

Uttar Pradesh Shasan
Shram Anubhag-3

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. 1505 /XXXVI-3-2020-103(Sa)/2020, dated : 25 February, 2021.

Notification

No. 1505 /XXXVI-3-2020-103(Sa)/2020

Lucknow, Dated : 25 February, 2021

The following draft rules which the Governor proposes to make in exercise of the powers under sub-section (1) of section 67 of the Code on Wages, 2019 (Act no. 29 of 2019) are hereby published for the information of all concerned and with a view to invite objections and suggestions in respect thereof;

All objections and suggestions with respect to the said rules shall be sent in duplicate addressed to Apar Mukhya Sachiv, Shram Anubhag-3, Uttar Pradesh Shasan, Babu Bhawan, Lucknow-226001/ Labour Commissioner, Office G.T. Road Kanpur. Only those objections and suggestions which are received within forty-five days from the date of publication of this notification shall be taken into consideration.

DRAFT RULES

Uttar Pradesh Code on Wages Rules, 2021

Chapter I

Introductory

Short title, extent and commencement

1. (1) These rules may be called the Uttar Pradesh Code on Wages Rules, 2021.

(2) They shall extend to the whole of Uttar Pradesh.

(3) They shall come into force from the date of their publication in the Gazette.

Definitions

2. (1) In these rules, unless the subject or context otherwise requires,

(a) “**authority**” means the authority appointed by the State Government under sub-section (1) of section 45;

(b) “**appellate authority**” means the appellate authority appointed by the State Government under sub-section (1) of section 49;

- (c) **“appeal”** means an appeal preferred under sub-section (1) of section 49;
- (d) **“Board”** means the State Advisory Board constituted by the State Government under sub-section (4) of section 42;
- (e) **“Chairperson”** means the chairperson of the Board;
- (f) **“Code”** means the Code on Wages, 2019 (Act no. 29 of 2019);
- (g) **“committee”** means a committee appointed by the State Government under clause (a) of sub-section (1) of section 8;
- (h) **“day”** means a period of 24 hours beginning at mid-night;
- (i) **“Form”** means a form appended to these rules;
- (j) **“highly skilled occupation”** means an occupation which calls in its performance a specific level of perfection and required competence acquired through intensive technical or professional training or practical occupational experience for a considerable period and also requires of an employee to assume full responsibility for his judgment or decision involved in the execution of such occupation;
- (k) **“Inspector-cum-Facilitator”** means a person appointed by the State Government, by notification under sub-section (1) of section 51;
- (l) **“member”** means a member of the Board and includes its Chairperson;
- (m) **“metropolitan area”** means a compact area having a population of forty lakhs or more comprised in one or more districts;
- (n) **“non-metropolitan area”** means a compact area having a population of more than ten lakhs but less than forty lakhs, comprised in one or more districts;
- (o) **“population”** means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (p) **“registered trade union”** means a trade union registered under The Trade Unions Act, 1926 (Act no. 16 of 1926) or Industrial Relations Code, 2020 (Act no. 35 of 2020);
- (q) **“rural area”** means the area which is not the metropolitan area or non-metropolitan area;
- (r) **“Schedule”** means the Schedule appended to these rules;
- (s) **“section”** means a section of the Code;
- (t) **“semi-skilled occupation”** means an occupation which in

its performance requires the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;

(u) “**skilled occupation**” means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgment;

(v) “**unskilled occupation**” means an occupation which in its performance requires the application of simply the operating experience and involves no further skills;

(2) All other words and expressions used herein in these rules and not defined shall have the meanings respectively assigned to them under the Code.

CHAPTER II MINIMUM WAGES

Manner of calculating the minimum rate of wages

3. (1) For the purposes of sub-section (5) of section 6, the minimum rate of wages shall be fixed on the day basis keeping in view the following criteria, namely:-

(a) the standard working class family which includes a spouse and two children apart from the earning worker; an equivalent of three adult consumption units

(b) a net intake of 2700 calories per day per consumption unit;

(c) 66 meters cloth per year per standard working class family;

(d) housing rent expenditure to constitute 10 per cent of food and clothing expenditure;

(e) fuel, electricity and other miscellaneous items of expenditure to constitute 20 percent of minimum wage;

(f) expenditure for children education, medical requirement, recreation and expenditure on contingencies to constitute 25 percent of minimum wage;

(2) When the rate of wages for a day is fixed, then, such amount shall be divided by six for fixing the rate of wages for an hour and multiplied by twenty six for fixing the rate of wages for a month and in such division and multiplication the factors of one-half and more than one-half shall be rounded as next figure and the factors less than one-half shall be ignored.

