

GOVERNMENT OF GOA, DAMAN AND DIU

Labour and Information Department

Notification

1/313/73-LAB(IV)

Whereas certain draft rules which the Government of Goa, Daman and Diu proposes to make in exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (11 of 1948), were published as required by sub-section (1) of section 30 of the said Act, at pages 521 to 536 of the Official Gazette, 'Series I, No. 32 dated 7th November, 1974 under Notification of the Labour and Information Department, Government of Goa, Daman and Diu, No. 1/313/73-LAB(IV) dated 22-10-1974, inviting objections and suggestions from all persons likely to be affected thereby within 30 days from the date of publication in the Official Gazette.

And whereas the, said notice was made available to the public on 7th November, 1974.

. And whereas, the objections and suggestions received from the public on the said draft have been considered by the Government.

Now therefore in exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (11 of 1948), the Government of Goa, Daman and Diu is picased to make the following rules, namely: -

Goa, Daman and 'Diu Minimum Wages Rules, 1975

\ CHAPTER 1

Preliminary

1. **Short title, extent and commencement.** - (1) ' These rules may be called the Goa, Daman and Diu Minimum Wages Rules, 1975.

(2) They extend to whole of the Union territory of Goa, Daman and Diu.

(3) They shall come into force at once.

2. **Interpretation.** - In these rules, unless the context otherwise requires -

(a) 'Act' means the Minimum Wages Act, 1948;

(b) 'Authority' means the Authority appointed under sub-section (1) of section 20;

(c) 'Board' means the Advisory Board appointed under section 7;

(d) 'Chairman' means the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section 9 ;

(e) 'Commissioner' means the Labour Commissioner or the Commissioner, Labour and Employment, Goa, Daman and Diu ;

(f) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes a sub-committee appointed under that section;

(g) 'day' means a period of 24 hours beginning at midnight;

(h) 'Form' means a form appended to these rules ;

(i) 'Government' means Government of Goa, Daman and Diu;

(j) 'inspector' means a person appointed as inspector under section 19;

(k) 'registered trade union' means a trade union registered under the Indian Trade Unions Act, 1926;

(l) 'section' means a section of the Act;

(m) 'Union territory' means Union territory of Goa, Daman and Diu; and

(n) all other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

CHAPTER II

Members and staff, and meetings of the Board, Committee and Advisory Committee

3. Term of office of the members of the Committee and the Advisory Committee. - The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the Government is necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of

the Committee, or Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

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

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

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

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

5. Nomination of substitute-members. - If a member is unable to attend a meeting of the Committee or the Board, the Government or the body which nominated him may, by notice in writing signed on its behalf and by such member and addressed to the Chairman of the said Committee or the Board, nominate a substitute in his place to attend that meeting. Such a substitute-member shall have all the rights of a member in respect of that meeting.

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

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

(2) (i) The Secretary shall be the Chief Executive Officer of the Committee, the Advisory Committee or the Board, as the case may be. He may attend the

meetings of such Committee, Advisory Committee or Board but shall not be entitled to vote at such meetings.

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

8. Eligibility for re-nomination of the members of the Committee, Advisory Committee and the Board. -An out-going member shall be eligible for re-nomination for the membership of the Committee, Advisory Committee or the Board of which he was a member.

9. Resignation of the Chairman and members of the Committee and the Board and filling of the casual vacancies. - (1) A member of the Committee or the Board, other than the Chairman, may by giving notice in writing to the Chairman, resign his membership. The Chairman may resign by a letter addressed to the Government.

(2) A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation whichever is earlier.

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

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

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the

said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

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

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

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

12. Meetings. - The Chairman may, subject to the provisions of rule 13, call a meeting of the Committee, Advisory Committee or the Board, as the case may be, at any time he thinks fit:

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

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

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

14. Chairman. - (1) The Chairman shall preside at the meetings of the Committee, Advisory Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting, the members shall elect from amongst them

selves by a majority of votes, a member, who shall preside at such meeting.

15. Quorum. - No business shall be transacted at any meeting unless at least one-third of the members are present:

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

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

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

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

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

18. Proceedings of the meetings. - (1) The proceedings of each meeting inter alia the names of the members present thereat shall be forwarded to each member and to the Government as soon after the meeting as possible, and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

CHAPTER III

Summoning of witnesses by the Committee, Advisory Committee and the Board and production of documents

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

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

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

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

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

(4) The provision of the Code of Civil Procedure, 1908 (5 of 1908), relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

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

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

20, Expenses of witnesses. - Every person who is summoned and appears as a witness before the

Committee, the Advisory Committee or the Board shall be entitled to an allowance for expenses by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in Civil Courts in the Union territory.

