

CHAPTER-18
MANUAL - 17

(Other useful information)

18.1 Frequently asked questions and their answers by Public

18.2 Related to seeking Information

The information in respect of 18.1 and 18.2 is given below

Bonded Labour System (Abolition) Act, 1976
&
Bonded Labour System (Abolition) Rules, 1976

Objective: The object of the Act is to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto.

System of Bonded Labour and its forms: It is outcome of customary obligations, forced labour, beggar or indebtedness under which a debtor agrees to render service. In different parts of the country, it was known by the different names such as Adiyamar, baramasia, basahya, bethu, bhagela, cherumar, garru-galu hari, harwai, holya, jana jeetha, kamiya, khundit-mundit, kuthia, lakhari, munjhi, mat, munish system, nit-majdoor, paleru, paduyal, pannayilal, sagri, sanji, sanjawat, sewak, sewakia, seri, vetti.

Who is bonded Labour: According to the definition given in section 2(g) of the Act, bonded labour means service arising out of loan/debt/advance. It represents the relationship between a creditor and a debtor wherein the debtor undertakes to mortgage his services or the services of any of his family members to the creditor for a specified or unspecified period with or without wages accompanied by denial of choice of alternative avenues of employment, or to deny him freedom of movements, then the person would normally be covered under the definition of a bonded labour.

Whom to approach in case of bondage: The aggrieved person or any person on his behalf can approach to the District Magistrate who is chairman of the Vigilance Committee constitute under the Act and has been entrusted with certain duties and responsibilities for implementing the provisions of the Act. Matter can also be brought to the notice of the Sub Divisional Magistrate of the area or any other person who is a member of the Vigilance Committee of District or Sub-division.

Relief available to the victim: The bonded labour is to immediately released from the bondage. His liability to repay bonded debt is deemed to have been extinguished. Freed bonded labour shall not be evicted from his homesteads or other residential premises which he was occupying as part of consideration for the bonded labour. A rehabilitation grant of Rs. ¹20,000/- to each of the bonded labour is to be granted and assistance for his rehabilitation provided.

Penalties: The offence under the Act is cognizable and bailable Any person who is contravenes provisions of the act is punishable with imprisonment for a term which may extend to three years and also with a fine which may extend to two thousand rupees.

¹ W.e.f. 1.5.2000 (Rs. 4000/- from 1978, Rs. 6250/- w.e.f. 1.2.86 & Rs. 10,000/- w.e.f. 1.4.95)

Child Labour (Prohibition & Regulation) Act, 1986
&
Child Labour (Prohibition & Regulation) Punjab Rules, 1997

Objective of the legislation : It is an Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.

Who is a child: According to the definition given u/s 2(ii) of the Act, a child means a person who has not completed his fourteenth year of age.

Where is the child labour prohibited to work : No child is permitted to work in any the occupations set forth in Part A of the Schedule or any workshop wherein any of the processes set forth in Part B of the Schedule is carried on. (Section 3)

Exemption: The above prohibition does not apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

Where child labour is permitted : Except the prohibitory occupations set forth in Part A or processes set forth in Part B of the Schedule, child labour is permitted to be employed but the conditions of their work is required to be regulated in accordance with Part III of the Act.

Responsibilities of employers towards child labour: Please refer to the note regarding the responsibilities of the employer for the proper implementation of the Act and the Rules.

Penalties: For the contravention of Section 3 a person is punishable with not less than three months imprisonment which may extend to one year or with fine not less than Rs. 10,000/- rupees which may be extended up to Rs. 20,000/- or with both. For other offence, the punishment may be simple imprisonment up to one month or with fine up to Rs. 10,000/- of both.

A conviction u/s 67 of the Factories Act, 1948 or u/s 21 of the Motor Transport Workers Act, 1961 will attract the penalties under the Child Labour (Prohibition & Regulation) Act, 1986.

CONTRACT LABOUR (REGULATION & ABOLITION) ACT, 1970
&
PUNJAB CONTRACT LABOUR (REGULATION & ABOLITION) RULES 1973

Object: The object of the Act is to regulate the employment of contract labour in certain establishments and provide for its abolition in certain circumstances and for matters connected therewith.

