a period not exceeding one month-on the basis of Forms 8, 10 and 9.

In the event of the death of the Insured Woman during confinement leaving behind a child, Maternity Benefit is payable to her nominee on production of Form 24 (B).

Maternity benefit rate is 100% of average daily wages.

Shop & Commercial Establishment Act 1958

Act No 15 of 1958

1. Short title, extent, commencement and application.-

- (1) This Act may be called the Punjab Shops and Commercial Establishments Act, 1958.
- (2) It extends to the whole of the State of [Haryana].
- (3) It shall come into force on such date as Government may, by notification in the Official Gazette, appoint in this behalf.
- (4) It shall apply in the first instance to the areas specified in the Schedule, but Government may by notification direct that it shall also apply to such other area and on such date as may be specified in the notification.

2. Definitions.-

- (1) In this Act, unless the context otherwise requires,-
 - (i) "closed" means not open for the service of any customer or for any other purpose whatsoever relating to business;
 - (ii) "close day" means the day of the week on which a shop or commercial establishment remains closed ;
 - (iii) "closing hour" means the hour at which a shop or commercial establishment closes ;
 - (iv) "commercial establishment" means any premises wherein any business, trade or profession is carried on for profit , and includes journalistic or printing establishment and premises in which business of banking, insurance , stocks and shares , brokerage or produce exchange is carried on or which is used as hotel , restaurant , boarding or eating-house, theatre , cinema or other place of public entertainment or any other place which the Government may declare , by notification in the Official Gazette , to be a commercial establishment for the purposes of this Act;
 - (v) "day" means the period of twenty-four hours beginning at mid-night:
Provided that in the case of any employee whose hours of work extend beyond mid-night, day means the period of twenty-four hours beginning from the time when such employment commences;
 - (vi) "employee" means a person wholly or principally employed in, or in connection with, an establishment, whether working on permanent, periodical, contract or piece-rate wages or on commission basis even though he receives no reward for his labour, but does not include a member of the employer's family;
 - (vii) "employer" means a person having charge of or owning or having ultimate control over the affairs of an establishment and includes members of the family of an employer, a manager, agent or other person acting in the general management or control of the establishment ;
 - (viii) "establishment" means a shop or a commercial establishment;
 - (ix) "factory" has the meaning assigned to it in the Factories Act, 1948;
 - (x) "family" in relation to an employer, means-
 - (i) spouse;
 - (ii) children and step-children; and
 - (iii) parents, sisters and brothers if residing with and wholly dependent upon him ;
 - (xi) "festival" means any festival which Government may, by notification, declare to be festival for the purposes of this Act;
 - (xii) "Government" means the [Government of Haryana];
 - (xiii) "hours of work" or "working hours" means the time during which the persons employed are at the disposal of the employer exclusive of any interval allowed for rest and meals ;
 - (xiv) "Inspector" means an Inspector appointed under this Act;
 - (xv) "leave" means leave provided for in Section 14;
 - (xvi) "manager" in relation to an establishment where five or more persons are employed or an establishment whose owner does not ordinarily carry on the business personally , means a person declared as such by the employer in the prescribed manner;
 - (xvii) "night" means a period of at least twelve consecutive hours which shall include the interval between 8 p.m. and 6 a.m.
 - (xviii) ["opened" in relation to a shop or commercial establishment whose entrance is the only entrance to the residence , means opened for the service of any customer or for any business connected with the establishment;]
 - (xix) "opening hour" means the hour at which an establishment opens;
 - (xx) "prescribed" means prescribed by rules made under this Act;