CHAPTER IV

Computation of payment of wages, hours of work
and holidays

21. Mode of computation of the cash value of wages. - (1) The retail price at the nearest market shall be taken into account in computing the cash value of wages paid in kind and of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

(2) The cash value of concessions in respect of supplies of essential commodities at concession rates to employees working in employments in respect of which minimum rates of wages have been fixed under the Act shall be equal to the difference between the retail price of such commodities at the nearest market and the price charged by the employer to the employees.

22. Time and conditions of payment of wages and the deductions permissible from wages. - (1) (i) The wages of a worker in any scheduled employment shall be paid on a working day, -

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

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

Provided that in the case of employment in agriculture, the wage period may be such as may be notified by the Government from time to time.

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

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

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

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

(i) fines in respect of such acts and omissions on the part of employed persons as may be specified by the Government by general or special order in this behalf ;

(ii) deductions for absence from duty;

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

(iv) deductions for house accommodation supplied by the employer or the Government or such other agency as the Government may, by notification in the Official Gazette, direct;

(v) deductions for such amenities and services supplied by the employer as the Government may, by general or special order, authorise.

Explanation. - The words 'amenities and services' in this clause do not include the supply of tools and protectives required for the purpose of employment;

(vi) deductions for recovery of advances or for adjustment of over payments of wages

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

(vii) deductions of income-tax payable by the employed person ;

(viii) deductions required to be made by order of a court or other competent authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Funds Act, 1952 (19 of

1952) applies or any recognised provident fund as defined in section 80C of the Indian Income-tax Act, 1961 (43 of 1961), or any provident fund approved in this behalf by the Government during the continuance of such approval;

(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 Government or deductions made with the written authorisation of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956) ;

(xi) deductions not exceeding half the wages for a period not exceeding four months during which an employee is suspended from work in accordance with any rule of service or standing order framed under any law, -or under a settlement or award which is legally binding on him, governing such suspension

Provided that where under the conditions of service of an employee under a local authority provisions in respect of subsistence allowance during suspension are made and such provisions are similar to those contained in the Civil Services Rules, deductions from the wages of an employee shall not exceed an amount equal to the difference between the full wages payable to such employee and the subsistence allowance payable to him under the conditions of service aforesaid:

Provided further that if an employee is suspended from work as a punishment in accordance with any rule of service or standing order framed under any law or under a settlement or award, governing such suspension, deduction during the period for which he is suspended may be equal to the amount of the full wages payable to such employee.

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

Provided that the prior approval of the Inspector or any other officer authorised by the Government in this behalf is obtained in writing before making the deduction.

(xiii) deductions made with the written authorisation of the employed persons (which may be given once generally and not necessarily everytime 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 Office Savings Bank in furtherance of any savings scheme of any such Government ;

(xiv) deductions made with the written authorisation of -

(a) the employed person; or

(b) the President or Secretary of the registered trade union of which the employed person is a member on such conditions as may be prescribed, for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the Government:

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

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

(4) The amount of fine or deduction for damage or loss mentioned in sub-rule (3) or deduction for absence from duty shall be subject to such limits as may be specified in this behalf by the Government. All such fines imposed and deductions made shall be recorded in the registers maintained in Forms I and II, respectively. These registers shall be kept at the workspot and maintained up to date. Where no fine or deduction has been imposed or made on or from any employee in a wage-period, a `nil' entry shall be made across the body of the relevant register at the end of the wage period, indicating also in precise terms the wage-period to which the `nil' entry relates.

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

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

(7) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936 (4 of 1936).

23. Display of Notices. - (1) The following notices shall be displayed in English and in a language understood by the majority of the workers in the employment (at the main entrances to the establishment and at its office) and shall be maintained in a clean and legible condition :

(a) Notice showing the minimum rates of wages fixed in Form IV.

(b) Abstracts of Minimum Wages Act and the rules made thereunder in Form V.

(c) Name(s) and address(s) of Inspector(s) in Form VI.

(2) In addition to the notices under sub-rule (1) every employer of Public Motor Transport shall exhibit a notice in Form VII duly filled in and signed, on every public motor vehicle owned by him.

Such notices shall also be displayed on the notice-boards of all sub-divisional and district offices.

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

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

Provided further that the employee shall be informed of the day fixed as the rest day and of any

subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector in this behalf.