Applicability : It is applicable to every establishment (Principal Employer) in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour. It is also applicable to every contractor who employs or who employed on any day of the preceding twelve months 20 or more workmen.

Who is the Principal Employer: In the case of an office or the department of government or the local authority - the head thereof or the specified person; in the case of a factory, the owner or occupier or the person named as manager thereof; in the case of other establishments, the person responsible for the supervision and control of the establishment, is the principal employer under the Act.

Registration of Establishment & its fee: The Principal Employer of an establishment to whom the Act is applicable is required to get himself registered with the Registering Officer of the area i.e. the Assistant Labour Commissioner or the Labour-cum-Conciliation Officer by submitting an application in triplicate in Form-1 alongwith the prescribed fee mentioned herein under.

Revocation of Registration & its amendment: A Certificate of Registration can be revoked by the Registering Officer if it is obtained by misrepresentation or suppression of material facts etc. after affording an opportunity of being heard to the principal employer. The registration certificate is required to be amended upon the occurrence of any change in the particulars of establishment and upon the payment balance fee, if any on the enhancement of number of workers.

Licensing of Contractor: Every contractor to whom this Act is applicable is required to obtain a Licence on an application in Form IV in triplicate made to the Licensing Officer of the area i.e. the Assistant Labour Commissioner or the Labour-cum-Conciliation Officer alongwith the fee mentioned herein under. He is also required to deposit a security amount @ ²Rs. 270/- per worker. The contractor is required to renew the licence by submitting the application in Form VII in triplicate and deposit of fee for renewal

Revocation or Suspension & Amendment of Licence: A licence can be revoked by the Licensing Officer if it was obtained by misrepresentation or suppression of material facts or upon the failure of the contractor to comply with the conditions or contravention of Act or the Rules.

Welfare Measures to be taken by contractor: Where one hundred or more contract labour is employed one or more canteens are to be provided and maintained; first aid facilities, rest rooms, drinking water, latrines and washing facilities etc. are to be

² Vide Punjab Govt. Notification dt. 11.05.2004

provided by the Contractor and upon his failure, to be provided by the Principal Employer.

Responsibility of contractor for payment of wages: A contract is responsible to pay timely payment of wages and to ensure the disbursement of wages in the presence of the authorised representatives of the principal employer. The rates of wages are not to be less than the prescribed rates of minimum wages by the State Government.

Maintenance of records and submission of returns by Principal Employer:- Register of contractors in respect of every establishment in Form XII and annual return in Form XXV in duplicate before 15th February.

Maintenance of records and submission of returns by Contractor:- Register of workers for each registered establishment in Form XIII, muster roll and register of wages in form XVI and Form XVII when combined; register of wage-cum-muster roll in form XVII where the wage period is fortnightly or less; register of deductions for damages or loss in Form XX, register of fines in Form XXI; register of advances in Form XXII, register of overtime in Form XXIII, wage slip in Form XIX; and half-yearly return in Form XXIV in duplicate within 30 days from the close of half year (calendar).

Penalties: For obstructing the inspector or failing to produce registers etc. – three months imprisonment or fine up to Rs. 500/- or both and for violation of the provisions of the act or the rules, imprisonment of three months or fine up to Rs. 1000/- and in the case of continuing contravention, additional fine upto Rs. 100/- per day.

FORM I

Application for registration of establishments employing Contract Labour [Rule 17(1)]

1. Name & location of the establishment:
2. Postal address of the establishment:
3. Full name and address of the Principal Employer
(furnish father's name in case of individuals):
4. Full name and address of the manager or person responsible
for the supervision & control of the establishment:
5. Particulars of work carried on in the establishment:
6. Particulars of Contractors and Contract Labour:
 - (a) Names and addresses of the Contractors:
 - (b) Nature of work in which contract labour is

employed or to be employed:

- (c) Maximum number of contract labour to be Employed on any day through each contractor:
 - (cc) Estimated date of commencement of each Contract work under each contractor:
 - (d) Estimated date of termination of employment of contract labour under each contractor:
9. Amount and particulars of Registration fee deposited:

Declaration: I hereby declare that the particulars given above are true to the best of my knowledge and belief.