- (xxi) “prescribed authority” means the authority prescribed under the rules made under this Act;
- [(xxi- A) “quarter” means a period of three months commencing on the first day of January , first day of April , first day of July and first day of October , every year;]
- (xxii) “retail trade or business” includes the business of a barber or hair-dresser, the sale of refreshments or intoxicating liquors, and retail sales by auction;
- (xxiii) “register of establishments” means a register maintained for the registration of establishments under this Act;
- (xxiv) “registration certificate” means a certificate showing the registration of an establishment;
- (xxv) “shop” means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, [godowns, sale depots or warehouses], whether in the same premises or otherwise, used in connection with such trade or business but does not include a commercial establishment or a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948 (LXIII of 1948);
- (xxvi) “spread-over ” means the period between the commencement and the termination of work of an employee on any day ;
- (xxvii) “wages” shall have the meaning assigned to it in the Payment of Wages Act, 1936 (IV of 1936);
- (xxviii) “wage period” means the period after which the wages of an employed person shall be paid;
- (xxix) “week” means the period between midnight on Saturday and midnight on the following Saturday;
- (xxx) “young person” means a person who has attained the age of fourteen but has not attained the age of eighteen years; and
- (xxxi) “year” means a year commencing on the first day of April.
- (2) For the purpose of this Act, any employment in the service of the employer of an establishment upon any work, whether within the establishment or outside it, which relates to, or is connected with or is ancillary to the business carried on at the establishment, shall be deemed to be about the business of the establishment.
3. Act not applicable to certain establishments and persons.-
Nothing in this Act shall apply to –
- offices of or under the Central or State Government (except commercial undertakings), the Reserve Bank of India, any railway administration or any local authority;
 - any railway service, air service, water transport service, tramway, postal, telegraph or telephone service, any system of public conservancy or sanitation or any industry, business or undertaking which supplies power , light or water to the public ;
 - railway dining cars;
 - offices of lawyers;
 - any person employed about the business of any establishment mentioned in paragraphs (a) to (d) aforesaid ;
 - any person whose hours of employment are regulated by or under the Factories Act, 1948 , except the provisions of sub-section (3),(4) and (5) of Section 7 of this Act in so far as they relate to employment in a factory ;
 - any person whose work is inherently intermittent;
 - [establishment of stamp vendors and petition writers.]
4. Provisions of section 9 and sub-section (1) of section 10 not applicable to certain establishments-
- [(1)] Nothing in [Section 9 and sub-section (1) of Section 10], shall apply to-
- clubs, hotels, boarding-houses, stalls and refreshment rooms at the railway stations;
 - shops of barbers and hair-dressers;
 - [establishments dealing exclusively in meat, fish, confectionery, poultry eggs, dairy produce (except ghee), bread, sweets, chocolates, ice, ice-cream, cooked food, fresh fruit, flowers or vegetables ;]
 - shops dealing [exclusively] in medicines or medical or surgical requisites or appliances and establishments for the treatment or care of the sick, infirm, destitute or mentally unfit;
 - shops dealing in articles required for funerals, burials or cremations;
 - [shops dealing exclusively in] pans (betel leaves), biris or cigarettes, or liquid refreshments sold in retail for consumption on the premises;
 - [shops dealing exclusively in] newspapers or periodicals; editing and dispatching sections of the newspaper offices and offices of the news agencies;
 - [(h)places of public entertainment except cinema houses;]
 - establishments for the retail sale of petrol and petroleum products used for transport;
 - shops in regimental institutes, garrison shops and troop canteens in cantonments;
 - tanneries;
 - [establishments engaged in] retail trade carried on at an exhibition or show; if such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show;
 - oil mills not registered under the Factories Act , 1948;