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

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

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

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

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

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

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

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

Provided that where the minimum daily rate of wages of the employee as notified under the Act has

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

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

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

(5) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to the more favourable terms aforesaid.

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

25. Number of hours of work which shall constitute a normal working day. - (1) The number of

hours which shall constitute a normal working day shall be -

- (a) in the case of an adult, 9 hours, (b)
in the case of a child, 4½ hours.

Provided that in respect of employment in public motor transport no adult worker shall be required or allowed to work for more than fifty-four hours in any week.

(2) The period of work of an adult worker each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour:

Provided that the Commissioner may, by written order and for the reasons specified therein, allow any worker in a scheduled employment to work for more than five hours without an interval for rest so however that the total number of hours worked by the worker without an interval does not exceed six.

(3) The periods of work of an adult worker shall be so arranged that inclusive of his intervals for rest under sub-rule (2), they shall not spreadover more than twelve hours in any day in respect of employment in public motor transport and ten and a half hours in any day in respect of any other -scheduled employment not being employment under a local authority as lamp lighter:

Provided that the Commissioner may, for reasons to be specified in writing, increase the spreadover to twelve hours, in the case of such other scheduled employment.

..4) The periods of work in the case of a child worker shall be so arranged that it shall not spreadover more than five hours in any day.

(5) The provisions of sub-rules (2) and (3) shall not apply to -

- (i) any employee engaged in work which is declared by the Commissioner to be so intermittent that the intervals during which he does not work while on duty ordinarily amount to more than the intervals of rest required under sub-rule ⁽²⁾; any employee engaged on urgent repairs and which is declared by the Commissioner to be such;

- . ;i) any employee engaged in any work which is declared by the Commissioner, which must, for technical reasons, be carried on continuously.

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

(7) The provisions of sub-rules (1), (2), (3) and (5) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.

(8) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 and the Goa, Daman and Diu Shops and Establishment Act, 1973.

Explanation. - In computing the hours of work for the purpose of sub-rule (1), the time during which an employee is at the disposal of the employer shall be included; but the period of rest provided in sub-rule (2) shall be excluded:

Provided further that in the case of employment in public motor transport, the following, and no other, periods shall be included in computing the hours of work :-

- (i) the time spent in work during the running time of the vehicle;
- (ii) the time spent in any subsidiary work; and
- (iii) the periods of mere attendance at terminals of less than 15 minutes.

26. Night shift. - Where a worker in a scheduled employment works on a shift which extends beyond midnight -

(a) a holiday for the whole day. for the purposes of rule 24 shall in his case mean a period of twenty-four consecutive hours beginning from the time when his shift ends; and

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

27. Cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day. -

(1) The following shall be cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day :-

(a) tempest, fire, rain, breakdown of machinery or stoppage of or any cut in the supply of power, epidemic, civil commotion or other cause beyond the control of the employer;

(b) where an employee works for any period not exceeding 4 hours a day;

(c) strike or stay-in-strike.

(2) In the case of interruption brought about by tempest, fire, rain, breakdown of machinery, epidemic, civil commotion or other natural causes beyond the control of the employer, the employee who has already started work for the day shall be paid wages at half the minimum rates of wages fixed for a normal working day if the interruption occurs at any time before the interval for mid-day rest. If the interruption occurs after the interval for mid-day rest he shall be paid wages for a full normal working day.

(3) If by reason of stoppage of or any cut in the supply of power, effected by the Government, an employer is prevented on any working day from giving work to his employees for a full normal working day, the employees shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting the normal working day.

(4) If an employee works for any period not exceeding 4 hours a day he shall receive wages for such day in the proportion the number of hours he worked bears to the number of hours constituting normal working day.

28. Extra wages for overtime. - (1) When a worker works in an employment for more than nine hours on any day or in any employment other than an employment in public motor transport for more than forty-eight hours in any week or for more than

the hours of work notified under sub-rule (6) of rule 25, as the case may be, he shall, in respect of overtime work, be entitled to wages -

- (i) in the case of employment in agriculture, at one and half times the ordinary rate of wages;
- (ii) in the case of any other scheduled employment, at double the ordinary rate of wages.

Explanation. - The expression 'ordinary rate of wages' means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concession sale to the person employed of foodgrains and other articles as the person employed is for the time being entitled to but does not include a bonus.

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

(3) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (63 of 1948).

29. Form of registers and records. - (1) A Register of wages shall be maintained by every employer at the workspots in Form X:

Provided that the register need not be maintained and kept in such notified form by any employer who maintains a like register under the Payment of Wages Act, 1936.

