

Industrial dispute to be raised in the prescribed manner. *Rly. Mens' Stores Vs. Chairman Labour Court.* (1978) 30 DLR (SC) 252.

S. 43 says, no industrial dispute can exist unless duly raised by the collective bargaining agent. And S. 43 bars existence of an industrial dispute, unless it is raised in the prescribed manner by a collective bargaining agent. According to this provision an industrial dispute does not exist if it is not so raised. *James Finlay Vs. Chairman 2nd Labour Court.* (1981) 33 DLR (AD) 58.

Collective bargaining agent only can raise an industrial dispute. *James Finlay Vs. Chairman 2nd Labour Court.* (1981) 33 DLR(AD)58.

THE INDUSTRIAL RELATIONS (REGULATION) (REPEAL) ORDINANCE, 1984

Ordinance No. XXXII of 1984

AN

ORDINANCE

to repeal the Industrial Relations (Regulation) Ordinance, 1982.

1. Short title—This Ordinance may be called the Industrial Relations (Regulation) (Repeal) Ordinance, 1984.

2. Repeal and savings—(1) The Industrial Relations (Regulation) Ordinance, 1982 (XXVI of 1982), hereinafter referred to as the said Ordinance, is hereby repealed.

(2) Notwithstanding such repeal—

(a) any registered trade union declared as collective bargaining agent for an establishment or group of establishments under the said Ordinance shall be deemed to be collective bargaining agent for such establishment or group of establishments under the Industrial Relations Ordinance 1969 (XXIII of 1969) and shall continue to be such collective bargaining agent for the remainder of its term ;

Provided that if any other registered trade union in such establishment or group of establishments, by an application addressed to the Registrar of Trade Unions, objects to such continuance, a new collective bargaining agent shall be determined under the Industrial Relations Ordinance, 1969 (XXIII of 1969) within six months of such objection ;

(b) any settlement reached between an employer and a collective bargaining agent in any industrial dispute under the said Ordinance shall remain in force for the period stipulated therein ;

(c) any industrial dispute awaiting settlement, under the said Ordinance at the time of its repeal shall be deemed to be an industrial dispute under the Industrial Relations Ordinance, 1969 (XXIII of 1969), and shall be dealt with under that Ordinance.

THE MINIMUM WAGES ORDINANCE, 1961

[Ordinance No. XXXIX of 1961]

[*An Ordinance to provide for the regulation of minimum rates of wages for workers employed in certain industrial undertakings and for matters ancillary thereto.*]

1. Short title, extent and commencement.—(1) This Ordinance may be called the Minimum Wages Ordinance, 1961.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

Note

See also Ordinance X of 1969 [The E P Minimum Wages (Fixation) Ordinance, 1969].

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context.—

(1) “adult” has the same meaning as in clause (b) of section 2 of the Factories Act, 1965 (XXI of 1965);

(2) “Board” means a Minimum Wages Board established under section 3 ;

(3) “Council” means the Minimum Wages Council constituted under section 8 ;

(4) “employer” means any person who employs either directly or through another person, whether on behalf of himself or any other person, any person for whom a minimum rate of wages may be declared under this Ordinance, and includes—

(a) in relation to a factory, a managing agent or other person who has ultimate control over the affairs of the factory, and

(b) in other cases, any person responsible to the owner for supervision and control of such worker or for payment of his wages ;

(5) "factory" means a factory as defined in clause (f) of section 2 of the Factories Act, 1965 (IV of 1965), and includes any place deemed to be factory under sub-section (1) of section 3 thereof;

(6) "industry" with its grammatical variations and cognate expressions, means an industry as defined in clause (g) of section 2 of the Industrial Disputes Ordinance, 1959 (LVI of 1959) and includes a plantation as defined in clause (iii) of section 2 of the Payment of Wages Act, 1936 (IV of 1936);

(7) "juvenile worker" means a worker who is not adult;

(8) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—

- (a) any contribution paid by the employer in respect of such person under any scheme of social insurance or to a pension fund or provident fund.
- (b) any travelling allowance or the value of any travelling concession.
- (c) any sum paid to such person to defray special expenses incurred by him in respect of his employment.
- (d) any sum paid as annual bonus, or
- (e) any gratuity payable on discharge; and

(9) "worker" means any person including an apprentice employed in any industry to do any skilled or unskilled, intellectual, technical, clerical, manual or other work, including domestic work, for hire or reward, but does not include—

- (i) persons employed by the Government;
- (ii) persons employed in coal mines in respect of whom minimum wages may be fixed under the Coal Mines (Fixation of Rates of Wages) Ordinance, 1960 (XXXIX of 1960); and
- (iii) persons employed in agriculture.

