



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. XXII Aizawl, Monday, 1.2.1993 Magha 12, S.E. 1914 Issue No. 9

NOTIFICATION

No. H. 11021/2/90-L&E, the 29th January 1993. Governor of Mizoram is pleased to notify and publish the following three Labour Rules for use throughout Mizoram with immediate effect.

1. The Mizoram Minimum Wages Rules 1992.
2. The Mizoram Payment of Wages Rules 1992.
3. The Mizoram Trade Union Regulation 1992.

Denghnuna,
Secretary to the Govt. of Mizoram,
Labour & Employment Department.

THE MIZORAM MINIMUM WAGES RULES 1992

In exercise of the powers conferred under section 30 of the Minimum Wages Act, 1948, the State Government of Mizoram hereby make the following rules, namely :—

CHAPTER—I PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

- (1) These rules may be called the Mizoram Minimum Wages Rules, 1991.
- (2) They shall extend to the whole of the State of Mizoram.
- (3) They shall come into force on such date as the Government may, by notification in official gazette, appoint.

2. DEFINITIONS :

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 of the Act ;
- (c) 'Board' means the Advisory Board appointed under section 7 of the Act;
- (d) 'Chairman' means the Chairman of the Advisory Board or the Committee as the case may be appointed under section 9 of the Act;
- (e) 'Committee' means a Committee under clause (a) of sub-section (1) of section 5 of the Act and includes a sub-committee appointed under that section;
- (f) 'day' means a period of twenty-four hours beginning at midnight;
- (g) 'Form' means a Form appended to these rules;
- (h) 'Inspector' means a person appointed as Inspector under section 19 of the Act;
- (i) 'registered trade Union' means a trade union registered under the Indian Trade Union Act, 1926;
- (j) 'section' means a section of the Act; and
- (k) all other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

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 BOARD :

The term of office of the members of the Committee or an Advisory Board shall be such as in the opinion of the State Government as may be necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of the constitution of the Committee or Advisory Board 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 BOARDS :

(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 members shall, not withstanding 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 whose place he is nominated.

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

5. NOMINATION OF SUBSTITUTE MEMBERS:

If a member is unable to attend a meeting of the Committee of the Board, the State Government or the body which nominated him may by notice in writing sign 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 ALLOWANCES:

A non-official member of the Committee or the Advisory 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 rate and subject to the conditions applicable to Government servant of the first grade under the appropriate rules of the State Government.

7. STAFF:

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

(2) (a)E The Secretary to the Committee under sub-rule (1) shall be the Chief executive Officer of the Committee, or the Advisory Board, as the case may be. He may attend the meetings of such Committee, or Advisory Board but shall not be entitled to vote at such meetings.

8. ELIGIBILITY FOR RE-NOMINATION OF THE MEMBERS OF THE COMMITTEE AND ADVISORY BOARD:

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

9. RESIGNATION OF THE CHAIRMAN AND MEMBERS OF THE COMMITTEE OR THE BOARD AND FILLING 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 State Government.

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

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

10. CESSATION AND RESTORATION OF MEMBERSHIP:

(1) If a member of the Committee, or of the Advisory 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 thereof within thirty days from the receipt of such letter. The application on restoration of membership, if received within the said period, shall be placed before the committee, the Advisory 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 from being nominated as and from being a member of the Committee or Advisory Board, as the case may be -

(a) if he is declared to be unsound mind by a competent court; or

(b) if he is undischarged insolvent; or

(c) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude

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

12. MEETINGS :

The Chairman may subject to the provision of rule 13, call a meeting of the Committee or Advisory 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 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 over the meetings of the committee, or the Advisory Board, as the case may be.

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

15. QUORUM :

No business shall be transacted at any meeting unless at least one third of members and at least one representative each of both the employers and the employees are present ;

Provided that, if at any meetings less than one-third of the members are present or not even one representative each of both the employers and the employees is 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 there upon be lawful to dispose of the business at such adjourned meeting irrespective of the number or class of members present ;

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

16. DISPOSAL OF BUSINESS :

All business shall be considered at a meeting of the Committee, or the Advisory 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 proceeding provision 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 MEETING :

(1) The proceedings of each meeting showing interalia, the names of the members present there at 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 shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

CHAPTER — III

SUMMONING OF WITNESSES BY THE COMMITTEE ADVISORY BOARD AND PRODUCTION OF DOCUMENTS :

19. SUMMONING OF WITNESS AND PRODUCTION OF DOCUMENT :

(1) A Committee or an Advisory Board may summon any person to appear as a witness to appear before it on a date specified therein and to produce any books, papers and other documents and thing in his possession or under his control relating in any matter to the enquiry.

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

(3) A summon under this rule may be served :

(a) in the case of an employer's organisation, or

(b) in the case of 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 (Central Act 5 of 1908), relating to the summoning and enforcement of the appearance of witness and the production of documents shall, so far as may be, apply to proceedings before a committee or Advisory Board.

(1) 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 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 prosecution under section 193 of the Indian Penal Code, 1860 (45 of 1860).

20. EXPENSES OF WITNESSES :

Every person who is summoned and appears as witness before the Committee, or the Advisory 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 witness appearing in Civil Courts in the State.

CHAPTER IV

COMPUTATION OF PAYMENT OF WAGES, HOUR OF WORK AND HOLIDAYS :

21. MODE OF COMPUTATION OF THE CASH VALUE OF WAGES :

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 State Government from time to time.

22. TIME AND CONDITIONS OF PAYMENT OF WAGES AND THE DEDUCTIONS PERMISSIBLE FROM WAGES :

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

(b) 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 employment is terminated.

(c) 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 :

(1) Every payment made by the employer to the employed persons or his agent shall, for the purpose of these rules be deemed to be a deduction from wages.

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

(a) fines in respect of such act and omission on the part of the employed persons as may be specified by the State Government by general or special order in this behalf;

(b) deductions for absence from duty;

(c) deduction for damage to or loss of goods expressly entrusted to the employed persons for custody, or for loss of money such damage or loss is directly attributable to his neglect or default;

(d) deduction for house accommodation supplied by the employer;

(e) deduction for such amenities and services supplied by the employer as the State Government may, by general or special order, authorise;

EXPLANATION:

The words Amenities and services in this clause do not include supply of tools and protectives required for the purpose of employment;

(f) deduction 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 be monthly instalment of deduction exceed one fourth of the wages earned in that month;

(g) deduction of income-tax payable by the employed person;

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

(i) deduction for subscriptions to, and for repayment of advances from any provident fund to which the Provident Funds Act, 1925 (19 of 1925), applied or any recognised provident fund as defined in sub-section (38) of section 2 the Indian Income Tax Act, 1961 (43 of 1961), or any provident fund approved in this behalf by the the State Government during the continuance of such approval;

(j) deduction for payment to co-operative societies or deductions for recovery of loans advanced by and employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the State Government or deductions made with the written authorisation of the person employed for repayment 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);

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

(l) deduction made with the written authorisation of the employed persons (which may be given once generally and not necessarily every time a deduction is made), for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of such Government;

(m) deductions made with written authorisation of -

(i) the employed person; or

(ii) 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 Schemes approved by the State Government;

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

(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 amount of the said fine or deduction shall be intimated to him.