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

(3) Every employer shall get the signature or the thumb-impression of every person employed on the Register of Wages and wage slip.

(4) Entries in the Register of Wages and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

(5) A Muster Roll shall be maintained by every employer at the workspot and kept in Form XI

Provided that the Muster Roll may not be maintained by an employer who maintains a like roll under the Factories Act, 1948.

(6) Notwithstanding anything contained in this rule, the employer shall, in the case of employment in agriculture, -

(i) maintain a combined register of wages and muster roll in Form XII in lieu of the Register of Wages and muster roll referred to in sub-rules (i) and (5), respectively;

(ii) issue wage slips in Form IX to every person employed by him at least a day prior to the disbursement of wages and retain duplicate copy of the wage slip issued to the employee.

30. Preservation of registers. - A register required to be maintained under rules 22(4), 28(2) and 29(1) and the muster roll required to be maintained under rules 29(5) and 29(6) shall be preserved for a period of three years after the last entry made therein and shall be produced when so required by the Inspector.

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

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

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

32. Employers to provide cards to employees. - (1) Every employee employed in public motor transport shall at the beginning of every month be provided with a card in Form XIII and every employee

engaged in any other scheduled employment except employment in agriculture be provided with a card in Form XIV, which may be in English or in the language understood by such employee.

(2) The card shall be in the custody of such employee during the month and thereafter shall be returned to the employer who shall preserve it for a period of three years.

(3) The entries on such card shall be made each day in presence of the employee by the employer or any person authorised by him in that behalf, and the employee shall produce the card whenever required for this purpose.

(4) If the employee loses his card, the employer shall, on payment of twenty five paise, provide him within a week, with another card duly completed from his records.

(5) If the Government or any officer authorised by it in this behalf, is satisfied that the employees employed by any employer are provided with cards or other documents which give in respect of such employees the particulars required for the purposes of this rule, the Government or such officer may, by order in writing, direct that any such card or document may be provided and maintained in place of the card prescribed under this rule and the provisions of this rule shall then apply mutatis mutandis to such card or document.

33. If the Commissioner is of the opinion that any Muster Roll or register maintained as part of routine of a scheduled employment gives in respect of any or all of the employees in the schedule employment, the particulars required for the enforcement of the Act and these rules, he may, by order in writing direct that such muster roll or register shall to the corresponding extent and subject to such conditions as may specify, be maintained in place of and be treated as muster roll or register required under these rules in respect of such employee or employees in that scheduled employment.

34. Notwithstanding anything contained in these rules, where a combined (alternative) form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or the rules framed thereunder, an alter-

native suitable form in lieu of any of the forms prescribed under these rules may be used with the previous approval of the Commissioner.

35. Authority for purposes of section 22-D. - The prescribed authority for the purposes of section 22-D shall be the authority appointed under section 20(1).

CHAPTER V

Claims under the Act

36. Applications. - (1) Application under sub-section (2) of section 20 or sub-section (1) of section 21, by or on behalf of an employed person or group of employed persons shall be made in duplicate in Forms XV, XVI or XVII, as the case may be, one copy of which shall bear the prescribed court-fee.

(2) A single application under section 20, read with sub-section (1) of section 21 may be presented on behalf or in respect of a group of employed persons, if they are borne on the same establishment and their claim relates to the same wage-period or periods.

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

38. Appearance of parties. - (1) If an application under sub-section (2) of section 20 or section 21 is entertained, the Authority shall serve upon the employer }?y registered post a notice in Form XIX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

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

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

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

39. - (1) Any amount directed to be paid under section 20 may be deposited with the Authority along with a statement in Form XX.

(2) When any deposit is made under sub-rule (1), the Authority shall grant a receipt in Form XXI for the amount so deposited and this receipt shall be a sufficient discharge in respect of amount deposited with him:

Provided that the said receipt in Form XXI may be signed under the direction of the Authority and on his behalf by any officer subordinate to him, appointed by him in writing for this purpose.

(3) Any sum deposited with the Authority under sub-rule (1), or recovered under sub-section (5) of section 20 shall, on application, be paid by the Authority to the person entitled thereto.

CHAPTER VI

Scale of costs in proceedings under the Act

40. Costs. - (1) The Authority, for reasons to be recorded in writing, may direct that the cost of any proceeding before: it shall not follow the event.