Place :

Date:

Signature & Seal of
the Principal Employer

FORM IV

Application for Licence

[Rule 21(1)]

1. Name & address of the contractor (including his father's name in case of individuals)
2. Date of birth & age (in case of individuals):
3. Particulars of establishment where contract labour is to be employed:—
 - (e) Name and address of the establishment:
 - (f) Type of business, trade, industry, manufacture or occupation carried on in the establishment.
 - (g) Number & date of Certificate of Registration of the establishment under the Act.
 - (h) Name and address of the Principal Employer:
4. Particulars of the Contract Labour:

- (a) Nature of work in which contract labour is employed
Or to be employed in the establishment:
 - (b) Duration of proposed contract work (give particulars
of proposed date of commencing & ending)
 - (c) Name and address of the agent or manager of
Contractor at the work site:
 - (d) Maximum number of contract labour proposed
To be employed in the establishment on any date:
5. Whether the contractor was convicted of any offence within
the preceding five years? If so, give details:
 6. Whether there was any order against the contractor revoking or
suspending licence or forfeiting security deposits in respect of
an earlier contract? If so, the date of such order:
 7. Whether the contractor has worked in any other
establishment within the last five years? If so, give
details of the Principal Employer, establishment
and nature of work:
 8. Whether a certificate by the Principal Employer
in Form V is enclosed?:
 9. Amount and particulars of Licence fee deposited:
 10. Amount and particulars of security deposit, if any,
or requested to be adjusted:
 11. Amount and particulars of security or balance, if any, after
adjustment of amount to be refunded under rule 31, if any:

Place :

Date:

Signature & Seal of
the Applicant-Contractor

FORM V

**FORM OF CERTIFICATE BY PRINCIPAL EMPLOYER
[under Contract Labour (regulation & Abolition) Act, 1970]**

[Rule 21(2)]

Certified that I have engaged the applicant _____
_____ as a contractor in my
establishment. I undertake to be bound by all the provisions of the Contract Labour
(Regulation and Abolition) Act, 1970, and the Punjab Contract Labour (Regulation
and Abolition) Rules, 1973, insofar as the provisions are applicable to me in respect
of the employment of contract labour by the applicant in my establishment.

Place :

Date:

Signature & Seal of
the Principal Employer

FORM VII

**APPLICATION FOR RENEWAL OF LICENCE
[under Contract Labour (regulation & Abolition) Act, 1970]**

[Rule 29(2)]

1. Name and address of the Contractor:
2. Number and date of the licence:
3. Date of expiry of the previous licence:
4. Whether the licence of the contractor was suspended or revoked:
5. Particulars of renewal fee deposited.

Signature of Applicant

³FEE FOR REGISTRATION OF A PRINCIPAL EMPLOYER

No. of workers are 20	Rs. 200/-
No. of workers from 21 to 50	Rs. 500/-
No. of workers from 51 to 100	Rs. 1000/-
No. of workers from 101 to 200	Rs. 2000/-
No. of workers from 201 to 400	Rs. 4000/-
No. of workers from 401 and above	Rs. 5000/-

⁴FEE FOR GRANT/RENEWAL OF A LICENCE OF A CONTRACTOR

No. of workers are 20	Rs. 50/-
No. of workers from 21 to 50	Rs. 150/-
No. of workers from 51 to 100	Rs. 250/-
No. of workers from 101 to 200	Rs. 500/-
No. of workers from 201 to 400	Rs. 1000/-
No. of workers from 401 and above	Rs. 1500/-

³ Vide Pb. Govt. Notification dt. 11.05.2004

⁴ Vide Pb. Govt. Notification dt. 11.05.2004

Minimum Wages Act, 1948
&
Minimum Wages (Punjab) Rules, 1950

Objective: The object of the Act is to prevent exploitation of labour; prevent employment of sweated labour in the interests of general public and so in prescribing minimum wage rates, the capacity of the employer need not be taken into account.

Applicability: The Act is applicable in respect of the employments specified in the Schedule of the Act. Presently, the Punjab Government has notified 67 employments in the said Schedule.

Responsibility of the Employer: An employer of the scheduled employment is required to pay the minimum wages to its employees as notified by the government from time to time. He is also required to maintain registers regarding registers of wages, fines, deductions for damage or loss and overtime. He is also required to send annual return to the Inspector for the year ending on 31st December by 1st of February next year.