(4) The amount of fine or deduction for damage or loss mentioned in sub-rule (3) shall be subject to such limits as may be specified in this behalf by the State Government. All such fines imposed and deductions made shall be recorded in the registers maintained in Form I and Form 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 registers 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 Inspector not later than the first day February of the following year to which it relates.

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

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

23. PUBLICITY TO THE MINIMUM WAGES FIXED UNDER THE ACT.

Notice in Form XI containing the Minimum rates of wages fixed together with extracts of the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English in a language understood by the majority of the worker in the Employment at the main entrance to the establishment and at its office and shall be maintained in a clean and eligible condition. Such notices shall also be displayed on the notice boards of all Sub-Divisional and District Offices.

24. WEEKLY DAYS OF REST:

(1) Subject to the provision 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 days of rest every week (hereinafter referred to as the 'rest day') which shall ordinarily but the employer may fix any other day of the week as the rest day for any employee or class of employee in that Scheduled employment:

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

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 affected by display of a notice of 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 provision 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.

(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 five days immediately before or after the rest day :

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

(3) Where in accordance with 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. Any employee shall be granted for the rest day wages calculated at the rate applicable to the next proceeding day 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 proceeding day :

Provided that where the minimum daily rate of wages of the employed 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 wage for the rest day shall be payable, and in case the employee works on the rest day 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 has been worked out as aforesaid, the Labour Commissioner may, on application made to him in this behalf decide the same, after giving an opportunity to the parties concerned to make written representations.

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 State Government may, by notification in the gazette of Mizoram prescribed, having regard to the minimum rate of wages fixed under the A t. in respect of the Scheduled employment.

EXPLANATION : In this sub-rule 'next proceeding day' means the least day on which the employee has worked, which proceeds 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 proceeding day means the last day on which the employee has worked, which proceeds the rest day.

(4) The provisions of this rule shall apply to the employee in scheduled employments other than Agricultural employment.

(5) The provisions on 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 case, the employee shall be entitled only to the more favourable terms aforesaid.

EXPLANATION :

For purpose of this rule 'Week' shall means 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, 4 1/2 hours.

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

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

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

(5) No child shall be employed or permitted to work for more than 4 1/2 hours on any day.

26. NIGHT SHIFTS :

Where a worker in a scheduled employment works on a shift which extends bey ond mid-night

(a) a holiday for the whole day of or the purpose 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, such worker was engaged in work shall be counted towards the previous day.

27. EXTRA WAGES FOR OVERTIME:

(1) When a worker worked in an employment for more than nine hours on any day or for more than forty eight hours in any week he shall, in respect of overtime work be entitled to wages at double the ordinary rate of wages.

EXPLANATION:

(1) The expression 'ordinary rate of wages' means the basic wages, pay allowances including the cash equivalent of the advantages occurring through the concessional sale of the person employed of food grains 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 IV in which entries under the columns specified therein shall be made as and when overtime is worked in any establishment. The register shall be kept at the work spot and maintained up to date. Where no overtime has been worked in any wages period, a 'nil' entry shall be made across the body of the register at the end of the wage period to which the 'nil' entry relates.

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

28. FORM OF REGISTER AND RECORDS:

(1) A register of wages shall be maintained by every employer at the work spot in Form XII.

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

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

(4) Entries in the Register of wage 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 work spot and kept in Form V and attendance of each person employed in the establishment shall be recorded daily in that form within three hours of the commencement of the work shift or relay for the day, as the case may be.

29. PRESERVATION OF REGISTERS:

A registers required to be maintained under rules 22 (4), 27 (2) and 28 (1) and the Muster roll required to be maintained under rule 28 (5) shall be preserved for a period of three years after dating the last entry made therein.

30. 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.

31. 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, and alternative suitable form in lieu of any of the forms prescribed under these rules may be used with the previous approval of the Labour Commissioner.

CHAPTER V

CLAIMS UNDER THE ACT

32. APPLICATION:

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 person shall be made in duplicate in Forms VI, VII or VIII as the case may be, one copy of which shall bear the prescribed court fee stamp.

(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 relate to the same wage period or periods.

33. 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 IX by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

34. APPEARANCE OF PARTIES :

(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the Authority shall serve upon the employer by registered post a notice in Form X 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 representatives fails to appear on the specified date, the Authority may hear and determine the application ex-parte.

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

(4) An order passed near 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 of the date fixed for re-hearing, in the matter specified in sub-rule (1).

CHAPTER—VI

SCALE OF COST IN PROCEEDING UNDER THE ACT

35. COSTS :

- (1) The authority, for reasons to be recorded in writing may direct that the cost of any proceeding pending before it shall not follow the event.
- (2) The costs which may be awarded shall include —
 - (I) expenses incurred on account of court fee;
 - (II) expenses incurred on subsistence money to witnesses ; and
 - (III) Pleaders fee to the extent of ten rupees provided the authority in any proceeding may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty five rupees.
- (3) Where there are more than one pleader or more than one applicant or opponent, the authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

36. COURT FEES :

The court fee payable in respect of proceeding under section 20 shall be—

- (a) for every application to summon a witness, one rupee in respect of every witness;
- (b) for every application made on behalf of an individual, one rupee;
- (c) for every application made on behalf of 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 the opinion the applicant is a proper, exempt him wholly or partly from the payment of such fees;

Provided further that no fee shall be chargeable —

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

CHAPTER VII

MISCELLANEOUS

37. (1) The Assam Minimum Wages Rules, 1952 is hereby repealed.
- (2) Notwithstanding with such repeal anything done or action taken or purported to be taken under the rules so repealed shall be taken into account as done or action taken under these Rules.

FORM—I

Register of Fines

See rule 22 (4)

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Depart- ment	Nature and date of the offence for which fine imposed.	Whether Workmen showed cause against fine or not, if so enter date.	Rate of Wages.	Date and amount of fine imposed.	Date on which fine is realised.	REMARKS
1	2	3	4	5	6	7	8	9	10	11

FORM—II

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

(See rule 22 (4))

.....Employer.....

Sl. No.	Name	Father's/ Husband's Name	Sex	Depart- ment	Nature and date of the offence for which fine imposed.	Whether Workmen showed cause against fine or not, if so enter date.	Date and amount of deduction imposed.	Number of instal- ments if any.	Date on which total amuont realised.	REMARKS
1	2	3	4	5	6	7	8	9	10	11

FORM — III
ANNUAL RETURN
(See rule 22 (5))

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

- (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
 incharge 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 Mandays worked during the years.

4. Average daily number of persons employed during the years.
 (i) Adults (ii) children

5. Total Wages paid in cash.....

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

7. Deduction.

Number of case

Total amount
Rs. P.

- (a) Fines
 (b) Deduction for damage or loss
 (c) Deduction for breach of
 contract disbursement from fine :

- (a)
 (b)
 (c)
 (d)

Purpose

Amount
Rs. P.

8. Balance of fine found in hand at the end of the year.....
 Date

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

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

Overtime Register for Workers

(See rule 27 (2))

Month ending 19.....