(2) The costs which may be awarded shall include: (i)

expenses incurred on account of court-fees;

(ii) expenses incurred on subsistence money to witnesses; and

(iii) pleader's fees to the extent of twenty rupees provided that the Authority in any proceeding may reduce the fees to a sum not less than ten rupees or for reasons to be recorded in writing increase it to a sum not exceeding fifty rupees.

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

41. Court-fees. -The court fees payable in respect of proceedings under section 20 shall be -

(i) for every application to summon a witness - One rupee in respect of each witness;

(ii) for every application made by or on behalf of an individual - One rupee;

(iii) for every application made on behalf or in respect of a number of employees - One rupee per employee subject to a maximum of twenty rupees:

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

Provided further that no fee shall be chargeable - (a)

from persons employed in Agriculture; or

(b) in respect of an application made by an Inspector.

42. Preservation of records. - Files relating to the claims under section 20 of the Act shall be preserved for a period of five years from the date of final decision.

43. Manner of destruction of records. - After the period of retention mentioned in rule 42, the records may be destroyed either by tearing or by burning in the presence of the head of the office:

Provided that records of secret or confidential nature shall be destroyed only by burning.

The records destroyed by tearing may be sold or otherwise disposed of in such manner as the head of the office thinks fit.

CHAPTER VII

Miscellaneous

44. Saving. - Government may declare that these rules shall not apply in relation to any scheduled employment in so far as there are in force rules applicable to such employment, which, in the opinion of the Government, make equally satisfactory provisions for the matters dealt with by these rules and such opinion shall be final.

45. Nothing contained in these rules shall affect any rights or privileges which any employee in a

scheduled employment is entitled to under any other law, contract, custom or usage applicable to such employment, if such rights or privileges are more favourable to him than those which he would be entitled to under these rules.

By order and in the name of the Administrator of
Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 22nd October, 1974.

FORM I
Register of Fines
[Rule 22(4).]
... Employer ...

| sr. No. 1 | Name 2 | Father's/ /husband's name 3 | se: 4 | Depart- ment 5 | Nature and date of the offence for which fine imposed |
|--|-----------|---------------------------------------|----------------------|-----------------------------------|---|
| | | | | | |
| Whether workman showed cause against fin eor If so, enter date | not. . | Rates Date of wages amount fine | and of imposed | Date on which fine realised | Remarks |
| 7 | | 8 | 9 | 10 | 11 |

FORM II
[Rule 22(4).]

Register of deductions for absence from duty or for damage or loss caused to the employer, by the neglect or default of the employed persons

... Employer ...

| Sr. No. 1 | Name 2 | Father's/ /husband's name 3 | Sex 4 | Depart- ment 5 | from with Absence Remarks |
|--------------|---------------------------------|--|----------|---|---|
| 7 | Damage or loss caused with date | Whether showed and amount Date worker cause of deduc- deduction. against tion dm- if so, enter posed date | 9 | Number of instal- if any ments, 10 | Date on which total amount realised 11 |
| | | | | | |

FORM III
Annual Return

[Rule 22(5).]

Return for the year ending the 31st December ...

1. (a) Name of the establishment and postal address ...
(b) Name and residential address of the Owner/Contractor ...
(c) Name and residential address of the Managing Agent/Director/Partner in charge of the day-to-day affairs of the establishment owned by a company, body corporate or Association ...
2. Number of days worked during the year.
- *3. Number of Mondays worked during the year.
- i4. Average daily number of persons employed during the year.
(i) Adults (ii) Children

" . This is the aggregate number of attendance during the year.
The average daily number of persons employed during the year is obtained by dividing the aggregate number of attendances during the year by the number of working days.

5. Total wages paid in cash ...

§6. Total cash value of the wages paid in kind...

7. Deductions

| | Number of Cases | Total | |
|--|-----------------|-------|----|
| | | Rs. | P. |
| (a) Fines | | | |
| (b) Deductions for damage or loss (c) Deductions for breach of contract | | | |

Disbursement from fines:

| | Purpose | Amount | |
|-----|---------|--------|----|
| | | R.S. | P. |
| (a) | (c) | | |
| (b) | (d) | | |

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

Dated ...

Signature ...

Designation ...

§ Cash value of wages paid in kind should be obtained by taking the difference between the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given at concessional rates.

FORM IV V

| Sr. No. | Category of employees | Minimum rate of wages | Rate of wages actually paid |
|---------|-----------------------|-----------------------|-----------------------------|
| 1 | 2 | 3 | 6 |
| | | | |

FORM V Notices [Rule 23(I)]

Abstracts of the Minimum Wages Act, 1948 and the rules made thereunder

I. Whom the Act affects

1. (a) The Act applies to persons engaged on scheduled employments on 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 to reduce the minimum rates of wages fixed under the Act.