- (n) brick and lime kilns;
 - (o) commercial establishments engaged in the manufacture of bronze and brass utensils so far as it is confined to the process of melting in furnaces [*****];
 - [(p) saltpeter refineries;
 - (q) establishments of commercial colleges of short-hand or typewriting and other educational academies ;
 - (r) booking offices of the passenger and goods transport companies;
 - (s) establishments dealing exclusively in green and dry fodder and chaff- cutting ; and
 - (t) cycle stands , and cycle repairs shops .]
- [(2)Nothing in sub-section (1) of Section 10 shall apply to-
- (i) establishments of cinema houses;
 - (ii) establishments dealing in hides and skins;
 - (iii) ice factories;
 - (iv) establishments engaged exclusively in repairs of cycles or motor vehicles or the service of motor vehicles (not being an establishment dealing in cycles or motor vehicles or exclusively in spare parts thereof);
 - (v) establishments dealing exclusively in providing on hire tents, chhaldaries and other articles such as crockery, furniture, loud-speakers, gas lights and fans required for ceremonial purposes; and
 - (vi) establishments dealing exclusively in the retail sale of phullian, murmara, sugar-coated gram, reories or other similar commodities.]
5. Power of Government to extend the provisions of Act.-
- (1) Notwithstanding anything contained in Section 3 or Section 4, Government may by notification declare that any class of establishments or persons specified therein shall not be exempt from the operation of such provisions of this Act as may be specified in the notification and that the provisions of this Act specified in such notification shall apply to such class of establishments or persons as the case may be.
- (2) Every notification made under sub-section (1) shall as soon as possible after it is made, be laid before [the House] of the State Legislature.
6. Conditions of employment for young persons.-
- (1) The total number of hours worked by a young person employed about the business of an establishment, exclusive of interval for meals and rest, shall not exceed thirty hours in any one week or five hours in any one day.
- (2) A young person employed about the business of an establishment shall not be employed continuously for more than three hours without an interval of at least half an hour for a meal or rest.
- (3) Government may prescribe further conditions in respect of the employment of young persons employed about the business of establishments or any class of them, including, if it thinks fit, conditions with respect to the daily period of employment of those persons, and no such person shall be employed otherwise than in accordance with those conditions.
- (4) In the case of any contravention of, or failure to comply with, the provisions of this section, the employer shall be liable, on conviction, to a fine which shall not be less than fifty rupees but which may extend to two hundred rupees.
- (5) Where, in proceedings for an offence under this section, the person in respect of whom the offence was committed was a young person, and he appears to the court to have been at the date of the commission of the offence a young person, he shall, for the purposes of this Act, be presumed at that date to have been a young person unless the contrary is proved.
7. Hours of EMPLOYMENT:-
- (1) Subject to the provisions of this Act, no person shall be employed about the business of an establishment for more than forty-eight hours in any one week and nine hours in any one day.
- (2) On occasions of seasonal or exceptional pressure of work a person employed in an establishment may be employed about the business of the establishment in excess of the working hours specified in sub-section (1):
- Provided that –
- (a) the total number of overtime hours worked by an employee does not exceed fifty within a period of [any one quarter]; and
 - (b) the person employed overtime shall be paid remuneration at twice the rate of his normal wages calculated by the hour.
- Explanation- “Normal Wages” for the purposes of proviso (b) means basic wages plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to workers of food grains and other articles as the worker is for the time being entitled to , but does not include bonus.
- (3) No employer shall, on any day or in any week, employ about the business of the establishment any person who has been previously employed on that day or in that week in another establishment or a factory for a longer period than shall, together with the time during which he has been previously employed on that day or in that week in such other establishment or factory, exceed the number of hours permitted by this Act.