3. Establishment of Minimum Wages Board.—(1) As soon as may be, after the commencement of this Ordinance, the Government shall establish a Minimum Wages Board for Bangladesh consisting of the following four members to be appointed by it, namely—

- (a) the Chairman of the Board ;
- (b) one independent member ;
- (c) one member to represent the employers of Bangladesh and
- (d) one member to represent the workers of Bangladesh ;

Provided that for the purpose of discharging the function of a Board specified in section 5 the following two more members appointed by the Government shall be added, namely—

- (i) one member to represent the employers connected with the industry concerned ; and
- (ii) one member to represent the workers engaged in such industry.

(2) The Chairman of the Board and the independent member shall be appointed from persons with adequate knowledge of industrial, labour and economic conditions of Bangladesh who are not connected with any industry or associated with any employers' or workers' organisation.

(3) The member to represent the employers of Bangladesh and the member to represent the workers of Bangladesh under sub-section (1) shall be appointed after considering nominations, if any, of such organisations as the Government considers to be representative organisations of such employers and workers respectively.

(4) The members referred to in the proviso to sub-section (1) to represent the employers connected with and the workers engaged in the industry concerned shall be appointed after considering nominations, if any, of such organisations as the Government considers to be representative organisations of such employers and workers respectively.

(5) The term of office of the members of the Board, the manner of the filling casual vacancies therein, the appointment of its committees, if any, the procedure and conduct of the Board and its committees and all matters connected therewith including the fees and allowances to be paid for attending such meeting and other expenses, including expenses for the services of experts and advisers obtained by the Board, shall be such as may be prescribed by rules made under section 17.

Case Laws

S. 3. Representative nominated by the employers (or the employees)—Law does not require that such representatives must be accepted.

The claim made by the Association was that unless a person nominated to represent the employers is a person recommended by the Association, the appointment will not be of a representative in the true sense, cannot be conceded. The duty imposed by the law is that such nominations should be considered. The law does not require that they should be accepted. *Pakistan Steel Re-Rolling Mills Association vs. Province of West Pak.* (1966) 18 DLR (SC) 113.

—Reference to the Board can be made by the Government on its own satisfaction.

Of the conditions requisite to the making of a reference one, namely, an opinion formed by the Provincial Government is clearly a matter of subjective satisfaction into which the Courts are not competent to investigate. Ibid.

—Minimum wages determinable under M.W. Ordinance is not the same thing as adequate wages determinable under the Industrial Disputes Ordinance.

The determination of minimum wages is categorically different from the determination of wages in an industrial dispute relating to wages, where the question ordinarily raised is inadequacy of wages actually paid to employees. An enquiry into the minimum

wages has an altogether wider and more general character, than a question of adequacy of wages actually being paid in a particular unit of the industry to certain workers. Ibid.

Ss. 3(3), 11—Appointment of representatives to Board—Provincial Government not bound to appoint any representative nominated by an organization—May appoint men of its own choice.

The provisions of the Ordinance do point out to the effective representation of the employers and the workers of the Province and for the purpose of fixation of minimum rates of wages in a particular industry the representatives of the employers and workers of that industry have also to be nominated to the Board. But it seems that the statute gives the power of selecting the required representatives to the Provincial Government. There seems to be no room for the argument that the Provincial Government has to confine its choice to the panel of the nominations that may be submitted by the respective organizations of the employers and the workers. The Provincial Government, while considering those nominations is not at all bound to accept them. *Pakistan Steel Re-rolling Mills Association vs. Province of W.P.* PLD 1964 Lahore 138 (DB). (Sajjad Ahmad J.)

The claim of the Employers Association that unless a person nominated to represent the employers is a person recommended by the Association, the appointment will not be of a representative character, in the true sense, cannot be conceded. *Pakistan Steel Re-Rolling Mills Association vs. Province of West Pakistan* PLD 1966 S.C. 72 ; 18 DLR (SC) 113. (Cornelius, C. J.).

—Where the Constitution of the Board was challenged because the first notification appointing three members of the Board left the fourth place, viz. that of an independent member unfilled, and the Board was in that condition when the reference was made to it by the Provincial Government, and it was contended that it should be held that at the time of reference there was no Board in existence.