1	Serial No.
2	Name
3	Father's/Husband's Name
4	Sex
5	Designations and Department.
6	Date on which overtime worked.
7	Extend of overtime on each occasion.
8	Total overtime worked or production in case of piece workers.
9	Normal hours
10	Normal rate
11	Overtime rate.
12	Normal earnings
13	Overtime earnings
14	Total earnings
15	Date on which overtime payment made.

FORM—V
MUSTER ROLL

(See rule 28 (5))

Name of establishment Place

Sl. No.	Name	Father's/ Husband's Name.	Sex	Nature of work	For the period ending.....					REMARKS
					1	2	3	4	5	
1	2	3	4	5	6					7

FORM — VI

(See rule 32)

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.

(See rule 32)

Application No..... of 19.....

(1)..... Applicant a legal practitioner (through
.....an official of.....which is a registered Trade Union).

Address.....

Versus

(1)

(2)Opponent (s)

(3)

Address

The applicant above named states as follows :

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

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

(3) (a) The applicant has been paid wages at less than the minimum rate of wages fixed for his category of employment under the Act by Rs..... 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 been paid wages at the overtime for the period from.....

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

(a) Rs.....

(b) Rs.....

(c) Rs.....

Total Rs.....

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

(a) Payment of difference between the wages payable under the minimum wages Act and the actually paid;

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

(c) Payment of wages at the overtime rate;

(d) Compensation amounting to Rs.

(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 his 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-VII

(See rule)

Form of group application under section 21 (1)

In the court of Authority appointed under the Minimum Wages Act, 1948
..... area application No..... of 19..... between
A.B.C. and (state the numbers)..... others.

Applicants :

(through a legal practitioner an official of which is a registered Trade Union).

Address and X,Y,Z, opposite party;

Address

The applicant 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.

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

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

(b) The applicant have not been paid wages at Rs per day for the weekly days of rest from to

(c) The applicant have not been paid wages at the overtime rate (s) for the period from to

(4) The applicant estimate the value or 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 sub-section (3) of section (3) of section 20 of the Act for:—

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

(b) Payment of remuneration for the day rest;

(c) Payment of remuneration for the day or rest;

(d) Compensation amounting to Rs.....

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

Date.....

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

FORM—VIII

(See rule 32)

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) 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.....

Total 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 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 overtime rate(s);

(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 this application are true to the best of his knowledge, belief and information.

Date

Signature

FORM—IX

(See rule 33)

Form of Authority in favour of a legal practitioner or any official of a Registered Trade Union referred to in section 20(2) in the court of the Authority appointed under the Minimum Wages Act, 1948 for area.

Application No..... of 19.....

(1)
(2)
(3)

Applicant(s)

versus

(1)
(2)
(3)

Opponent(s)

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

Date.....

Signature or thumb impression
of the employee.

FORM - X

(See rule 34)

Form of summons to the opponent to appear before the Authority when an application under sub-section (2) of section 20 or under section 21 is entertained.

(Title of the applicant)

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 question relating to the application, or who shall be accompanied by some person able to answer all such questions on the

day of19.....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 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 - XI
(See rule 23)
NOTICE

Abstract of the Minimum Wages Act, 1948 and the rules made thereunder.

I. Whom the Act affects.

(a) The Act applies to persons engaged on scheduled employment or specified class of work in respect of which minimum wages have been fixed.

(b) No employees can give up by contract agreement his rights in so far as it purposes to reduce the minimum rates of wages fixed under the Act.

II. Definition of Wages.

(i) 'Wages' means all remuneration payable to an employed persons on the fulfilment of his contract of employment (and includes house accommodation, supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the appropriate 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 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 rates, cost of living allowance and cash value of concession if any.

3. The minimum wages payable to employess 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,

deferring with (1) different scheduled employments (2) different classes of work (3) different localities (4) different wages period and (5) different age group.

III. Computation and conditions of payments.

The employer shall pay to every employee engaged in scheduled employment under him wages at a rate not less than minimum rate of wages fixed for the 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 paid 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 any employee is employed on any day for a period less than normal working day, he shall be entitled to receive wages for a normal working day provided his failure to work is not caused by his unwillingness to work by the omission of the employer to provide 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 employer in respect of the time respectively occupied in each such and class of work, wages not less than the minimum rate in force in respect of each such class.

Where an employed on piece work for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employer 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 $4\frac{1}{2}$ 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 employee 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 employed shall be required to work on a day fixed as rest day, unless he is paid wages for that day at the overtime rate and is also allowed a substituted rest day with wages (See rule 24).

When a worker 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 schedule employment other than agriculture, at double the ordinarily rate of wages.

V. Fine and Deductions : No deduction shall be made from wages except those authorised by or under the rules.

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

(i) Fines : An employed person shall be explained personally and in writing the act or omission in respect of which the fine is proposed to be imposed and given an opportunity to offer any explanation in the presence of another persons. 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 State Government. It shall be utilised in accordance with the directions of the State Government.

(ii) deductions for absence from duty:

(iii) deductions for damage to or loss or 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 of another persons and given an opportunity to offer any explanation in the present. The amount of the said deduction shall also be intimated to him. It shall be subject to such limit as may be specified in this behalf by the State Government.

(iv) deductions for house-accommodation supplied by the employer as the State Government or any authority constituted by the State Government.

(v) deduction for such amenities and services supplied by the employer as the State Government may by general or special order authorise. These will not include the supply of tools and protective required for the purposes of employment;

(vi) deductions for recovery of advance or for adjustment of over payment of wages, such advances shall not exceed and 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 persons;

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

(ix) deductions for subscription to and free repayment of advances from any provident fund;

(x) deductions for payment to co-operative societies or deductions for recovery of loans and advances by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the State Government, for payment of any premium of his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956).

(xi) deduction for recovery or adjustment of amount other than wages, paid to the employed persons in error or in excess of what is due to him;

(xii) deductions made with written authorisation of the employed person (which may be given once generally and not necessarily every time a deduction is made) for the purchase of securities of the Govt. of Mizoram 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 Inspector 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 State Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.

VI. MAINTENANCE OF REGISTERS AND RECORDS :

Every employer shall maintain at the work spot 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 as 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 wages-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 wages book and Wages-slip.

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

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

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

Minimum rate of wages :

- (b) Abstract of the Acts and the Rules made thereunder.
- (c) Name and address of the Inspector.

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

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

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

VIII. CLAIMS AND COMPLAINTS: Where employee is paid less than the minimum of wages fixed for his class of work or less than 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 purposes. An application delayed beyond this period may be admitted if the Authority is satisfied that the applicant have sufficient cause for not making the application such period.

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

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

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

IX. ACTION BY 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 complaints 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 infringe 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 of any rule or order made there under 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 a time the offence was committed was incharge of, and was responsible, to, 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 deligence to prevent the commission of such offence.

Any director, manager, secretary or other office of the company with those consent or connivance on offence has been committed is liable to proceed against and punished under the Act.

Note : (a) "Company" means any body corporate and includes a firm or other association of individuals.

(b) "directions" in relation to a firm means partner in the firm.