The arduousness of work to be taken into account in addition to minimum rate of wages for certain category of workers under clause (b) of sub-section (6) of section 6
Technical Committee for the purpose of section 8

4. While fixing or revising the wage payable to workers under this Code, engaged in the work of arduous nature performed by the worker like temperature or humidity normally difficult to bear, hazardous occupations or processes or underground work, the State government may constitute an expert committee as it deems necessary.

5. (1) The State Government shall constitute a technical committee for the purpose of advising the State Government in respect of skill categorization, which shall consist of the following members, namely:-

(i) State Labour Commissioner - Chairperson;

(ii) Additional Labour Commissioner as nominated by State Labour Commissioner - Member;

(iii) A representative from the Department of Micro, Small and Medium Enterprises, Government of Uttar Pradesh - Member;

(iv) Director of Training and Employment, Government of Uttar Pradesh - Member;

(v) Two technical experts in wage determination as nominated by the State Labour Commissioner -Members; and

(vi) The Deputy Labour Commissioner nominated by State Labour Commissioner - Member Secretary.

(2) The technical committee referred in sub-rule (1) shall, while advising the State Government, take into account, to the possible extent, the State classification of occupation or state skills qualification framework or other similar framework for the time being formulated to identify occupations.

Number of hours of work which shall constitute a normal working day

6. (1) The normal working day under clause (a) of sub-section (1) of section 13 shall be comprised of eight hours of work and one or more intervals of rest which in total shall not exceed one hour.

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

(3) The provisions of sub-rules (1) and (2) shall, in the case of an employee employed in agricultural employment, be subject to such modifications as may, from time to time, be determined by the State Government.

(4) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (Act no. 63 of 1948)/Occupational Safety Health and Service Conditions Code, 2020 (Act no. 37 of 2020) and Uttar Pradesh Shops and Commercial Establishments Act, 1962 (Act no. 26 of 1962).

(5) Notwithstanding anything contained in this rule if a employee is unable to work for any reason which can not be attributed to the role and responsibility of the employer, the employee shall not be entitled for full wages for the normal working day and his wages shall be calculated according to number of hours the employee actually worked in that day :

Provided that in case of any dispute between employer and employee regarding the matter aforesaid, such dispute shall be decided by the authority notified by the State Government.

Weekly day of rest

7. (1) Subject to the provisions of this rule, an employee shall be allowed a day of rest every week (hereinafter referred to as “the rest day”) which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees:

Provided that an employee shall be entitled for the rest day under this sub-rule if he has worked 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 at least fourty eight hours before the change is effected, by notice electronically or manually and display of a notice to that effect on the notice board as designated by the employer.

Explanation.- For the purpose of computation of the continuous period, any day on which an employee is required to work but is given only an allowance for attendance and is not provided with work, a day on which an employee is laid off on payment of compensation under the Industrial Relations Code, 2020 (Act no. 35 of 2020),and 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 on the rest day unless he has or will have a substituted rest day for a whole day on one of the five days immediately before or after the restday :

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 five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which

the substituted rest day occurs.

(4) An employee shall be granted-

(a) for rest day wages calculated at the rate applicable to the next preceding day; and

(b) where he works on the rest day and has been given a substituted rest day,

then, 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-

(i) the minimum rate of wages of the employee as notified under the Code has been worked out by dividing the minimum monthly rate of wages by twenty- six; or

(ii) 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, then, no wages for the rest day shall be payable; and

(iii) the employee works on the rest day and has been given a substituted rest day, then, 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 in accordance with the provisions of this proviso, the State Labour Commissioner or the Additional/Deputy Labour Commissioner having territorial jurisdiction may, on application made to him in this behalf, decide the same, after giving an opportunity of hearing to the parties concerned :

Provided further that in case of an employee governed by a piece-rate system, the wages for the rest day, or the substituted rest day, as the case may be, shall be such as the State Government may, from time to time determine having regard to the minimum rate of wages fixed under the Code, in respect of the 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 favorable 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 more favorable terms aforesaid.

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

Night shifts

8. Where an employee in an employment works on a shift which extends beyond midnight, then,

(a) a rest day for the whole day for the purposes of rule 7 shall, in this case means a period of twenty-four consecutive hours beginning from the time when his shift ends;

(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 employee was engaged in work shall be counted towards the previous day.