II. 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 Government;

(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 on 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 allowances 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) in all inclusive rate comprising of 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 employment, (2) different classes of 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 1,000 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 'deceive 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 employee 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 1/2 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 substitute rest day with wages. (see rule 24).

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 deductions 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 that 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 Government. It shall be utilised in accordance with the directions of the 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 Government;

(iv) deductions for house-accommodations supplied by the employer or by the Government or any authority constituted by the Government for providing housing accommodation;

(v) deductions for such amenities and service supplied by the employer as the 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 over-payment 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 subscriptions to and for re-payment 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 Government, or deductions made with the written authorisation of the person employed, for payments of any premium on his life 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;

(xii) deductions made with the written authorisation of the employed person (which may be given once generally and not necessarily everytime a deduction is made) for the purchase of securities of the Government of India or of the Government or for being deposited in any Post Office Savings Bank in furtherance of any Savings Scheme of any such Government.

Every employer shall send annually a return in Form III showing the deductions from wages so as to reach the ins-

pector not later than the 1st February following the end of the year to which it relates:

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

VI. Maintenance of Registers and Records

Every employer shall maintain at the workshop a register of 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-books 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 workshop in form prescribed.

Every employer shall keep exhibited at main entrance to the establishment and its office, notices 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 productions 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 documents and taking of evidence) as he may deem necessary for carrying out the purpose 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 Government or an officer authorised by it in this behalf has sanctioned the making of 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-limit for making such complaints is one month from the date of grant of sanction by the Inspector, in the case of offences 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)".

IX. 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 applicant and order that it be paid to the employer.

Every direction of the Authority shall be final. X.

Penalty for offences 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.

Any employer who contravenes any provision of the Act or of any rule or order made thereunder shall, if no other penalty is provided for such contravention by the Act, be punishable with fine which may extend to five hundred rupees. If the person committing any offence under the Act is 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. No such person will be liable to punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Any director, manager, secretary or other officer of the company with whose consent or connivance an offence has been committed is liable to be proceeded against and punished under the Act.

- Note: - (a) "company" means any body corporate and includes a firm or other association of individuals,
(b) "director" in relation to a firm means a partner in the firm.

FORM VI

[Rule 23(1)]

Names and Addresses of Inspectors

| Name 1 | Address 2 |
|-----------|--------------|
| | |

FORM VII
[Rule 23(2)]

Notice for exhibition on public motor vehicles

1. Name of employer ... 2.
Address ... 3. Vehicle No....

(a) Weekly rest day.

| Group of employees | Day on which weekly rest if allowed |
|--------------------|-------------------------------------|
|--------------------|-------------------------------------|

(b) Working hours of employees.

| Starting time - | Interval for rest | Stoppig time |
|-----------------|-------------------|--------------|
| | From | To |

(c) Time of payment of wages.

(1) Date of payment of wages of monthly paid employees ... (2)
Date of payment of wages of daily rated employees ...
Date ...

Signature of Employer

FORM Viii
[Rule 28(2)]

Overtime Register for Workers
Month ending 10

| Serial No. | Name | Father's/ Husband's Name | Sex | Designation and Department | Date on which overtime worked | Extent of overtime on each occasion | Total over- time worked or production in case of piece-worker | Normal hours | Normal rate | Overtime rate | Normal earnings | Overtime earnings | Total earnings | Date on which over- time pay- ment made |
|------------|------|--------------------------------|-----|----------------------------------|--|--|---|-----------------|-------------|------------------|--------------------|----------------------|-------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |

FORMIX [Rude
29(2)

Wage Slip

Name of establishment ...
Place ...

1. Name of employee with father's/husband's name.

2. Designation.

3. Wage period.

4. Rate of wages payable.

(a) Basic.

(b) D. A.

b. Total Attendance/units of work done. 6.

Overtime wages. 7. Gross wages payable.

8. Total deductions. 9. Net wages paid.

Pay-in-charge

Employee's signature/
thumb impression.

FORM X [Rule 29(1)] Register of Wages

Wage Period from ... to ... Place ...

Name of Establishment ...

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

**FORM XII [Rule
29(6)]
Register of Wages and Muster Roll of Agriculture Workers**

Name of the employer ...

Date ...

Month ...

Address...