XI. Minimum rates of wages fixed.

Name of undertaking.....

Serial No..... Category of employee Minimum Wages.....

XII Name and address of Inspector (s)

Name..... Address.....

FORM—XII

Register of Wages

See rule 28 (1)

Name of Establishment.....

Wage period from.....

to.....

Place.....

Payable
Basic Dearness
AllowanceMinimum rates of wages
Rate of wages actually paid
Basic Dearness
Allowance

Deductions.

1	Sl. No.
2	Name of the employee
3	Father's/Husbands' Name
4	Designation
5	
6	
7	
8	
9	Total attendance units of work done
10	Overtime worked
11	Gross wages payable
12	Employee's contribution of P.F.
13	H.R.
14	Other deduction
15	Total deduction
16	Wages paid
17	Date of payment
18	Signature or thumb impression of employee

FORM - XIII
Wage Slip
(See rule 28(2))

Name of the Establishment.....

Place

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

Pay-in-charge

Employee's signature/thumb impression.

THE MIZORAM PAYMENT OF WAGES RULES 1992.

In exercise of the powers conferred under sub-sections (1) and (2) of section 26 of the Payment of Wages Act, 1936, (IV of 1936) the State Government of Mizoram is pleased to make the following rules namely :-

1. SHORT TITLE, EXTENT AND COMMENCEMENT :-

- (1) These rules may be called the Mizoram Payment of wages Rules, 1992.
- (2) It shall extend to the whole of the State of Mizoram.
- (3) It shall come into force on such date as may be notified by the Government in the Mizoram Gazette.

2. DEFINITION :-

In this rules, unless the context otherwise requires -

- (a) "Act" means the Payment of Wages Act, 1936;
- (b) "Authority" means the authority appointed under sub-section (1) of section 15 of the Act;

- (c) "Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of section 8 of the Factories Act, 1948 (XIII of 1948);
- (d) "Court" means the Court mentioned in sub-section (1) of section 17 of the Act;
- (e) "Deduction for breach of contract" means a deduction made in accordance with the provision to sub-section (2) of section 9;
- (f) "Deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7;
- (g) "Employer" includes the persons responsible for payment of wages under section 3 of the Act;
- (h) "Form" means a form appended to these rules;
- (i) "Government" means the State Government of Mizoram;
- (j) "Inspector" means the Inspector authorised by or appointed under section 14 of the Act;
- (k) "Paymaster" means any employer or other person responsible under section 3 of the Act for the payment of wages;
- (l) "Persons employed" means all persons employed under the Act;
- (m) "Section" means section of the Act;
- (n) Words and expressions used in these rules and not herein defined but defined in the Act shall have the same meanings as in the Act.

3. REGISTER OF FINES :—

- (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the Paymaster shall maintain a Register of Fines in Form I.
- (2) At the beginning of the Register of Fines, these shall be entered serially numbered the approved purpose on which the fines are to be expended.
- (3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and voucher or receipt in respect of the amount shall be affixed to the Register, if more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

4. REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS :-

In every factory in which deductions for damage or loss are made, the paymaster shall maintain the Register required by sub-section (2) of section 10 in Form II.

5. REGISTER OF WAGES :-

A Register of Wages shall be maintained in every factory and may be kept in such form as the Paymaster finds convenient but shall include the following particulars :-

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

6. MAINTENANCE OF REGISTERS :-

The registers required by rules 3, 4, 5 and 17 shall be preserved for twelve months after the date of the last entry made in them.

7. WEIGHTS AND MEASURES :-

(1) All weights, measures or weighing machines which are used in checking, or ascertaining the wages of persons employed in any factory shall be examined at least biennially by an Inspector who may prohibit the use of any weight, measure or weighing machine be found to register incorrectly.

(2) If the Inspector considers that any action should be taken under the Standard of Weights and Measures Act, 1956 (89 of 1956) or the Indian Penal Code (XLV of 1860), he may seize the article in question and shall record his opinion and send it to the District Magistrate for such action as he may think fit.

8. NOTICE OF DATES OF PAYMENT :-

The payment shall be dispensed in a conspicuous place at or near the main entrance of the factory, a notice, in English and in the language of the majority of the persons employed therein giving notice for not less than one month in advance, the days on which are to be paid,

9. PRESCRIBED AUTHORITY :-

The Chief Inspector of Factories or any other officer appointed by the Mizoram Government shall be the authority competent to approve under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and under sub-section (8) of section 8, the purpose on which the proceeds of fines shall be expended.

10. APPLICATION IN RESPECT OF FINES :—

Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Chief Inspector of Factories or any other officer appointed by the Government :—

- (a) a list, in English in duplicate, clearly defining such acts and omissions;
- (b) In cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing those appointments in his factory of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fines.

11. APPROVAL OF LIST OF ACTS AND OMISSIONS :—

The authority appointed under rule 9 on receipt of the list prescribed in clause (a) of the preceding rule may, after such enquiry as he considers necessary, pass orders either—

- (a) disapproving the list;
- (b) approving the list either in its original form or as amended by him in which case such list shall be considered to be an approved list;

Provided that no order disapproving or amending any such list shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

12. POSTING OF LIST :—

The employer shall display at or near the main entrance of the factory or in industrial establishment, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list approved under rule 11.

13. PERSONS AUTHORISED TO IMPOSE FINES :—

No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under rule 10.

14. PROCEDURE IN IMPOSING FINES AND DEDUCTIONS :—

Any person desiring to impose a fine on an employed person or make deduction, for damage or loss shall explain, personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

15. INFORMATION TO PAYMASTER :—

The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars, so that the register prescribed in rule 3 or rule 4 may be duly completed.

16. DEDUCTION FOR BREACH OF CONTRACT :—

(1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless :—

(a) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment,

(i) and the period of this notice does not exceed fifteen days or the wage period, whichever is less; and

(ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect which the deduction is made;

(c) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of day's wages to be deducted and the conditions (if any) on which the deduction will be remitted.

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

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

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

17. ADVANCES —

(1) An advance wages not already earned shall not, within the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceeding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the two subsequent calendar months.

(2) The advance may be recovered in instalments by deduction from wages spread over not more than twelve months. No instalment shall exceed one third, or where the wages for any wageperiod are not more than twenty rupees, one fourth of the wages for the wageperiod in respect of which the deduction is made.

(3) The amount of all advances sanctioned and the repayment thereof shall be entered in a register in Form III.

18. ANNUAL RETURN :—

In respect of every factory or industrial establishment in which during the calendar years, any fines have been imposed or any deductions for breach of contract or for damage or loss have been made from wages, a return shall be sent in Form IV so as to reach the Chief Inspector of Factories or any other officer appointed by the State Government not later than the 15th of February following the end of the calendar year to which it relates.

19. COSTS :—

(1) The costs which may be awarded in proceeding under the Act shall include;

- (a) the charges necessarily incurred on account of Court fees;
- (b) the charges necessarily incurred on subsistence money to witnesses; and
- (c) Advocate's fee which shall ordinarily be Rs. 50/- provided that the authority or the court, as the case may be, in any proceedings, may reduce the fee to a sum of Rs. 25 or increase it to a sum not exceeding Rs. 150.