- (4) In any proceedings against the employer of the establishment for a contravention of the provisions of sub-section (3), it shall be a defence to prove that the employer did not know and could not with reasonable diligence ascertain that the person was previously employed by the employer of the other establishment or factory.
- (5) No person shall work about the business of an establishment or two or more establishments or an establishment and a factory in excess of the period during which he may be lawfully employed under this Act.
8. Intervals for rest or meals. –
- (1) Subject to the provisions of Section 6, no employee, except a chowkidar, watchman or guard, shall be allowed to work in an establishment for more than five hours before he has had an interval for rest of at least half an hour :
 Provided that Government may by notification fix such interval for rest in respect of any class of establishments for the whole of the State or any part thereof as it may consider necessary.]
- (2) The period of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, the spread-over shall not be more than [twelve hours] in a day.
9. Opening and closing hours.-
 Government shall by notification fix the opening and closing hours of all classes of establishments, and different opening and closing hours may be fixed for different classes of establishments and for different areas:
 Provided that Government may allow an establishment attached to a factory to observe such opening and closing hours as the Government may direct.]
10. Close day.-
- (1) Save as otherwise provided by this Act, every establishment shall remain closed on every Sunday:
 Provided that, in the case of an establishment attached to a factory the employer may substitute the close day of such establishment so as to correspond to the substituted close day of the factory in the same manner and subject to the same conditions, as are laid down in this behalf in the Factories Act, 1948;
 [Provided further that Government may by notification fix any other day to be the close day in respect of any class of establishments for the whole of the State or part thereof]
- (2) (i) The employer of an establishment shall in the prescribed form intimate to the prescribed authority [the working hours, the day in a week referred to in clause (b) of Section- 11] and the period of interval of the employed person within fifteen days of the date of registration of the establishment.
 (ii) The employer of an establishment may change the working hours and the period of interval once in a quarter of the year by giving intimation in the prescribed form to the prescribed authority at least fifteen days before the change is to take place.
- (3) Notwithstanding anything contained in sub-section (1), the employer of an establishment may open his establishment on the close day if-
- (a) such day happens to coincide with a festival; and
 (b) employees required to work on that day are paid remuneration at double the rate of their normal wages calculated by the hour.
11. Employees' off day in a week.-
 No employee shall be allowed or required to work –
- (a) on a close day, in any establishment which is required to observe a close day;
 (b) on one day in a week, in any other establishment; and
 [(c) before the opening hour of the establishment and after the closing hour of the establishment:]
- Provided that a watchman may be allowed or required to work on an off day under this section if he is allowed another off day in the week.
- [12. Holidays.-
 Every employee in an establishment shall be allowed –
- (a) a holiday with wages on the Independence Day, Republic Day and Mahatma Gandhi's Birthday; and
 (b) [five] other holidays with wages in a year in connection with such festivals as Government may declare from time to time by notification:
 Provided that an employee required to work on any such holiday shall be paid remuneration at double the rate of his normal wages calculated by the hour.]
13. Registration of establishments.-
- (1) Within the period specified in sub-section (3), the employer of every establishment shall send to the prescribed authority concerned a statement in the prescribed form [accompanied by such fee as may be prescribed and] containing:-
- (a) the name of the employer and the manager, if any;
 (b) postal address of the establishment;
 (c) the name, if any, of the establishment ;
 (d) number of persons employed [in the establishment; and]
 (e) such other particulars as may be prescribed.

(2) (i) On receipt of the statement 1[and the prescribed fee,] the authority shall, on being satisfied about the correctness of the statement, register the establishment in the register of establishments in such a manner as may be prescribed and shall issue in a prescribed form a registration certificate to the employer. The registration certificate shall, on demand by the Inspector, be shown to him by the employer.

[(ii).....]

[(iii)The registration certificate shall be renewable by the 31st March after every three years. Thirty days grace time shall, however, be allowed for the renewal of the certificate after payment of prescribed fee.]

(3) Within thirty days from the date mentioned in column 2 below in respect of the establishment in column 1, the statement [together with the prescribed fee] shall be sent to the prescribed authority under sub-section (1).

Establishment	Date from which the period of 30 days is to commence.
(1)	(2)
(i) Establishments existing in areas to which this Act applies or where this Act is extended.	The date on which the Act comes into force or the date on which the Act is extended, as the case may be.
(ii) New establishments in such areas.	The date on which the establishment commences its work.

(4) It shall be the duty of the employer to notify to the prescribed authority in the prescribed form any change in respect of any information contained in his statement under this section within seven days after the change has taken place. The authority shall on receiving such notice and on being satisfied about its correctness, make the change in the register of establishments in accordance with such notice and shall amend the registration certificate, if necessary.