Held : In leaving one place unfilled, the Government was not acting in defiance of the Ordinance, or in violation thereof. It expressly stated by its notification that the fourth place would be filled later, and that was actually done. In any case, all actions consequent upon the reference were taken by a Board consisting of the four principal members, and two members appointed to represent employers and workers respectively in the particular industry. *Ibid.*

4. Recommendation of minimum rates of wages for unskilled and juvenile workers.—(1) A Board shall, upon a reference made to it by the Government, recommend to such Government, after such enquiry as the Board thinks fit, the minimum rates of wages for adult unskilled workers and juvenile workers employed in industrial undertakings in Bangladesh.

(2) In its recommendations under sub-section (1), the Board shall indicate, whether the minimum rates of wages should be adopted uniformly throughout Bangladesh or with such local variations for such localities as are specified therein.

CASE LAW

Ss. 4 & 5. Board entitled to provide different wages for different workers of the same category on account of the difference in the degrees of difficulties.

The Industrial Disputes Ordinance 1959 does not provide machinery for resolution of questions, such as questions as to what should be minimum wages paid to the workers of a particular Industry. *Pak. Steel Re-rolling Mills Association vs. Province of W.P., PLD 1966 S.C. 72; 18 DLR (SC). 113. (Cornelius, C.J.).*

5. Recommendation of minimum rates of wages for workers with respect to particular industries.—Where, in respect of any particular industry in Bangladesh for which no adequate machinery exists for effective regulation of wages, the Government is of the opinion that, having regard to the wages of the workers employed in the undertakings engaged in such industry, it is expedient to

fix the minimum rates of wages of such workers, it may direct the Board to recommend, after such enquiry as the Board thinks fit, the minimum rates of wages either for all such workers or for such of them as are specified in the direction :

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*[The Proviso omitted by A. O.. 1964.]

(2) In pursuance of a direction under sub-section (1), the Board may recommend minimum rates of wages for all classes of workers in any grade and, in such recommendation, may specify—

(a) the minimum rates of wages for—

(i) time-work ; (ii) piece-work ;

(iii) overtime-work ; and

(iv) work on the weekly day of rest and for paid holidays ;
and

(b) the minimum time-rates for workers employed on piece-work so as to guarantee minimum wages on a time basis for such workers.

(3) The time-rates recommended by the Board may be on hourly, daily, weekly or monthly basis.

(4) The rates recommended under this section for overtime work and work on paid holidays shall not be less than minimum rates fixed for such work under any other law for the time being in force.

CASE LAW

S. 5. 'Worker'—'Supervisory staff' fall within the definition of workers.

Under the Ordinance the Board has power to provide minimum rates of wages for all workers in the industry such as may be specified in the reference and the expression "worker" is defined in the Ordinance in the most general term so as to include all those doing "intellectual, technical, clerical, or mental or other work". The scope of the definition is thus certainly wide enough to include supervisory staff. *Pakistan Steel Re-rolling Mills Association vs. Province of West Pakistan*. (1966) 18 DLR (SC) 113.

S. 5.—Board—When may be set up—Necessity for Board is determined by subjective satisfaction of Government.

What the employers may consider to be an adequate machinery may not be so accepted by the workers and vice versa and, therefore, the need for the Provincial Government for the sake of better harmony and efficient workers to determine the matter and to set up the Board to engage itself in the task of recommending wages in that industry. The subjective satisfaction of the Provincial Government as to whether adequate machinery exists in an industry or not, for the effective regulation of wages is required under the Ordinance. *Pakistan Steel Re-rolling Mills Association vs. Province of West Pak. PLD 1964 Lahore 138 (DB) (Sajjad Ahmad, J).*

Approved in *Pak. Steel Re-rolling Mills Association vs. Province of West Pakistan. PLD 1966 S.C. 72;18 DLR (SC) 113. (Cornelius, C.J).*

S. 5(2)—Extra wages for a class of workers—Provincial Government is competent to fix.

Section 5(2) enables the Board to recommend minimum rates of wages for all classes of workers in any grade and enumerates the types of work that may be covered by recommendations without exhausting their list. In fact, the recommendations have to be made, as stated in the main provision itself, for all classes of workers in any grade and there seems nothing wrong in fixing additional wages for the workers working near the furnace. There is no excess of authority in the recommendations made for awarding additional wages to such workers. *Pakistan Steel Re-rolling Mills Association vs. Province of W.P. PLD 1964 Lahore 138 (BD) Sajjad Ahmad J.*

Approved in *Pakistan Steel Re-rolling Mills Association vs. Province of West Pakistan, PLD 1966 S.C. 72;18 DLR (SC) 113. (Cornelius, C.J.)*

6. Power to declare minimum rates of wages.—(1) Upon receipt of a recommendation of the Board under section 4 or section 5, the Government may—

- (a) by notification in the official Gazette, declare that the minimum rates of wages recommended by the Board for the various workers shall, subject to such exception as may be specified in the notification, be the minimum rates of wages for such workers ; or
- (b) if it considers that the recommendation is not, in any respect, equitable to the employers or the workers, within thirty days of such receipt, refer it back to the Board for reconsideration with such comments thereon and giving such information relating thereto as the Government may think fit to make or give.