(2) When a party engages more Advocates than one to defend a case, he shall be allowed one set of costs only.

20. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the authority of the Court as the case may be;

Provided that the Authority of the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of cost.

21. FEES :—

The fee payable in respect of proceeding under the Act shall be :—

- (i) For every application to summon a witness. One rupee in respect of each witness.
- (ii) For every other application made by or on behalf of an individual person before the Authority. One rupee.
- (iii) For every other application made by or on behalf of an unpaid group before the Authority. One rupee for each member of the group, subject to maximum of rupees twenty five.
- (iv) For every appeal lodged with the Court. Twenty five.

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit this fee.

Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

22. ABSTRACT :—

The abstracts of the Act and the rules made thereunder to be displayed under section 25 shall be in Form V.

23. PENALTIES :—

Any breach of rules 3, 4, 5, 6, 8, 12, 15 and 18 of these Rules shall be punishable with fine which may extend to two hundred rupees.

FORM-I

(RULE 3)

Register of Fines

Factory.....

1	Serial No.
2	Name
3	Father's Name
4	Department
5	Act or omission for which fine is imposed
6	Whether workman allowed cause against fine or not if so, enter date
7	Rate of Wages
8	Date and amount of fine imposed
9	Date on which fine realised
10	REMARKS

FORM-II

(See rule 4)

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

..... Factory

1	Sl. No.
2	Name
3	Father's name
4	Department
5	Act or omission for which fine is imposed
6	Whether workman allowed cause against fine or not if so, enter date
7	Date and amount of deduction imposed
8	No. of instalments if any.
9	Date on which fine, total amount realised
10	REMARKS

FORM—III

(See rule 17 (3))

Register of advance made to employed persons
 : Factory

1	Sl. No.
2	Name
3	Father's Name
4	Department
5	Date and amount of advance made
6	Purpose(s) for which advance made
7	No. of instalment by which advance to be repaid.
8	Postponments granted
9	Dates on which total amount repaid.
10	REMARKS

FORM-IV

(See rule 18)

Deduction from wages

Return for the year ending 31st December, 19.....

1. Name of the Factory and postal address.....
2. Total number of person employed AdultsChildren.....
3. Total wages paid.....
4. Number of cases and amounts realised as.....

No. of cases	Amounts
(a) Fines.....	
(b) Deduction from damage or loss.....	
(c) Deduction for breach of contract.....	

5. Disbursements from fine fund.

Amount	Purpose

Rs.

Dated.....19.....

 Signature.....
 Designation
FORM - V
(See rule - 22)

Abstract of the payment of wages Act, 1936 and the rules made thereunder

To whom the Act effects.

1. The Act applies to the payment of wages to persons in this factory or industrial establishment receiving less than Rs. 1500 a month.
2. No employed person can given up contract, or agreement, his rights under the Act. Definition of wages

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

It includes any bonus and any sum which may be payable by reason of termination of employment it excludes :-

(a) the value of any house-accomodation, supply of light, water, medical attendance, or any amenity or of any service excluded by the Government of Mizoram.

(b) Any contribution paid by the employer to a pension or provident fund.

(c) Any travelling allowances or the value of any travelling concession or any sum paid to the employed persons to defray special expenses entailed on him by the nature of his employment.

(d) Any gratuity payable on discharge. Responsibility for an method of payment.

4. The manager of the Factory or Industrial establishment is responsible for the payment under the Act of wages to persons employed under him and any contractor employing persons is responsible for payment to the persons be employed.

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

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 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.

7. Payments in kind are prohibited. Fines and deductions.

8. No deduction shall be made from wages except those authorised under the Act (see paragraphs 9-15 below)

9. (1) Fines can be imposed only for such acts and ommissions as the employer may, with the previous approval of the Chief Inspector of Factories, or any other officer appointed by the Government of Mizoram specify by a notice displayed at or near the main entrance of the Factory and after giving the employed person an appportunity for explanation.

(2) Fines :-

(a) Shall not exceed five paise in the rupee;

(b) shall not be recovered by instalments; or later than sixty days of the date of imposition;

- (c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as are approved by the Chief Inspector of Factories;
 - (d) shall not be imposed on child.
10. (a) Deduction for absence from duty can be made only on account of the absence of the employed person at time when he should be working, and such deductions must not exceed amount which is in the same proportion to his wages for the wage period, as the time he was absent in that period is to the total time he should have been at work.
- (b) If ten or more employed person, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but :-
- (1) no deduction for breaking a contract can be made from persons under 15 or a woman.
 - (2) there must be a provision in writing which forms part of the contract of employment, requiring that specific period of notice of intention to cease work not exceeding 15 days or the period of notice which employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;
 - (3) the above provision must be displayed at or near the main entrance of the Factory or the industrial establishment,
 - (4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near main entrance of the Factory or the industrial establishment :-
 - (5) no deduction must exceed the wage of the employed person for the period by which the notice he give of leaving employment is less than the notice he should give under his contract.

11. Deduction can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to his neglect or default.

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

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

13. (a) Deduction can be made for the recovery of advances or for adjustments of over payment of wages;
- (b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began;
- (c) Advances of unearned wages can be made at the paymaster's discretion during employment but not exceeding the amount of two months' Wages without the permission of an Inspector. These advances can be recovered but instalments, spread over not more than 12 months and the instalments must not exceed one third or if the wages are not more than Rs. 20, one-fourth of the wages for any wage-period.
14. Deduction can be made for subscription to, and for repayment of advances from any recognised Provident Fund.
15. Deduction can be made for payments to Co-operative Societies approved by the Mizoram Government or to the postal insurance, subject to any conditions imposed by the Government.
16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purpose of the Act.

Complaints of deduction or delays

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for delay is shown.
- (2) 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 employed person.
- (3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

Action by the Authority

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deduction.
- If a malicious or vexatious complaint is made, the authority may impose a penalty not exceeding Rs 50 on the applicant and order that it be paid to the employer.

Appeal against the Authority

19. An appeal in the Prescribed form against a direction made by the Authority may be preferred within 30 days to the District Court :—

- (a) By the paymaster if the total amount directed to be paid exceeds Rs. 300.
- (b) By an employed persons if the total amount of wages withheld from him or his Co-Workers, exceed Rs. 50.
- (c) By a person directed to pay a penalty for a malicious or vexatious application,

Punishments for breaches of the Act.

20. Any one delaying the payment of wages beyond the due date of making any unauthorised deduction from wages is liable to a fine upto Rs. 500, but only if prosecuted with the sanction of the authority or the appellate court.

21. The paymaster who:—

- (1) does not fix a wage period, or
- (2) makes payment in kind, or
- (3) fails to display at or near the main entrance of the factory this abstract in English and in the language of the majority of the employed persons, or
- (4) violates rules made under the Act, is liable to a fine not exceeding Rs. 200.

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

THE MIZORAM TRADE UNIONS REGULATIONS, 1992.

In exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926 (XVI of 1926) the State Government of Mizoram is pleased to make the following regulations namely:—

1. SHORT TITLE, EXTEND AND COMMENCEMENT :—

- (1) These Regulations may be called the Mizoram Trade Unions Regulations, 1992
- (2) They shall extend to the whole of Mizoram
- (3) They shall come into forces from the date of their publication in the official gazette.

2. DEFINITIONS :—

- (a) In these regulations, unless the context otherwise requires
- (b) "Act" means the Indian Trade Unions Act, 1926;
- (c) "Form" means a form appended to these regulations;
- (d) "Registrar" means the Registrar of Trade Unions;
- (e) "Section" means a section of the Act.

3. FORM OF APPLICATION FOR REGISTRATION :—

Every application for registration of a trade union under section 4 shall be made in Form 'A' and the schedules appended thereto.

4. EVIDENCE TO PROVE THE AUTHORITY TO MAKE APPLICATION UPON AN APPLICATION FOR REGISTRATION OF A TRADE UNION

The Registrar may require from the application such evidence as may seem to him necessary to show that the applicant has been duly authorised to make the application on behalf of the trade union.

5. FORM OF REGISTER :—

The register of trade unions referred to in section 8 shall be maintained in Form B.

6. FORM OF CERTIFICATE :—

The Certificate of registration issued by the registrar under section 9 shall be in Form C.

7. FEE FOR REGISTRATION :—

The fee payable on registration of a Trade Union shall be ten rupees for each Trade Union.

8. WITHDRAWAL OR CANCELLATION OF CERTIFICATE OF REGISTRATION :—

(1) Every application made by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent to the Registrar in Form D.

(2) The Registrar on receiving an application for withdrawal or cancellation of registration, shall, before granting the application, verify that the application, was approved, in a general meeting of the trade union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose he may call for such further particulars as he may deem necessary and may examine any officer of the Trade Union.

(3) The Registrar shall, when he proposes to withdraw or cancel the certificate of registration of a trade under clause (b) of section 10, cause to serve notice in Form E on the trade union through its Secretary in person or by registered post.

(4) The certificate of registration issued to a trade union, a form of certificate under regulation 6 shall be surrendered by the Secretary of the Union when the Registrar decides to withdraw or cancel such certificate under clauses (a) clause (b) of section 10.

9. APPEALS :—

Any appeal made under sub-section (1) of section 11 shall be filed within ninety days of the date on which Registrar passed the order againsts which the appeal is made.

10. CHANGE OF ADDRESS AND HEAD OFFICE OF A TRADE UNION:—

Notice of any change in the address of the head office of a trade union shall be given to the Registrar in Form F.

11. CHANGE OF NAME :—

(1) The notice of any change in the name of a trade union shall be sent to the Registrar in Form G. (2) When the Registrar registers change of name under sub-section (3) of section 25, he shall certify under his signature at the fact of the certificates issued under regulation 6 that the new name has been registered. The secretary, of the trade union shall present the certificate of registration to the Registrar for making this entry.

12. AMALGAMATION OF TRADE UNION, FORM OF NOTICE :—

(1) Notice of every amalgamation shall be sent to the Registrar in duplicate in Form H. (2) When the amalgamated trade union is registered under sub-section (4) of section 25, it shall be assigned a new number in the register in Form B and the Registrar shall issue a new certificate in Form C thereof. He shall also note the fact of amalgamation against the entries, if any, relating to the trade unions so amalgamated in the register in Form B.

13. DIVISION OF FUNDS :—

Where it is necessary for the Registrar under sub-section (2) of section 27 to distribute the funds of a registered trade union which has been dissolved, he shall divide the fund among the members in proportion to the amounts contributed by them by way of subscription during their membership. In the event of death of a member of a trade union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to such member or his legal representatives.

14. DISSOLUTION OF REGISTERED TRADE UNIONS :-

When a registered trade union is dissolved, notice of dissolution shall be sent to the Registrar in Form I.

15. ANNUAL RETURNS :-

The general statement to be furnished under sub-section (1) of section 23 shall be submitted to the Registrar by the 30th day of June in each year and shall be in Form I.

16. ALTERATION IN RULES :-

(1) On receiving a copy of any alteration made in the rules of a trade union under sub-section (3) of section 28, the Registrar shall unless he has reason to believe that the alteration has not been made in the manner provided by rules of the Trade Union or unless the alteration is not in accordance with the provisions of the Act, register the alteration in a register to be maintained for this purpose and shall notify that fact that he has done so to the secretary of the Trade Union.

(2) The fee payable for registration of the alterations in the rules shall be one rupee for each set of alterations made simultaneously.

17. SIGNATURE ON FORMS :-

Form B and E and receipt part of Form F which are by these regulations required to be signed or initiated by the Registrar may be signed or initiated under his direction and on his behalf by any Gazetted Officer subordinate to him appointed by him in writing for this purpose.

18. MAINTENANCE OF REGISTERS AND BOOKS :-

Every registered trade union shall maintain the following books and Registers to facilitate the audit of its accounts:-

- (a) register of membership and subscription in Form K;
- (b) register of receipts and disbursements of the general fund accounts;
- (c) Minute books to record the proceedings of all the meetings;
- (d) register of stock, tools and plant to show furniture, fittings and valuable documents relating to the immovable property of the union;
- (e) machine numbered subscription receipt book;
- (f) register of receipt and disbursements for the political fund (if there is a political fund),
- (g) a file of vouchers.

19. AUDIT :—

(1) Save as provided in sub regulations (2), (3), (4), and (5) of this regulation, the annual audit of the accounts of any registered trade union shall be conducted by an auditor authorised to audit the accounts of companies under the Indian Companies Act, 1956.

(2) Where the membership of a registered trade union did not at any time during the year ending on 31st March exceeds 2,000, the annual audit of the accounts may be conducted,—

(a) by any examiner of local fund accounts; or

(b) by any local fund auditor appointed by Government; or

(c) by any person who, having held an appointment under the Government in any audit or accounts department is in receipt of a pension of not less than Rs. 1450 per mensem.

(3) Where the membership of a registered trade union did not, at any time during the year ending on the 31st day of March exceed 1,000, the annual audit of the accounts may be conducted,—

(a) by any two persons holding office as Magistrate or a Judge or as a Council of any Municipality or members of a District Board, or of the Legislative Assembly;

(b) by any person who having held an appointment under the Government in any audit or accounts departments is in receipt of a pension from the Government of not less than Rs. 700 a month; or

(c) by any auditor appointed to conduct the audit of Co-operative Societies or by any Co-operative Organisation recognised by the Government for this purpose.

(4) Where the membership of a registered trade union did not, at any time during the year ending on the 31st March, exceeds, 500, the annual audit of the accounts may be conducted by any five members of such registered trade union.

(5) Where the registered trade union is a federation of trade unions, and the member of such unions affiliated to it at any time during the year ending on the 31st March, did not exceed 50, 15 or 5 respectively, the audit of the accounts of the federation may be conducted as if it had not at any time during the year had a membership of more than, 2,000 or 1,000 or 500 respectively.

20. DISQUALIFICATIONS OF AUDITORS :—

Notwithstanding anything contained in regulation 19, no person, who at any time during the year for which the accounts are to be audited was entrusted with any part of funds or securities belonging to a registered trade union, shall be eligible to audit the accounts of that union.