(5) The employer shall, within ten days of his closing the establishment, notify to the prescribed authority in writing accordingly. The authority shall, on receiving the information and being satisfied about the correctness, remove the name of such establishment from the register of establishments and cancel the registration certificate.

[(6) In case of any contravention of, or failure to comply with the provisions of this section, the employer shall be liable, on conviction, to a fine, which shall not be less than one thousand rupees but which may extend to three thousand rupees alongwith the prescribed registration or renewal fee, as the case may be [:]

[Provided that the amount of registration or renewal fee so recovered from the employer shall be paid in the Government treasury or in any other mode as may be prescribed so as to enable the prescribed authority to issue or renew the registration certificate, as the case may be.]

14. Leave.-

(1) [(a)Every employee who has been in employment for not less than twenty days in a year shall be entitled to one day's earned leave for every such twenty days:

Provided that a young person shall be entitled to one day's earned leave for every fifteen days of employment during the year.]

(b) If an employee is discharged or dismissed from or leaves service during the course of the year he shall be entitled to leave with wages or wage in lieu of unavailed leave at the rates laid down in clause (a) [-].

(c) In calculating leave under this section, fraction of half a day or more shall be treated as one day's leave, and fraction of less than half a day shall be ignored.

(d) If an employee does not in any one year take the whole of the leave allowed to him under clause (a), any leave not taken by him shall be added to the leave to be allowed to him in the succeeding year:

Provided that-

(i) subject to any specific agreement between the employer and the employee, the total number of days of leave that may be carried forward to a succeeding year shall not exceed forty in the case of a young person or thirty in any other case;

(ii) the provisions of this section shall not operate to the prejudice of any rights to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service;

(iii) where such award, agreement or contract of service provides for a longer leave with wages or weekly holidays than those provided under this section, the employee shall be entitled to only such longer leave or weekly holidays as the case may be.

(2) Leave provided in clause (a) of sub-section (1) shall, when applied for, be granted except for a valid reason to be communicated in writing by the employer to the employee within fifteen days of the application:

Provided that the leave so refused shall, if applied for again, be allowed during the year.

(3) (a) For the purpose of computing the period during which an employee has been in employment within the meaning of sub-section(1)(a), the period during which he was on leave [under this section and the off days in a week referred to in Section 11] , shall be included.

(b) The unavailed leave of an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge, removal or dismissal.

[(4) Notwithstanding anything contained in the foregoing sub-sections, every employee in an establishment shall be allowed with wages seven days casual leave and seven days sick leave in a year.]

15. Wages for close days and during leave PERIOD.-

[(1) Any person employed in or about an establishment for a period of fifteen days or more shall receive, for every off day in a week referred to in Section 11, wages at the rate of not less than the average daily wages earned by him for the days on which he worked during the week immediately preceding every such off day.]

(2) For the leave allowed to him under Section 14, an employee shall be paid at the rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the employee of food grains and other articles.

(3) An employee who has been allowed leave for not less than five days in the case of a young person and four days in any other case shall, on demand, before his leave begins, be paid the wages due for the period of leave allowed.

16. Wage Period. -

(1) Every person responsible for the payment of wages to an employee shall fix a period in respect of which such wages shall be payable.

(2) No wage period shall exceed one month.

(3) The wages of every person employed shall be paid before the expiry of the seventh day from the date on which the wages became due.

(4) Where the employment of any person is terminated by or on behalf of the employer the wages earned by him and the remuneration in lieu of unavailed period of due leave shall be paid before the expiry of the second working day after such termination and where an employee quits his employment on or before the next pay day.

Provided that no claim under this section shall be entertained unless it is preferred within six months from the date of its accruing except under special circumstances at the discretion of the Chief Inspector of Shops and Commercial Establishments, [Haryana.]