The extent and conditions for the purposes of sub-section (2) of section 13

9. In case of employees-

(a) engaged in any emergency which could not have been foreseen or prevented;

(b) engaged in work of the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;

(c) whose employment is essentially intermittent;

(d) engaged in any work which for technical reasons has to be completed before the duty is over;

(e) engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces;

the provisions of rules 6, 7 and 8 shall apply subject to the condition that –

(i) the spread over of the hours of work of the employee shall not exceed 16 hours in any day;

(ii) the actual hours of work excluding the intervals of rest and the periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

Longer wage period

10. For the purpose of wages, the wage period shall not be more than a month.

CHAPTER III

PAYMENT OF WAGES

Recovery of wages under sub-section (4) of section 18

11. Where the total deductions authorized under sub-section (2) of section 18 exceeds fifty percent of the wages of an employee, the excess shall be carried forward and recovered from the wages of succeeding wage period or wage periods, as the case may be, in such installments so that the recovery in any month shall not exceed the fifty percent of the wages of the employee in that month.

The authority under sub-section (1) of section 19

12. The Regional Additional/Deputy Labour Commissioner having jurisdiction over the place of work of the employee concerned shall be the Authority for the purposes of sub-section (1) of section 19.

The manner of exhibiting notice under sub-section (2) of section 19

13. A notice referred to in sub-section (2) of section 19 shall be displayed at the conspicuous places in the premises of the workplace in which the employment is carried on, so that every concerned employee would be able to easily read the contents of the notice and a copy of the notice shall be sent to the Inspector-cum-Facilitator having jurisdiction, manually or electronically.

The procedure under sub-section (3) of section 19

14. The employer shall apply in writing specifying therein the detailed particulars for obtaining the approval of the imposition of fine to the Regional Additional/Deputy Labour Commissioner referred to in rule 14 who shall, before granting or refusing to grant the approval, give opportunity of being heard to the employee and the employer concerned.

Intimation of deduction.-

15. (1) Where an employer desires to make deduction under *proviso* to sub-section (2) of section 20, the employer shall issue show cause notice to the employees concerned and intimate to Inspector-cum-Facilitator having jurisdiction, manually or electronically :

Provided that in case of any dispute in this regarding, the matter shall be referred by employer or employees concerned to The Regional Additional/Deputy Labour Commissioner who shall decide there matter after hearing the employer and employees concerned and his decision shall be final.

(2) Where an employer makes deduction in accordance with provision of *proviso* to sub-section (2) of section 20, he shall intimate such deduction and reasons thereof within ten days from the date of deduction to Inspector-cum-Facilitator having jurisdiction.

(3) The Inspector-cum-Facilitator shall, after receiving intimation under sub-rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the rules made thereunder, he

Procedure for deduction under sub-section (2) of section 21

shall initiate appropriate action under the Code against the employer.

16. Any employer desiring to make deduction for damages or loss under sub-section (1) of section 21 from the wages of an employee:-

- (i) shall issue a show cause notice in writing to employee personally explaining the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how such damages or loss is directly attributable to the neglect or default of the employee; and
- (ii) after providing reasonable opportunity of hearing to the employee concerned, any order making deduction under the aforesaid sub-section shall be communicated to the employee concerned at least seven days before making such deduction.

Conditions regarding recovery of advance under section 23

17. The recovery, as the case may be of :-

- (i) advances of money given to an employee after the employment begins under clause (b) of section 23; or
- (ii) advances of wages to an employee not already earned under clause (c) of section 23, shall be made by the employer from the wages of the concerned employee in installments determined by the employer.

Deduction under section 24

18. Deductions for recovery of loans granted for house building or other purposes approved by the Central or State Government, and the interest due in respect thereof shall be, subject to any direction made or circular issued by the Central or State Government from time to time regulating the extent to which such loans may be granted and the rate of interest shall be payable thereon.

CHAPTER IV STATE ADVISORY BOARD

Constitution of State Advisory Board, its committees and sub-committees

19. (1) The Board shall consist of five representatives of employers and five representatives of employees as specified in clause (a) and clause (b) of sub-section (6) of section 42.

(2) The independent persons specified in clause (b) of sub-section (6) of section 42 to be nominated by the State Government shall consist of the following :-

- (a) Chairperson;
- (b) Two members of State Legislature; and
- (c) Two members having expertise on wages and labour related matters.

Term of office of members of the Board and committees and sub committees constituted by the State Advisory Board

(3) The State Advisory Board may constitute one or more committees or sub-committees in accordance with sub-section (6) of section 42.