Complaints: A worker can made a complaint with regard to payment of less than the minimum wages or unauthorised deductions made to the Labour Inspector Grade-I or II of the area.

Claims: A claim application in duplicate can be made in Form VI by an employee; in Form – VI-A by a group of employees; in Form – VII by an Inspector or person permitted by the Authority u/s 20 for claiming the difference of minimum wage and the wages actually paid, or for claim wages for weekly offs or rest days or for wages at the over-time rate. The application should be presented to the Competent Authority appointed under the Act i.e. the Assistant Labour Commissioner or the Labour-cum-Conciliation Officer of the concerned area.

Bar to Suit: Civil Courts are barred to entertain the suit for recovery of wages once a claim has been lodged with or could have been recovered by application to the Competent Authority under the Act.

Contracting out: Any contract or agreement whereby a worker relinquishes or reduce his right to receive minimum wages is null and void to that extent.

Penalties: For non compliance of the provisions of the Act, an employer may be punished for imprisonment up to six months or fine up to Rs. 500/- or both.

⁵**FORM VI**
FORM OF APPLICATION BY AN EMPLOYEE UNDER SECTION 20(2)
IN THE COURT OF THE AUTHORITY APPOINTED

⁵ Substituted by GSR 1301, dt.28-10-1960, published in the Gazette of India, Pt.II, s.3(i).dt. 5-11-1960.

UNDER THE MINIMUM WAGES ACT, 1948
FOR AREA
Application no.....of 20.....

(1)..... Applicant
(Througha legal practitioner/an official
of which is a registered trade union).
Address.....

Versus

(1).....
(2).....
(3)..... Opponents

The applicant above-named states as follows:

(1) The applicant was/has been employed from.... toas.....(category) in(establishment) of Shri/M/s.....engaged in.....(nature of work) which is scheduled employment within the meaning of section 2(e) of the Minimum Wages Act, 1948.

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

(3) ⁶[(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....

²[(b) The applicant has not been paid wages at Rs.... Per day for the weekly days for rest fromto.....

² [(c) The applicant estimates the value of relief sought by him on each account as under:
(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---
⁷[(a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid,

³[(b) payment of remuneration for the days of rest,

³[(c) payment of wages at the overtime rate,

⁸[(d) compensation amounting to Rs....]

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

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

Dated.....

Signature or thumb-impression of the employed
Person, or legal practitioner, or official of a
registered trade union duly authorized.]

⁹[FORM VI-A
FORM OF GROUP APPLICATION UNDER SECTION 21(1)
IN THE COURT OF THE AUTHORITY APPOINTED UNDER
THE MINIMUM WAGES ACT, 1948
FOR.....AREA.....

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

⁶ Delete the portions not required.

⁷ Delete the portions not required.

⁸ Inserted by GSR 1144,, dt. 8-9-1961, , published in the Gazette of India, Pt.II, s.3(i) dt.1`6-9-1961..

⁹ substituted by GSR 1301, dt.28-10-1960, published in the Gazette of India, pt.II,s.3(i)dt.5-11-1960.

Between ABC and (State the number).....other.....
(Through.....a legal practitioner/an official of which is a registered trade union)
Address.....

Applicant

And

XYZ.....
Address.....

The application states as follows:

(1) The applicants whose names appear in the attached schedule were/have been employed fromto..... as.....categories in.....(establishment) Shri/M/s.....engaged in(nature of work) which is/are covered by the Minimum Wages Act, 1948.

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

(3) ¹⁰[(a) The applicants have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act by Rs.... Per day for the period(s) from.....to.....

²[(b) The applicants have not been paid wages at Rs.... Per day for the weekly days of rest from....to....

²[(c) The applicants have not been paid wages at overtime rate(s) for the period from....to....

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

(a) Rs.....

(b) Rs.....

(c) Rs.....

Total Rs.....

(5) The applicants, therefore, prays that a direction may be issued under section 20(3) of the Minimum Wages Act, 1948 for:

² [(a) payment of the difference between the wages payable under the Act and the wages actually paid,

² [(b) payment of remuneration for the days of rest,

² [(c) payment of wages at the overtime rates,

¹¹ [(d) compensaton amounting to Rs.....]

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

Dated.....

Signature or thumb-impression of the employed
Person, or legal practitioner, or official of a
registered trade union duly authorized.