21. POWER OF EXAMINING BOOKS :—

The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of a registered trade union concerned and shall verify that general statement submitted under section 28, with the accounts and vouchers relating there to and shall there after sign the auditor's declaration appended to Form J, indicating separately on that Form, under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not supported by vouchers or not in accordance with the Act: the particulars given in this respect shall indicate :—

(a) every payment which appears to be unauthorised by the rules of the registered trade union concerned or contrary to the provisions of the Act:

(b) the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person: or

(c) the amount of any sum which ought to have been but is not brought to account by any person.

22. AUDIT OF POLITICAL FUND :—

The audit of the political fund of a registered trade union shall be carried out along with the audit of the General Account of the registered trade union by the same auditor or auditors.

23. INSPECTION OR REGISTER :—

(1) The register of trade unions maintained in accordance with regulation 5 may be opened to inspection by any person on payment of a fee of one rupee.

(2) Any document in the possession of the Registrar received from a registered trade union may be inspected by any person on payment of a fee of one rupee for inspection of each document.

(3) Documents may be opened to inspection every day on which the office of Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

(4) The Registrar may supply a certified copy of any documents to a registered trade union or a member thereof on payment of two rupees for the first two hundred words (or less) of that document and fifty paise for every additional hundred words or fractional part thereof.

FORM—A
(See Regulation 3)

APPLICATION FOR REGISTRATION OF TRADE UNION

Name of the Trade Union
Address
Date

1. This application is made by the persons whose names are subscribed at the foot thereof.
2. The name of the Registered Trade Union (under which it is proposed that the trade union on behalf of which this application is made, shall be registered) is as set forth in rule.....
3. The address of the head office of the Union to which all communication and notices may be addressed is
4. The Union came into existence on the day of 19...
5. The Union is a Union of employers/workers engaged/employed in the industry/or profession/or (establishment) and has members.
6. The particulars required by sections 5 (1) (e) of the Trade Union Act, 1926, are given in Schedule I (appended to this Form)
7. The particulars given in Schedule II (appended to this form) show the provisions made in the rules for the matters detailed in section 6 of the Trade Union Act, 1926.
8. The particulars required by section 5(2) of the Trade Union Act, 1926 are given in Schedule III (appended to this form) (To be struck out in case of unions which have not been in existence for one year before the date of application).
9. One copy of the rules of the Union is attached to this application.
10. We have been duly authorised by the trade union to make this application on its behalf, such authorisation consisting of

	Signature	Occupation	Address
Name	1		
	2		
	3		
	4		
	5		
	6		
	7		

To,

The Registrar of Trade Union, Mizoram.
Aizawl.

SCHEDULE—I List of Officers

• Name of the Trade Union

Office held in union	Name	Age	Address	Occupation
-------------------------	------	-----	---------	------------

SCHEDULE—II

Reference to Rules.

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below.

Matter (1)	Number of rules (2)
---------------	------------------------

Name of union.
The whole of objects for which the union has been established.

(State here whether the authority to make this application was made by a resolution of a general meeting of the trade union or, if not in what other way it was given).

(1)	(2)
-----	-----

The whole of the purpose for which the General funds of the union shall be applicable. The maintenance of a list members. The facilities provided for the inspection of the list of members by Officers and members. The admission of ordinary members. The admission of honorary or temporary members.

(1)	(2)
-----	-----

The conditions under which members are entitled to benefits assured by the rules.

The conditions under which fines or for features can be imposed or varied.

The manner in which rules shall be amended, varied or rescinded. The manner in which members of the

executive and other officers of the union shall be appointed and removed.
 The safety custody of the funds.
 The annual audit of the accounts.
 The facilities for the inspection of the account books by officers and members.
 The manner in which the union may be dissolved.

SCHEDULE-III

(This need not be filled in if the union came into existence less than one year before the date of application for registration).

Statement of liabilities and assets on the days of
 19.

Liabilities	Rs.	p	Assets	Rs.	p
Amount of general fund.....			Cash.....In hand of		
Amount of political fund....			Treasurer..... In hand of		
Loans from.....			Secretary.....		
Debts from.....			In hands of.....		
Other liabilities (to be specified.....)			In the..... Bank.....		
			In the..... Security as		
			per list below.		
			Unpaid subscriptions due.....		
			Loan to.....		
			Goods and furniture.....		
			Immovable property		
Total liabilities				
			Other assets (to be specified).		
				
			Total assets.		

LIST OF SECURITIES

Particulars	Face-value	Cost price	Market value	In hand of
-------------	------------	------------	--------------	------------

(Signed) 1

2

3

4

5

6

7

FORM-B
(See Regulation 5)
Register of Trade Unions

1. Serial No
2. Date of registration
3. Names, occupation and address of the members making the application.

Name	Occupation	Address
1.		
2.		
3.		
4.		
5.		
6.		
7.		

4. Name of the trade union
5. Address of the head office of the trade union
6. Date of establishment of trade union
7. Officers of trade union

Name	Title	Age	Occupation	Address
1.				
2.				
3.				
4.				
5.				
6.				
7.				

8. Signature of the Registrar
9. (a) Whether provision has been made for a separate fund under section 16 and, if so, from what date
- (b) Initials of the Registrar
10. (a) Date of intimation of alteration of rule
- (b) Date of registration of alteration of rules and issue of a certified copy thereof
- (c) Initial of the Registrar
11. (a) Date of registration of change of address of registered office
- (b) Address of the trade union as change

- (c) Initial of the Registrar
12. (a) Date of registration of change of name
- (b) Name of trade union as change
- (c) Initial of the Registrar
13. (a) Date of registration of amalgamation
- (b) Name of amalgamated union
- (c) Initial of the Registrar
14. (a) Date of application for cancellation of registration under section 10 (a)
- (b) Date of giving notice for cancellation or withdrawal under section 10(b)
- (c) Date of issue of order withdrawing or cancelling registration
- (d) Initial of the Registrar.
15. (a) Names, occupation and address of the members applying for dissolution.

Name	Address	Occupation
1	2	3

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

- (b) Date of registration of dissolution and issue of a certificate to that effect.....
- (c) Number and date of Registrar's proceedings ordering distribution of funds under Section 27 (2) if any
- (d) Initial of the Registrar

Year of entering in office	Name	Office held in union	Age on entry	Address	Occupation	Year of relinquishing office	Other offices held in addition to membership of executive with date
1	2	3	4	5	6	7	8

Note :— One page shall be allotted for each Union.

FORM—C

(Regulation 6)

Seal

Certificate of Registration of Trade Union.

Name of trade Union.....

Registration No.....

OFFICE OF THE REGISTRAR OF TRADE UNIONS, MIZORAM

I hereby certify that the..... Union has been registered under the Trade Union Act, 1926, this day of 19.....

Registrar.

FORM—D

(See Regulation -8)

Application for withdrawal or cancellation of certificate or registration.

Name of the Trade Union.....

Address.

Registration No.....

Date the day of 19.....

To

The Registrar of Trade Union.
Mizoram, Aizawl.