(3) The Labour Commissioner, Uttar Pradesh shall be co-ordinator of the State Advisory Board.

20. (1) The term of office of the Chairperson or a member, as the case may be, shall be normally three years commencing from the date of his appointment or nomination, as the case may be, under sub-section (6) of Section 42:

Provided that such Chairperson or a member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is appointed or nominated, as the case may be.

(2) An independent 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 till they are replaced by respective such other official members.

(4) Not with standing anything contained in sub-rules (1), (2), and (3), the members of the Board shall hold office during the pleasure of the State Government

Disposal of business of the State Advisory Board, Committees and Sub Committees constituted by State Advisory Board

21. All business of the State Advisory Board, Committees and Sub Committees appointed by State Advisory Board shall be considered at a meeting of the State Advisory Board, Committees and Sub Committees appointed by State Advisory Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

Provided that the Chairperson 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 two-thirds majority of the members.

Method of voting

22. Voting in the State Advisory Board, Committees and Sub Committees appointed by State Advisory Board shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairperson so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairperson may decide.

Proceedings of the meetings

23. (1) The proceedings of each meeting of the State Advisory Board, Committees and Sub Committees appointed by State Advisory Board showing inter alia the names of the members present thereat shall be forwarded to each member

and to the State Government as soon after the meeting as possible, and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting of the State Advisory Board, Committees and Sub Committees appointed by State Advisory Board shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

Summoning of witnesses and production of documents

24. (1) The Chairperson may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document.

(2) Every person who is summoned and appears as a witness before 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 before a civil court.

Travelling allowance

25. The Chairman and non official member of the State Advisory Board, Committees and Sub Committees, shall be entitled to draw travelling, daily and halting allowance for any journey performed by him in connection with his duties at the rates and subject to the conditions applicable to a Group A officer of the State Government.

Officers and Staff

26. The State Government may appoint a Secretary to the Board or committees not below the rank of Deputy Labour Commissioner, Government of Uttar Pradesh, and other officers and staff to the Board and Committees, as it may think necessary for the functioning of the Board.

Resignation of the Chairperson and other members of the Board, Committees and Sub-Committees

27. (1) A member of the Board, other than the Chairperson, Committees and Sub-committees may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by a letter addressed to the State 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 Board, the Chairperson shall submit a report to the State Government immediately and the State Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.

Cessation of membership

28. If a member of the Board, committees and sub-committees fails to attend three consecutive meetings, without prior intimation to the Chairperson, he shall, cease to be a member thereof.

Disqualification

29. (1) A person shall be disqualified for being nominated as, and for being a member of the State Advisory Board,—

(i) if he is declared to be of unsound mind by a competent

court; or

(ii) if he is an un-discharged insolvent; or

(iii) if before or after the commencement of the Code, he has been convicted of an offence involving moral turpitude.

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

Quorum

30. No business shall be transacted in a meeting if at least one third members and at least one member each from employers and employees are present in a meeting :

Provided that if any meeting less than one third members are present the chairman may adjourn such a meeting for maximum seven days and in the adjourn it shall be lawful to transact the business even if the members attending the meeting for short of the Quorum.

CHAPTER V

PAYMENT OF DUES, CLAIMS, etc.

Payment under clause (a) of sub-section (1) of section 44

31. Where any amount payable to an employee under the Code is due after his death or on account of his whereabouts not being known, and the amount could not be paid to the nominee of the employee until the expiry of three months from the date the amount had become payable, then, such amount shall be deposited by the employer with the Regional Additional/Deputy Labour Commissioner, Government of Uttar Pradesh having jurisdiction, through Demand Draft or electronic transfer who shall disburse the amount to the person nominated by the employee after ascertaining his identity within two months of the date on which the amount was so deposited with him.

Deposit of the undisbursed dues under clause (b) of sub-section (1) of section 44

32. Where any amount payable to an employee under this Code is due after his death or on account of his whereabouts not being known, remains undisbursed because either no nomination has been made by such employee or for any other reason, such amounts could not be paid to the nominee of employee until the expiry of six months from the date the amount had become payable, all such amounts shall be deposited by the employer with the Regional Additional/Deputy Labour Commissioner, Government of Uttar Pradesh having jurisdiction through Demand Draft or electronic transfer before the expiry of the fifteenth day after the last day of the said period of six months.