Year ...

| Name and age of worker 1 | Operations 2 | Minimum rates of wages payable 3 | Hour 4 | Actual Wage 5 | Value of other concessions | Extent of overtime done 7 | Operation in which overtime done |
|--------------------------------|-------------------------|---|--------------------|-------------------|--|---------------------------------|--|
| 9 | gross earnings 10 | Deductions. (1) Fines (2) Absence from duty (3) Damage to, or loss of goods entrusted (4) Advances or loans (5) Others (exact amount to be deducted) 11 | Net Earnings 12 | Amount Paid 13 | signature or thumb impression 14 | Remarks 16 | |
| <i>Re. P.</i> | <i>Re. p.</i> | <i>Re. P.</i> | Rs. p | Its, P. | | | |

Note: - (1) If a worker is engaged on two or more operations on any day separate details in respect of each operation should be given under column 2-5 and 7-9 in respect of that day.

(2) Deductions in column 11 should be shown separately with reference to rule 22 (2).

FORM XIII

[Rule 32(1)]

Name of employer or establishment ...

Depot/Garage ...

Name of Employee ...

Month of ... 19 ...

| Date 1 | Report- ing time 2 | Reliev- ing time 3 | Rest intervals 4 | Overtime hours 5 | Endorsement of employer, officer or agent 6 |
|-----------|--------------------------|--------------------------|------------------------|------------------------|--|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| etc. | | | | | |

Note. - The mark 'H' shall be made in the column relating to any day on which a weekly holiday is given *and* 'A' if the employee is absent on any other days.

FORM XIV

[Rule 32(1)]

Employment...

Name of the establishment ...

Name of the employer ... Name

of the employee ... Month of ...

19...

| Date 1 | Report- ing time 2 | Reliev- ing time 3 | From intervals To 4 | Overtime hours 5 | Endor sement cement of em plo his agent |
|-----------|--------------------------|--------------------------|------------------------------|------------------------|--|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| etc. | | | | | |

Note. - < The mark 'H' shall be made in the column relating to any day on which a weekly holiday is given and 'A' if the employee is absent on any other days.

FORM XV

Form of Application by an Employee under section 20(2)

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

for ... area.

Application No.... of 19 ... (1)

... Applicant, a legal practitioner

(through... an official of ... which is a registered Trad Union)

Address ...

versus

(2) ...

Opponent(s)

(3) ...

Address ...

The applicant above-named states as follows:

(1) The applicant was/has been employed from ... to,

as ... (category) in ... (establishment) of Shri/Messrs. ... engaged in ... (nature of work) which is a scheduled employment within the meaning of section 2(g) of the Minimum Wages Act, 1948.

(2) The opponent (s) is/are the employer (s) within the meaning of section 2(e) of Minimum Wages Act, 1948.

(3) (a) The applicant has been paid wages at less than the minimum rate of wages fined for his category of employment under the Act by Ps. ... per day for the period from ... to ... ;

(b) The applicant has not been paid wages at Rs..., per day for weekly days of rest from ... to ... ;

(c) The applicant has not been paid wages at the overtime rate for the period from ... to ... ;

(4) The applicant estimates the value of relief sought by him on each account as under:

(a) its....

(b) Rs....

Total Rs. ...

(c) Rs....

(5) The applicant, therefore, prays that a direction may be issued under section 20(3) of the Act for:

(a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid;

(4) payment of remuneration for the days of rest; (c)

-payment of wages at the overtime rate; (d)

compensation amounting to Re....

(6) The applicant begs leave to amend or add to or make alterations in the application, if and when necessary, with the permission of the Authority.

(7) The applicant does solemnly declare that the facts stated in this application are true to the best of his knowledge, belief and information.

Date

Signature or thumb-impression of the employed person or legal practitioner or official of a registered Trade Union duly authorised.

FORM XVI

Form of Group Application under section 21(1)

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

Application No. ... 19

Between A. B. C. and (state the number)
a legal Practitioner

others;

Applicants;

(through which is a registered Trade Union). an official of
Address ... and X. Y. Z. ... opposite party;

Address

The applicants state as follows:

(1) The applicants whose names appear in the attached schedule were/have been employed from... to ... as ... (categories) in .. (establishment) of Shri/Messrs. .. engaged in ... (nature of work) which is/are scheduled employment(s) within the meaning of section 2(g) of the Minimum Wages Act, 1948.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(e) of the Minimum Wages Act, 1948.

(3) (a) The applicants have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act by Rs. ... per day for the period(s) from ... to

(b) the applicants have not been paid wages at the overtime rate(s) for the period from ... to... .