¹⁰ Delete the portions not required.

¹¹ Inserted by GSR 1140, dt.8-9-1961, published in Gazette of India, Pt.II,s.3(i), dt.16-9-1961.

¹²**FORM VII**

FORM OF APPLICATION BY AN INSPECTOR OR PERSON ACTING WITH THE PERMISSION OF
THE AUTHORITY UNDER SECTION 23(20)

IN THE COURT OF THE AUTHORITY APPOINTED
UNDER THE MINIMUM WAGES ACT, 1948
FOR.....AREA

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

(1)
Address.....

Applicant

Versus

(1)
Address.....

Opponent(s)

The application abovenamed states as follows:

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

¹³[(a) paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Minimum Wages Act, 1948 by Rs.... per day for the period(s) from.....to,

²[(b) not paid wages at Rs.... Per day dor the weekly days or rests fromto.....,

² [(c) not paid wages at the overtime rate(s) for the period fromto.....to the following employees:

(2) The applicant estimates the vaule 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-

² [(a) payment of the difference between the wages payable under the Act and the wages actually paid,

² [(b) payment of remuneration for the days of rest,

² [(c) payment of wages at the overtime rate,

¹⁴ [compensation amounting to Rs.....].

(4) The applicant begs leave to amend or add to or make alteration 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.

Dated.....

Signature.....

¹² Delete the portions not required.

¹³ Inserted by GSR 1140, dt 8-9-1961, vide Gazette of India, pt.II, s.3(i), dt 1-9-1961.

¹⁴ Substituted by GSR 1301, dt 28-10-1960, vide Gazette of India, Pt.II, s.3(i), dt 5-11-1960

FORM VIII

FORM OF AUTHORITY IN FAVOUR OF A LEGAL PRACTITIONER OR ANY OFFICIAL
OF A REGISTERED TRADE UNION REFERRED TO IN SECTION 20(2)

IN THE COURT OF THE AUTHORITY APPOINTED
UNDER THE MINIMUM WAGES ACT, 1948
FOR.....AREA

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

- (1)
- (2)
- (3)

Applicant(s)

versus

- (1)
- (2)
- (3)

Opponent(s)

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

Date.....

Signature or thumb-impression
of the employee.

Payment of Gratuity Act, 1972
&
Payment of gratuity (Punjab) Rules, 1973

Object: It is an Act to provide for a scheme for the payment of gratuity to employees engaged in factories, mines, oilfields, plantations, ports, railway companies, and shops or other establishments.

Applicability of the Act: Any employer of the above noted establishments where 10 or more persons are employed or were employed on any day of the preceding twelve months is liable to pay gratuity to its employees. Once the Act becomes applicable, it continues even if the number of employees falls below ten.

Entitlement: Gratuity is payable to an employee (nominee – in case of death of employee) who has rendered continuous services of five years or more on his termination of employment, superannuation, retirement or resignation. Completion of continuous service of five years is not necessary where the termination of employment is due to death or disablement.

Calculation of gratuity amount: $W \times Y \times 15 \div 26$ [W = Last Wage drawn i.e. basic + DA; Y = number of completed years of continuous service (six months or less to be ignored and more than six months to be counted as full year)].

Maximum Limit : Rs. 3.5 lacs.

Time Limit for application to employer: Employee has to make an application in Form-I to his employer within 30 days from the date the gratuity becomes payable.

Whom to apply in the case of non-payment by employer or dispute: Application in Form - N is to be made to the “Controlling Authority” i.e. the Assistant Labour Commissioner or the Labour-cum-Conciliation Officer of the concerned area within 90 days on the expiry of 30 days period of the employer.

Appeal : An aggrieved party can file an appeal to the Appellate Authority i.e. Additional Labour Commissioner, Punjab within 60 days of the decision of the Controlling Authority.

FORM – I
[See sub-rule (1) of rule 7]

To

.....
(give here name or description of the establishment with full address)

Sir,

I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 4 of the Payment of Gratuity Act, 1972 on account of my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease with effect from the Necessary particulars relating to my appointment in the establishment are given in the statement below:-

STATEMENT

1. Name in full
2. Address in full
3. Department/Branch/Section where last employed
4. Post held with ticket no. or serial no. if any
5. Date of appointment
6. Date and cause of termination of service
7. Total period of service
8. Amount of wages last drawn
9. Amount of gratuity claimed.