Manner of dealing with the undisbursed dues under clause (b) of sub-section (1) of section 44

33. (1) The amount referred to in rules 29 and 30 (hereinafter in this rule referred to as the amount) deposited with the Regional Additional/Deputy Labour Commissioner, Government of Uttar Pradesh having jurisdiction shall remain with him and be invested in the Central or State Government Securities or deposited as a fixed deposit in a scheduled bank.

(2) The Regional Additional/Deputy Labour Commissioner, Government of Uttar Pradesh having jurisdiction will exhibit, as soon as maybe possible, a notice containing such particulars regarding the amount as the Regional Additional/Deputy Labour Commissioner, Government of Uttar Pradesh considers sufficient for information at least for fifteen days on the notice board.

(3) Subject to the provision of sub-rule (4), the Regional Additional/Deputy Labour Commissioner, Government of Uttar Pradesh having jurisdiction shall release the amount to the nominee or to that person who has claimed such amount, as the case may be, in whose favour such Regional Additional/Deputy Labour Commissioner has decided, after giving the opportunity of being heard, the amount to be paid.

(4) If the undisbursed amount remains unclaimed for a period of seven years, the same shall be dealt with in the manner as directed by the Central or State Government from time to time in this behalf.

CHAPTER VI FORMS, REGISTERS AND WAGE SLIP

The form of a single application

34. A single application, may be filed under sub-section (5) of section 45 in Form-II along with documents specified in such Form.

Appeal

35. Any person aggrieved by an order passed by the authority under sub-section (2) of section 45 may prefer an appeal under sub-section (1) of section 49 in Form-III, along with documents mentioned by the appellant in such Form, to the appellate authority having jurisdiction.

Form of register, etc

36. (1) All deductions, fines, recoveries and realizations thereof referred to in sub-section (8) of section 19, sub-section (3) of section 21 and section 23 shall be recorded in the register maintained in such form as may specified by State Government by general or special order to be kept by the employer electronically or otherwise and the authority referred to in said sub-section (8) of section 19 shall be Labour Commissioner, Uttar Pradesh.

(2) Every employer of an establishment to which the Code

applies shall maintain registers under sub-section (1) of section 50 in such form as may specified by State Government by general or special order.

Wage slip

37. Every employer shall issue wage slips, electronically or otherwise to the employees in such form as may specified by State Government by general or special order on or before payment of wages.

The manner of composition under sub-section (1) of section 56

38. (1) If the officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 56 (hereinafter referred to as the compounding officer), is of the opinion that the offence under the Code is compoundable the he shall send a notice manually or electronically **to employer in Form III.**

(2) An accused person desirous of making composition of offence under sub-section (1) of section 56 may make an application in Form IV

, personally or electronically or otherwise to the Compounding Officer under said sub-section (1).

(3) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and if the prosecution has not been instituted against the accused, no complaint for prosecution shall be instituted against the accused.

(4) If the offence is compounded after the institution of prosecution, the compounding officer shall inform the authority appointed under sub-section (1) of Section 53 or the competent Court in which the prosecution is pending and after receiving such intimation, the officer or Court shall discharge the accused and close the prosecution.

(5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

CHAPTER VII MISCELLANEOUS

Timely Payment of Wages

39. Where the employees are employed in an establishment through contractor, then, the company or firm or association or any other person who is the proprietor of the establishment shall pay to the contractor the amount payable to him or it, as the case may be, before the date of payment of wages so that payment of wages to the employees shall be made positively in accordance with the provisions of section 17.

Explanation.-For the purpose of this rule, the expression

“firm” shall have the meaning as assigned to it in the Indian Partnership Act, 1932 (Act no. 9 of 1932).

**Responsibility for
payment of minimum
bonus**

40. Where in an establishment, the employees are employed through contractor and the contractor fails to pay minimum bonus to them under section 26, then, the company or firm or association or other person as referred to in the proviso to section 43 shall, on the written information of such failure, given by the employees of any registered trade union or unions of which the employees are members and on confirming such failure, pay such minimum bonus to the employees.

Inspection scheme

41. (1) For the purposes of the Code and these rules, there shall be formulated an inspection scheme by the Labour Commissioner, Uttar Pradesh with the approval of the State Government.

(2) Each Inspection shall be made strictly in accordance with the inspection scheme.

By Order,

(Suresh Chandra)
Additional Chief Secretary.

Form- I

[SINGLE APPLICATION UNDER SUB-SECTION (5) OF SECTION 45]
BEFORE THE AUTHORITY APPOINTED UNDER SUB-SECTION (1) OF SECTION 45 OF THE
CODE ON WAGES,2019 (29 of 2019)

FOR..... AREA.....