The above mentioned trade union desires that its certificate of registration under the Trade Union Act, 1926, may be withdrawn or cancelled. Resolution passed at a general meeting duly held on the..... day of..... 19..... is as follows :

(Here give exact and true copy of the resolution)

(Signed)

(If so at a general meeting, state in what manner the request has been determined upon).

FORM—E
(See Regulation 8 (3))

OFFICE OF THE REGISTRAR OF TRADE UNIONS, MIZORAM

Place

Notice before withdrawal of cancellation of certificate of registration under clause (b) of section 10 of the Act,

Registration No Trade Union.

Notice is hereby given to the above mentioned trade union that it is the intention of the Registrar to proceed on the date of 19... to Withdraw or cancel the certificate of registration of the trade union, unless cause be shown to the contrary in the manner.

The ground of such proposed withdrawal or cancellation is that the Certificate of registration has been obtained by fraud or mistake, or that the trade union has ceased to exist or has wilfully and after notice from me violate the provisions of the above mentioned Act, or allowed its rule to continue in force which is/are inconsistent with provision of the Act, or has rescinded its rule providing for a matter provision for which is required by section 6.

(The facts should be briefly specified where practicable)

Seal

(Signature)

Registrar

Date day of 19

To

The Secretary of
(Here enter the name of trade Union)

The date entered here shall not be less than two months from the date of notice.

FORM—F
(See Regulation 10)

Notice of change of address of the head office of a registered trade union.

Name of the trade union

Address

Registration No

Date this day of 19

To,

The Registrar of Trade Union,
Mizoram, Aizawl.

Notice is hereby given that the head of office of the above mentioned trade union has been removed from and is now situated at in

(Signed)
Secretary

This part to be detached by the Registrar when the notice is registered and returned to the trade union.

(Seal)

Received this day of 19 notice of removal of the head office of the registration number.

(Signed)
Registrar

FORM—G
(See Regulation 11)
Notice of change of name

Name of the trade union already registered

Address

Registration No

Date this day of 19

To

The Registrar of Trade Unions,
Mizoram, Aizawl.

Notice is hereby given that subject to the provisions of section 23 of the Trade Unions Act, 1926, the name of the above mentioned trade union has been changed to

The consent of the members was obtained by

(Signed)

1
2
3
4
5
6
7
8

Secretary

Member.

i.e. by referendum resolution of a general meeting, if procedure followed is covered by any rule, quote number of the rule.

FORM—H

(See Regulation 12)

Notice of amalgamation of trade unions.

A. Name of registered trade unions.....
Number of registration.....

B. Name of registered trade union.....
Number of registration (and so on if more than two)
(Address).....

Date the day of 19.....

To

The Registrar of Trade Unions,
Mizoram, Aizawl.

Notice is hereby given that in accordance with the requirement of section 24 of the Trade Unions Act, 1926, the members of each of the above mentioned trade unions have resolved to become amalgamated together as one trade union.

And that it is intended that the trade union shall henceforth be called the

Accompanying this notice is a copy of the rules intended to be henceforth adopted by the amalgamated trade union which are the rules (if so) of the

(To be signed by seven members and the Secretary of each trade union).

(Signed)

1
2
3
4
5
6
7

Secretary

Member

FORM—I
(See Regulation - 14)
Notice of the dissolution of Trade Union

Name of the Union.....
Registration No
Address

Date this day of 19.....

To,
The Registrar of Trade Union,
Mizoram, Aizawl.

Notice is hereby given that the above mentioned trade union was dissolved in pursuance of the rules thereof on the day of 19.....

We have been duly authorised by the union to forward this notice on its behalf, such authorisation is based on a resolution passed at a general meeting on the day of 19.....

(Signed)

1
2
3
4
5
6
7

Secretary

Member

Here insert the date, or if there was no such resolution, state in what way the authorisation was given.

FORM—J
(See Regulation 15)

Annual return (under section 28 of the Trade Unions Act, 1926) for the year ending 31st March 19.....

Name of Union.....
Registered head office.....
Number of certificate of registration

Return to be made by
federation of trade unions.

- A. Number of unions affiliated at the beginning of the year
- B. Number of Unions joining during the year.
- C. Number of Unions disaffiliated during the year.
- D. Number of Unions affiliated at the end of the year.

(This return need not be made by federation of trade unions)

Number of members on books at the beginning of the year. Number of members admitted during the year (add together).

Number of members left during the year (deduct)
Total number of members on books at the end of the year

Males.....

Females.....

(The name of the affiliated and disaffiliated unions should be given in separate statements marked 'A' 'B' and 'C')

Number of members contributing to political fund

.....

A copy of the rules of the trade union corrected upto date of despatch of this return is appended.

Date.....19.....

Secretary
Statement of Liabilities and Assets on..... day of 19.....

LIABILITIES

Rs. P.

Amount of general fund.....
Amount of political fund.....
Loans taken from.....

Debts due to.....

Other liabilities (to be specified)

Total Liabilities.....

ASSETS

Rs. P.

Cash
In hands of Treasurer
In hands of Secretary
In hands of.....
In the..... Bank

Securities as per list below unpaid subscription date Loans to.....

Immovable property

Goods and furniture

Other assets (to be specified)

Total assets.....

LIST OF SECURITIES

Particulars	Face value	Cost price	Market price at date on which accounts have been made	In hands of
-------------	------------	------------	---	-------------

Treasurer

GENERAL FUND ACCOUNT

INCOME

Rs. P.

Balance at the beginning of the year contribution from members at per member.

Donations
Sales of periodicals, books, rules etc. Interest on investments.

Income from miscellaneous sources (to be specified).

EXPENDITURE

Rs. P.

Salaries, allowances and expenses of Officers Salaries, allowance and expenses of establishment.

Auditor's fee
Legal expenses Expenses in conducting trade disputes....

Compensation paid to members for loss arising out of State disputes.

Funeral, old age, sickness, unemployment benefits, etc. educational, social and religious benefits, Cost of publishing periodicals Rents, rates and taxes, stationery, printing and postage.

Expenses incurred under section 15 (j) of the Trade Unions Act, 1926, (to be specified)

Other expenses (to be specified) Balance at the end of the year

Total Total

POLITICAL FUND ACCOUNT.

INCOME

Rs. P.

Balance at the beginning of the
year Contribution from members
at per member.

Total

EXPENDITURE

Rs. P.

Payments made on objects specified
in section 16 (2). Expenses of manage-
ment (to be fully specified) Balance
at the end of the year

Total

Treasurer

Auditor's Declaration

The undersigned, having had access to all the books and accounts of the Trade Union, and having examined the foregoing statements and verified them with the account vouchers relating thereto, now sign the statements as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto.

Auditor

(Delete the words if no remarks are made)

Auditor

Officers Relinquishing Office

The following changes of Officers have been made during the year

Name	Office	Date of relinquish office

 Officers appointed

Name	Date of b'rh	Private address	Personal Occupation.	Title of position on held in Union	Date on which appointment in column 5 was taken up.	Other officers held in addition to mem- bership of executive with dates
1	2	3	4	5	6	7

Secretary of Union

Secretary
to the Government of Mizoram.