2. I was rendered totally disabled as a result of..... (Here give the details of the nature of disease or accident). The evidence/witness in support of my total disablement are as follows:-

- - (here give details) - -

3. Payment may please be made in cash/draft.

Yours faithfully

Place.....
Date.....

Signature/Thumb-impression
of the applicant employee.

.....

FORM – N

[See sub-rule (1) of rule 10]

Before the Controlling Authority under the Payment of Gratuity Act, 1972

Application No.....

Date.....

Between

(name in full of the application with full address)

And

(name in full of the employer concerned with full address)

The applicant is an employee of the above-mentioned employer/nominee/legal heir of late _____, an employee of the above-mentioned employer; and is entitled to payment of gratuity under section 4 of the Payment of Gratuity Act, 1972, on account of his own/aforesaid employee's superannuation/retirement/resignation on after completion of years of continuous service/ his own aforesaid employee's total disablement with effect from Due to accident/disease/death of the aforesaid employee on

2. The applicant submitted an application under rule of the Payment of Gratuity Act, 1972 on but the above-mentioned employer refused to entertain it/issued a notice dated the under clause of sub-rule..... Of rule offering an amount of gratuity which is less than my due/issued a notice dated Under clause of sub-rule of rule Rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter.

(here specify the dispute)

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the controlling authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above mentioned employer to pay the same to the petitioner.

5. The applicant declares that the particulars furnished in the Annexure hereto are true and correct to the best of his knowledge and belief.

Signature/Thumb-impression
of the applicant

Date.....

ANNEXURE

1. Name in full of applicant with address.
2. Basis of claim (death/superannuation/retirement/resignation/disability of employee).
3. Name and address in full of the employee.
4. Marital status of the employee (unmarried/married/widow/widower).
5. Name and address in full of the employer.
6. Department/Branch/section (where the employee was last employed) (if known).
7. Post held by the employee with ticket or serial no. if any (if known)
8. Date of appointment of the employee (if known).
9. Date and cause of termination of service of the employee. (superannuation/retirement/resignation/disablement/death)
10. Total period of service by the employee.

11. Wages last drawn by the employee.
12. If the employee is dead, date and cause thereof.
13. Evidence/witness in support of oath of the employee.
14. If a nominee. No. and date of recording of nomination with employer.
15. Evidence/witness in support of being a legal heir, if a legal heir.
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as a nominee/legal heir.
18. Amount of gratuity claimed by the applicant.

Signature/Thumb-impression
of the applicant

Place.....

Date.....

(note: Strike out the words not applicable)

PAYMENT OF WAGES ACT, 1936
&
PAYMENT OF WAGES (PUNJAB) RULES, 1937

Objective: It has been enacted to ensure the fixation of wage period and that the payment of wages to the workmen are made in time, without unauthorised deductions, in current coins and currency and in case of non-payment or unauthorised deductions, to enable the workers to make a claim.

Applicability: The Act is applicable to the persons employed in any factory, railway administration, industrial or other establishments i.e. tramway service, motor and air transport service, plantation, workshop of other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale, establishments in which any work relating to the construction, development or maintenance of buildings, roads, bridges or canals, or relating to operations connected with irrigation or supply of water or relating to generation, transmission and distribution of electricity.

Wage period and date of payment: Wage period is not to exceed one month. In an establishment where less than 1000 persons are employed, payment has to be made by 7th day of the next month otherwise by 10th day.

Authorised deductions : fines, absence from duty, damage to or loss to goods in custody, house-accommodation, advance, recovery of loans, house-building loan, income tax, order of court, payment to cooperative society; advance from Provident Fund, payment of insurance premia on fidelity guarantee bond, deduction authorised by the person employed.

Complaints : An employed person can make a complaint with regard to the non-payment or unauthorised deductions can be made to the Labour Inspector Grade-I or II of the area.

Claims : A claim application in duplicate can be made in Form A by any employed person, in Form – B by a group of employed persons or in Form - C by an Inspector or person permitted by the Authority u/s 15 for non-payment or unauthorised deductions made by the employer. The application should be presented to the Authority appointed under the Act i.e. the Assistant Labour Commissioner or the Labour-cum-Conciliation Officer of the concerned area.