(c) the applicants have not been paid wages at Rs. ... per day for the weekly days of rest from ... to... .

(4) The applicants estimate the value of relief sought by them on each account as under:

(a) Rs....

(b) Rs

(c) Rs....

Total Rs....

(5) The applicants, therefore, pray that a direction may be issued under section 20(3) of the Act for ...

(a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid;

(b) payment of remuneration for the days of rest;

(c) payment of wages at the overtime rate; (d)

compensation amounting to Rs

(e) The applicants beg leave to amend or add to or make alterations in the application, if and when necessary, with the permission of the Authority.

(7) The applicants do solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

Signature or thumb-impression of
the employed persons or legal
practitioner or official of a
Registered Trade Union duly
authorised.

Date ...

FORM XVII

Form of application by an Inspector or person acting with the permission of the Authority under section 20(2)

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

Application No. ... of 19 (1)

... Applicant

Address ...

versus

(1) Opponent(s)

Address ...

The applicant above-named states as follows:

(1) The opponent (s) has/have,

(a) paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act Rs. ... per day for the period(s) from ... to ...

(b) not paid wages at Rs. ... per day for the weekly days of rest from ... to ...

(c) not paid wages at overtime rate (s) for the period from ... to ... to the following employees.

(2) The applicant estimates the value of relief sought for the employees on each account as under:

(a) Rs....

(b) Rs....

(c) Rs

(3) The applicant, therefore prays that a direction may be issued under section 20(3) of the Act for (a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid;

(b) payment of remuneration for the days of rest;

(c) payment of wages at the overtime rate;

(d) compensation amounting to Rs.....

(4) The applicant begs leave to amend or add to or make alterations in the application if and when necessary, with the permission of the Authority.

(5) The applicant does solemnly declare that the facts stated in his application are true to the best of his knowledge, belief and information.

Date: -

Signature ..

FORM XVIII

Form of Authority in favour of a Legal Practitioner or any Official of a Registered Trade Union referred to in

section 20(2)

In the Court of Authority appointed under the Minimum Wages Act, 1948, for ... area.
Application No.... of 19... .

(1) ..

(2) ..

Applicant(s)

(3) ...

Versus

(1) ...

(2) ...

Opponent(s)

(3) ...

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

Date ...

Signature or thumb impression of
the employee

FORM XIX

Form of Summons to the Opponent to appear before the Authority when an application under sub-section (2) of section 26 or under section 21 is entertained
(Title of the application)

To

(Name, description and place of residence)

Whereas ... has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person, able to answer all such questions on the ... day of ... 19... at ... o'clock in the ... noon, to answer the claim; and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses, upon whose evidence and all the documents upon which you intend to rely in support of your defence.

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

Date ...

Signature

FORM XX
Form of Deposit
[Rule 39(I)]

The sum of Rs.... (Rupees ...) is hereby presented for deposit in accordance with the direction issued on ... (date) in the matter of an application No. ... of 19 ... filed by ... (applicant) against ... (opposite party).

Date ...

Signature of the depositor.

FORM XXI
Receipt
[Rule 39(2)]

Name of depositor ...

Name of payee ...

No. of application ... of 19...

Name of applicant ...

Name of Opposite Party ...

Date of direction_

Amount deposited ... Rupees ... Date
of Deposit

Authority,
Minimum Wages Act,
Government of Goa, Daman
and Diu.

Notification

1/313/73-LAB/1269

In exercise of the powers conferred by Section 27 of the Minimum Wages Act, 1948 (11 of 1948), the Administrator of Goa, Daman and Diu hereby, after having given three months' notice of its intention so to do, as required by the said Section, adds the following Employments to part I of the Schedule to the said Act, namely:

"Additional list of employments for the Union Territory of Goa, Daman and Diu.

(i) Employment in any residential hotel, restaurant or eating house.

(ii) Employment in any shop or commercial establishment other than a residential hotel, restaurant or eating house.

(iii) Employment in any Industry in which any process of printing by letter press, lithography, photogravure or other similar work or work incidental to such process -or book-binding is carried on.

(iv) Employment in caju factories and establishments.

(v) Employment in Motor Transport undertakings.

(vi) Employment in Cinema Exhibition Industry.

(vii) Employment in Automobile Repairing Workshops and Garages.

(viii) Employment in Saw Mills.

(ix) Employment in processing and canning of foodstuffs including fish and beverages.

(x) Employment in Breweries and Distilleries.

(xi) Employment in any brick and tiles manufactory".

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 28th February, 1975.