17. Deduction from wages.-

The wages of an employee shall be paid to him without deductions of any kind except those authorized by or under the Payment of Wages Act, 1936, in so far as such deductions are applicable to the employee and in such manner , to such extent and subject to such conditions as are specified in that Act.

18. Realisation of COMPENSATION.-

(1) In case of contravention of the provisions of Section 16, if a [Judicial Magistrate] is satisfied that the employee has not been paid his due wages, he shall direct the employer to pay the wages along with compensation not exceeding eight times the amount of wages withheld.

(2) The amount of wages withheld and compensation payable under this section shall for the purposes of its recovery, be deemed to be a fine imposed under this Act in addition to the penalty imposed under Section 26 and shall be realized as such.

19. [Enforcement and appointment of inspectors].-

(1) Government may, by notification, appoint such persons or such class of persons as it thinks fit to be inspecting officers for the purposes of this Act within such local limits as it may assign to them respectively [:]

[Provided that the Government may, by notification in the Official Gazette, also appoint such persons, as it may deem fit, not below the rank of Deputy Labour Commissioner, to be the Chief Inspector or Deputy Chief Inspector of Shops and Commercial Establishments who shall, in addition to the powers conferred on a Chief Inspector or Deputy Chief Inspector under this Act or the rules made thereunder, exercise the powers of Inspector throughout the territory of the State of Haryana.]

(2) Subject to any rules made by Government in this behalf, an inspecting officer may, within the local limits for which he is appointed –

(a) enter at all reasonable times and with such assistants, if any, being persons in the service of Government or of any local authority as he thinks fit, any place which is or which he has reasons to believe to be an establishment;

- (b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise evidence of any persons as he may deem necessary for carrying out purposes of this Act;
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate him.

- (3) Every inspecting officer appointed under this section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

20. Records.-

- (1) The employer of every establishment shall, in the prescribed form and manner, keep exhibited in the establishment a notice setting forth the close day, the working hours and the period of interval of employed persons, if any, and such other particulars as may be prescribed.
- (2) The employer of every establishment, about the business of which persons are employed, shall in the prescribed form and manner, keep a record of the working hours, rest intervals and the amount of leave taken by every person employed about the business of an establishment and particulars of all overtime employment shall be separately entered in the record. [-]
- [(2A) The employer of every establishment, about the business of which persons are employed, shall mark the attendance of every employee in the register maintained for the purpose within one hour of the start of duty and in the case of overtime every entry regarding the commencement or closure of overtime shall respectively be made before or after such commencement or closure]
- (3) The employer of every establishment shall keep a photograph of each employee who has completed three months continuous service in the establishment:
Provided that where such employee fails to supply such photograph to the employer within fifteen days of the completion of such service, his failure to do so shall be recorded by the employer under the signatures of the employee.
- (4) The employer of every establishment shall for the purposes of this Act maintain such other records and registers and display such other notices as may be prescribed.
- (5) In the case of any contravention of the foregoing provisions of this section, the employer of an establishment shall be liable, on conviction, to a fine not exceeding five rupees for every day on which the contravention occurs or continues.
- (6) If any person with intent to deceive makes, or causes or allows to be made, in any such record, register or notice as aforesaid an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record, register or notice an entry required to be made therein, he shall be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine which shall not be less than twenty-five rupees and may extend to two hundred rupees or both.

21. Inspection of registers and calling for information:-

- (1) It shall be the duty of every employer of an establishment to make available for inspection of such officer, as may be prescribed, all accounts or other records required to be kept for the purposes of this Act, and to give such officer any other information in connection therewith as may be required.
- (2) Whoever contravenes the provisions of sub-section (1) or wilfully obstructs the inspecting authority in the exercise of the powers under this Act or conceals or prevents any employee in an establishment from appearing before or being examined by the authority, shall be liable, on conviction, to a fine which shall not be less than twenty-five rupees and may extend to two hundred rupees.