Bar to Suit : Civil Courts are barred to entertain the suit for recovery of wages once a claim has been lodged with the Authority under the Act or an appeal in its regard is pending with the Appellate Authority.

Contracting out: Any contract or agreement whereby an employed person relinquishes or reduce his right to receive wages from his employer is null and void to that extent.

Maintenance of Records & annual return : The employer is required to maintain registers for attendance, wages, fines, deductions, advances in respect of the persons

employed and to file annual return for the year ending on 31st December by 15th February of the next year.

Penalties: For non compliance of the provisions of the Act, an employer can be fined from Rs. 200/- up to Rs. 2000. For a subsequent offence, the punishment is minimum one month but may extend to six months imprisonment and with minimum fine of Rs. 500/- which may extend to Rs. Rs. 3,000/-. For a continuing offence, additional fine of Rs. 100/- per day shall be imposed.

Form A

Form of Individual Application

[See sub-section (2) of section 15 of the Payment of Wages Act]

In the Court of the Authority appointed under the Payment of Wages Act, 1936 (4 of 1936) for area.

Application No. of

Between A.B.C. Applicant (through a legal practitioner/an official of which is a registered Trade Union.)

And X.Y.Z..... opposite party:

The applicant states as follows:

1. A.B.C. is a person employed in the/on the factory/railway/industrial establishment entitled and resides at

The address of the applicant for the service of all notices and processes is:

.....

2. X.Y.Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes

is:.....

3. (1) The applicant's wages have not been paid for the following wage-period(s).....(give dates)

Or A sum of Rs..... has been unlawfully deducted from his wages of amount for the wage-period(s) which ended on (give dates)

(2) [Here give any further claim or explanation].

4. The applicant estimates the value of the relief sought by him at the sum of Rs.....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for –

(a) Payment of delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted.

(b) Compensation amounting to

The Applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner or official of a registered trade union duly authorized.

Form B
Form of Group Application

[See sub-section (2) of sections 15 and 16 of Payment of Wages Act]

In the Court of the Authority appointed under the Payment of Wages, Act, 1936 (4 of 1936) for area

application No..... of

Between A.B.C.....

Applicants

A legal practitioner

(through a legal practitioner/an official of which is a registered union).

And X.Y.Z..... Opposite Party.

The applicants state as follows:

1. ¹⁵[The applicants whose names and permanent addresses] appear in the attached schedule are persons employed in the /on the /factory/railway/industrial establishment entitled and resides at
The address of the applicants for service of all notice and processes is:
.....
2. X.Y.Z. the opposite party, is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is:
.....
3. The applicants' wages have not been paid for the following wage-period(s):
.....
4. The applicants estimate the value of the relief sought by them at the sum of Rs...
5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for:
 - (a) Payment of the applicants' delayed wages as estimated..... or such greater or lesser amount as the Authority may find to be due.
 - (b) Compensation amounting to.....

The Applicants certify that the statement of facts contained in this application is, to the best of their knowledge and belief, accurate.

Signature of thumb impression of two of the
Applicants, or legal practitioner, or an official of
A registered trade union duly authorized.

¹*SCHEDULE*

S.No.	Name of Applicant	Permanent Address

¹⁵ Subs. By the Payment of Wages (Procedure) (Amendment) Rules, 1960.

FORM C

FORM OF APPLICATION BY AN INSPECTOR OR PERSON PERMITTED BY
THE AUTHORITY OR AUTHORISED TO ACT

[See sub-section (2) of sections 15 and 16 of the Payment of Wages Act]

In the Court of Authority appointed under the Payment of Wages Act, for area.
Application No..... of

Between

A.B.C. [(designation).....an Inspector under the
Payment of Wages Act] of a person permitted by the authority/authorized to act under
sub-section (2) of Section 15].....applicant.

And

X.Y.Z..... the opposite party.

The applicant states as follows:

1. X.Y.Z., the opposite party is the person responsible under the Act for the payment of wages to the following ¹⁶[persons whose names and permanent addresses are given below]:
 - (1)
 - (2)
 - (3)
 - *
 - *
2. His address for the service of all notices and processes is:
3. The wages of the said person(s) due in respect of the following wage-period(s) have not been paid/have been subjected to the following illegal deductions:
4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs.....
5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for:
 - (a) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.
Or Refund of the amount illegally deducted.
 - (b) Compensation amounting to Rs.....