Application No.....of 20.....

Between ABC and (State the number).....other..... Applicant
(Through employees concerned or registered trade union or Inspector-cum-Facilitator)
Address.....

And

XYZ.....

Address.....

The application states as follows:

- (1) The applicant(s) whose name(s) appear in the attached schedule was/were/has/have been employed from to as (cateogary) in(establishment). Shri/M/s..... engaged in(nature of work) which is/are covered by the Code on Wages, 2019.
(2) The opponent(s) is/are the employer(s) within the meaning of section 2(1) of the Code of Wages, 2019.
(3) (a) The applicant(s) has/have been paid wages at less than the minimum rates of wages fixed for their cateogary(cateogaries)of employment(s) under the Code by Rs..... per day for the period(s) from To
(b) The applicant(s) has/have not been paid wages at Rs..... per day for the weekly days of rest from to
(c) The applicant(s) has/have not been paid wages at overtime rate(s) for the period from to
(d) The applicant(s) has/have not been paid wages from period(s) from To
(e) Deductions have been made which are in contravention of the Code, from the wage(s) of the applicants(s) as per details specified in the annexure appended with this application.
(f) The applicants(s) has/have not been paid minimum bonus for the accounting year.....
(4) The applicant(s) estimate(s) the value of relief sought by him/them on each amount as under:
(a) Rs.....
(b) Rs.....
(c) Rs.....
Total Rs.....
(4) The applicant(s), therefore, pray (s) that a direction may be issued under section 45(2) of the Code of Wages,2019 for ;
(a) Payment of the difference between the wages payable under the Code of Wages actually paid,
(b) Payment of remuneration for the daysof rest.
(c) Payment of wages at the overtime rates,
(d) Compensation amounting Rs.....
(5) The applicant(s) do hereby solemnly declare(s) that the facts stated in this application are true to the best of his/their knowledge, belief and information.

Dated

Signature or thumb impression of the employed
Person(s), or official of a registered trade union
Duly authorized or Inspector-cum-Facilitator.

Note: The applicant(s), if required may append annexures containing details, with this application.

Form II

(See rule 50)

Appeal under section 49(1) of the Code on Wages, 2019

Before the Appellate Authority under the code on wages, 2019

A.B.C

Address.....Appellant.

Vs

C.D.E.

Address.....Respondent.

DETAILS OF APPEAL:

- 1- Particulars of the order against which the appeal is made:
 - Number and Date:
 - The authority who has passed the impugned order:
 - Amount awarded:
 - Compensation awarded, if any:
- 2- Facts of the case:

(give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact)
- 3- Grounds for Appeal:
- 4- Matters not previously filed or pending with any other Court or any appellate Authority:

The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respect of which this appeal has been made, before any Court or any other Authority or Appellate Authority nor any such appeal, writ petition or suit is pending before any of them.
- 5- Reliefs sought:

In view of the facts mentioned above the appellant prays for the following relief(s):-
[Specify below the relief(s) sought]
- 6- List of enclosures
 - 1-
 - 2-
 - 3-
 - 4-
 -

Date:

Signature of the applicant

Place:

For office use

Date of filing

Or

Date of receipt by post

Registration No.

Authorized Signatory

Form III

[See rule-54]

APPLICATION UNDER SUB-SECTION(4) OF SECTION 56 FOR COMPOSITION OF OFFENCE

- 1- Name of applicant :
- 2- Father's name/Spouse name :
- 3- Address of the applicant :
- 4- Particulars of the Offence
.....
.....
.....
- 5- Section of the Code under which offence is committed
- 6- Maximum fine provided for the offence under the code.....
- 7- Whether prosecution against the applicant is pending or not
- 8- Whether the offence is first offence or the applicant had committed any other prior to the offence. If yes the full details of the prior offence.
.....
.....
.....
- 9- Any other information which applicant desires to provide.
.....
.....
.....

Dated:

Applicant
(Name and Signature)

Form IV

[See rule-54]

APPLICATION UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOSITION OF OFFENCE

To,

.....
.....
.....

Kindly refer to your notice no. dated I/we hereby applying for composition of Offence and I have deposited Rs...../- as the amount of Composition by depositing through Treasury Challan or electronically through the portal of Labour Commissioner on/...../..... (dd/mm/year).

So please accept my application and close the proceeding under the Code.

Dated:

Enclosure: The Treasury Challan/Payment receipt of electronic Payment.

(Signature)

Name of the Applicant

- (1) Name of the establishment:.....
- (2) Address of Establishment :.....