22. Notice of removal.-

- (1) No employee shall be removed from service unless and until one month's previous notice or pay in lieu thereof has been given to him:
Provided that -
 - (a) no employee shall be entitled to the notice or pay in lieu thereof if he is removed on account of misconduct established on record;
 - (b) no employee shall be entitled to one month's notice or notice pay unless and until he has been in the service of the employer continuously for a period of three months.
- (2) In any case instituted for a contravention of the provisions of sub-section (1), if a [Judicial Magistrate] is satisfied that an employee has been removed without reasonable cause, the [Judicial Magistrate] shall, for reasons to be recorded in writing, award compensation to the employee equivalent to two months salary:
Provided that no such claim shall be entertained unless it is preferred by the employee within six months from the date of his removal.
- (3) The amount payable as compensation under this section shall be in addition to, [and recoverable as] fine payable under Section 26.
- (4) No person who has been awarded compensation under this section shall be entitled to bring a civil suit in respect of the same claim.

23. Notice by employee.-

- (1) No employee, who has been in the service of the employer continuously for a period of three months, shall terminate his employment unless he has given to his employer [thirty] days' previous notice or pay in lieu thereof.
- (2) Where an employee contravenes the provisions of sub-section (1), his employer may forfeit his unpaid wages for a period not exceeding [thirty], days.

24. [* * * *]

25. Provisions as to trading elsewhere than in establishments.-

Save as otherwise provided by any law for the time being in force, it shall not be lawful in any locality to carry on in any place not being an establishment, retail trade or business of any class at any time if it is unlawful in that locality to keep an establishment open for the purpose of such retail trade or business, and, if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the employer of the establishment which was being kept open in contravention of this Act.

26. Penalties.-

Subject to the other provisions of this Act, whoever contravenes any of the provisions of this Act, or the rules made thereunder and no penalty has been provided for such contravention in this Act, shall be liable on conviction, to a fine not exceeding one hundred rupees for the first offence, and three hundred rupees for every subsequent offence:

Provided that the fine in respect of every subsequent offence within the same year shall not be less than one hundred rupees in any case.

[26A. Power to compound offences.-

(1) Notwithstanding anything contained in this Act or the rules framed thereunder, the compounding authority as may be notified by the Government in the Official Gazette, shall compound the offence committed under this Act or the rules framed thereunder. The said authority shall discharge the offender by recovering a sum of money not less than fifty percent of the maximum amount of fine prescribed under this Act or the rules framed thereunder. However, if the violation relates to registration of shops or commercial establishments, in that case the amount of fee as may be prescribed shall be recovered from the offender in full in addition to the amount of fine:

Provided that no offence of the same nature shall be compoundable if it is committed more than twice in a year.

(2) An appeal against the order of the compounding authority shall lie within thirty days from the date of the order of the compounding authority before the appellate authority as may be notified by the Government and whose decision shall be final:

Provided that no appeal shall be maintainable unless the amount of fine is deposited with the said authority.

(3) No penalty shall be imposed unless the person concerned is given a notice in writing informing him of the grounds on which it is proposed to impose a penalty.

(4) The compounding authority and the appellate authority shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Act 5 of 1908), while exercising any powers under this section, in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of witnesses;
- (ii) requiring the discovery and production of any document;
- (iii) requisitioning any public record or copy thereof from any court or office;
- (iv) receiving evidence on affidavit; and
- (v) issuing commissions for the examination of witnesses or documents].

27. Protection of officers and their agents from personal liability.-

No suit, prosecution or other legal proceeding shall lie against any public servant or any other person in the service of the Central or State Government, acting under direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made thereunder.

28. Power to grant exemptions. –

[Government or any officer empowered by the Government in this behalf may], by notification in the official Gazette, exempt from the operation of all or any of the provisions of this Act for any period it considers desirable any establishment or any class thereof or any employer or employee or class of employers or employees to whom this Act applies on such conditions as it may think fit.