¹⁶ Subs. by Payment of Wages (Procedure) Amendment Rules, 1960.

The applicant certifies that the statement of facts contained in this application is, to the best of his knowledge and belief, accurate.

Signature

FORM D
CERTIFICATE OF AUTHORISATION

I/We employed person(s) hereby authorize a legal practitioner/an official of Which is a registered trade union to act on my/our behalf under section 15 and section 17 of the Payment of Wages Act, 1936 (4 of 1936), in respect of the claim against on account of the delay in payment\illegal deductions from my/our wages for.....

Witnesses (1)
(2)
(3)
(4)
*
*

Signature (1)
(2)
(3)
(4)
*
*

I accept the authorisation.

Signature
Legal practitioner/
Official of a registered trade union

Workmen's Compensation Act, 1923 & Workmen's Compensation Rules, 1924

Object: The objective of this Act is that in the case of an employment injury compensation be provided to the injured workman and in case of his death to his dependants.

Employer to pay compensation: In case a personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer is liable to pay compensation in accordance with the provision of the Act within 30 days from the date when it fell due otherwise he would also be liable to pay interest and penalty.

When employer is not liable: In case the disablement of workman is three or less days; except in case of death when the injury is caused due to influence of drink or drug taken by the workman or upon his wilful disobedience to obey safety rules or removal of safety guards by him.

Amount of compensation : (1) in case of death:- an amount equal to 50% of the monthly wage multiplied by the relevant factor as given in Schedule IV of the Act or Rs. 80,000/- whichever is more. (2) In case of permanent total disablement, it is 60% or Rs. 90,000/- whichever is more and (3) In case of permanent partial disablement occurs then the compensation is proportionate to the disability arrived as at (2) above.

Notice: An injured person or his dependants have to give a notice to the employer to pay compensation.

Claim: Upon the failure or refusal of an employer to give compensation, an application is to be made in Form - F to the Commissioner under the Workmen's Compensation Act, 1923 who is the Assistant Labour Commissioner or the Labour-cum-Conciliation Officer of the area where the accident took place or where the claimant ordinarily resides or where the employer has his registered office. After hearing both the parties, the Commissioner decides the claim.

Contracting out: Any contract or agreement whereby an injured person or his dependant relinquishes or reduce his right to receive compensation is null and void to that extent.

Appeal: An appeal lie to the High Court against the orders of the Commissioner with regard to the awarding or refusing to award compensation, or imposing interest or penalty, or regarding distribution of compensation etc.

Recovery : The amount of compensation awarded by the Commissioner is to be recovered as arrears of land revenue.

[see rule 20]

To

The Commissioner for workmen's Compensation

.....
.....

Sh/Smt.....
.....residing at..... Applicant.

Versus

.....
.....residing atOpposite Party.

It is hereby submitted that.—

(1) the applicant, a workman employed by (a contractor) with the opposite party on the Day of received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of the injury)

(2) the applicant sustained the following injuries, namely

(3) The monthly wages of the applicant amount of Rs. _____ The applicant is over/under the age of 15 years.

(4) (a) Notice of the accident was served on the day of.

(b) Notice was served as soon as practicable.

(a) Notice of the accident was not served (in due time) by reason of.

(5) The applicant is accordingly entitled to receive: --

(a) half monthly payment of Rs. _____ From the _____ day of 19_____ to

(b) a lump sum payment of Rs. _____

(6) The applicant has taken the following steps to secure a settlement by agreement, namely, but it has proved impossible to settle the question in dispute because

_____.

You are therefore requested to determine the following questions in dispute, namely: -

(a) Whether the applicant is a workman within the meaning of the Act;

- (b) Whether the accident arose out of or in the course of the applicants employment;
- (c) Whether the a amount of compensation claimed is due, or any part of that amount;
- (d) Whether the opposite party is liable to pay such compensation as is due;
- (e) etc., (as required)

Date _____ 20 .

Applicant

CERTIFICATE

Certified that the statement of facts mentioned above are accurate to the best of my knowledge.

Applicant