29. Prohibition of employment of children. -

No child who has not completed the age of fourteen years shall be employed in any establishment.

30. Conditions of employment of women.-

(1) No woman shall be required or allowed to work whether as an employee or otherwise in any establishment during night:

[Provided that nothing in this sub-section shall apply to an establishment which is engaged in the treatment or care of the sick, the infirm, the destitute or the mentally unfit.]

(2) No employer of any establishment shall knowingly employ a woman and no woman shall engage in employment in any establishment during six weeks following the day of her confinement or miscarriage.

(3) Government may prescribe further conditions in respect of employment of women employed about the business of establishments or any class of them, including if it thinks fit, conditions with respect to the daily period of employment, leave, and other matters and no woman shall be employed otherwise than in accordance with these conditions.

31. Maternity Benefit.-

(1) Every woman employed in an establishment who has been continuously employed in that establishment or in establishments belonging to the employer of that establishment for a period of not less than six months preceding the date of her delivery shall be entitled to receive, and the employer shall be liable to make to her, a payment of a maternity benefit which shall be prescribed by the Government for every day during the six weeks immediately preceding and including the day of her delivery and for each day of the six weeks following her delivery:

Provided that no such payment shall be made for any day on which she attends work and receives payment thereof during the six weeks preceding her delivery.

(2) The manner in which the maternity benefit shall be payable may be prescribed by the Government.

32. Bar of Legal Practitioners in certain proceedings.-

Notwithstanding anything contained in the law relating to legal practitioners for the time being in force, no legal practitioner shall be permitted to appear, plead or act for the employer or the employee in any proceedings, before a court between an employer and an employee, arising out of the contravention of any of the provisions of this Act.

33. Saving of certain rights and privileges.-

Nothing in this Act shall affect any rights or privileges to which an employee in any establishment is entitled on the date this Act comes into force, under any other law, contract, custom or usage applicable to such establishment or any award, settlement or agreement binding on the employer and the employee in such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

[33- A. Cognizance of offences.-

No Court shall take cognizance of any offence punishable under this Act or any rule made thereunder or of the abetment of or attempt to commit such offence, save on a complaint made by the employee concerned or by such officer as may be authorised in writing in this behalf by the Government.]

34. Power to make rules -

(1) Government may make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner and form in which the registers and notices shall be kept;

(b) the officers who may be empowered to inspect registers and call for information as required by this Act;

(c) the agency by which and the manner in which the prosecution shall be instituted;

(d) the form of submitting a statement, the particulars under sub-section (1) of Section 13, the manner in which registration of establishments is to be made and the form of registration certificate under sub-Section(2) and the form for notifying a change under sub-section (4) of Section 13;

(e) the authority to and the manner in which any notice required by this Act shall be given;

(f) the conditions subject to which any exemption under this Act may be granted;

(g) the manner in which the employer of an establishment shall keep exhibited in the premises the close day, closing and opening hours and such other particulars as may be prescribed ; and

(h) to safeguard health, safety and welfare of the employees while on duty.

(3) All rules made under this section shall, as soon as possible after they are made, be laid before [the House of] the State Legislature.

35. Repeal.-

The Punjab Trade Employees Act, 1940, is hereby repealed:-

Provided that –

(a) every appointment, order , rule , bye-law , regulation , notification or notice made , issued or given under the provisions of the Act so repealed shall in so far as it is not inconsistent with the provisions of this Act , be deemed to have been made , issued or given under the provisions of this Act , unless and until superseded by any other appointment , order , rule , by-laws , regulation , notification or notice made , issued or given under this Act;

(b) any proceeding relating to the trial of any offence punishable under the provisions of the Act so repealed , shall be continued and completed as if the said Act has not been repealed , but has continued in operation , and any penalty imposed in such proceeding shall be recovered under the Act so repealed.