(2) Where a recommendation is referred back to the Board under clause (b) of sub-section (1), the Board shall reconsider it after taking into account the comments made and information given by the Government and, if necessary, shall hold further enquiry and submit to such Government—

- (a) a revised recommendation, or
- (b) if it considers that no revision or change in the recommendation is called for, make report to that effect stating reasons therefor.

(3) Upon receipt of the recommendation of the Board under sub-section (2), the Government may, by notification in the official Gazette, declare that the minimum rates of wages recommended under that sub-section by the Board for various workers shall, subject to such modifications and exceptions as may be specified in the notification, be the minimum rates of wages for such workers.

(4) Unless any date is specified for the purpose in the notification under sub-section (1) or sub-section (3), the declaration thereunder shall take effect on the date of publication of such notification.

(5) Where after publication under sub-section (1) or sub-section (3) or after minimum rates of wages declared thereunder have taken effect, it comes to the notice of the Government that there is a mistake in the minimum rates of wages so declared, or that any such rate is inequitable to employers or the workers, it may refer the matter to the Board and any such reference shall be deemed to be a reference under sub-section (2).

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*[The original sub-section (6) omitted by A. O. 1964.]

(7) The minimum rates of wages declared under this section shall be final and shall not, in any manner, be questioned by any person in any Court or before any authority.

CASE LAWS

S. 6.—Government to specify a date from which the declaration becomes effective.

Sub-section (4) of section 6 indicates that it is for the Government to specify a date from which the declaration in regard to the minimum rates of wages shall become effective. In the absence of any such direction the declaration takes effect on the date of publication of the Notification under sections 6(1) and 6(3).

A question arose was, whether the Government was at liberty to fix a date which is prior to the date of the publication to the notification.

Held: Sub section (4) of section 6 does not contemplate retrospective operation of the declaration mentioned therein or the Provincial Govt. is authorized to give retrospective effect to the recommendations of the Board.

Khulna Textile Mills Ltd. vs. Govt. of Pak. (1966) 18 DLR 304.

S. 6(I) (b). The Government's failure to refer back the Wages Board's recommendation for fresh consideration within the limit of 30 days' time as provided by section 6(I)(b) of the Ordinance, in the circumstances of the present case, was a technical defect.

Khulna Textile Mills Ltd. vs. Government of East Pakistan
(1966) 18 DLR 304.

7. Periodical review of minimum rates of wages.—The Board shall review its recommendations if any change in the economic conditions and cost of living and other relevant factors so deemed, and recommend to the Government any amendment, modification or revision of the minimum rates of wages declared under section 6 :

Provided that no recommendation shall be reviewed earlier than one year from the date on which it was made, unless the special circumstances of a case so require, and later than three years from such date.

(2) Review and recommendation under this section shall be deemed to be an enquiry and recommendation under section 4 or, as the case may be, under section 5, and, so far as may be, the provisions of this Ordinance shall, to such review and recommendation, apply accordingly.

8. [*Constitution of the Minimum Wages Council—omitted by A.O., 1964, Art. 2 and Sch.*]

9. Prohibition to pay wages at a rate below the minimum rate of wages.—(1) Subject only to such deductions as may be authorised under this Ordinance, or under any other law for the time being in force, no employer shall pay any worker wages at a rate lower than the rate declared under this Ordinance to be the minimum rate of wages for such worker.

(2) Nothing in sub-section (1) shall be deemed—

- (a) to require or authorise an employer to reduce the rate of wages of any worker ; or
- (b) to affect, in any way, the right of a worker to continue to receive wages at a rate higher than the minimum rate declared under this Ordinance, if, under any agreement, contract or award, or as a customary differential or otherwise, he is entitled to receive wages at such higher rate, or to continue to enjoy such amenities and other

advantages as are customary for such worker to enjoy ;
and

(c) to affect the provisions of the Payment of Wages Act, 1936 (IV of 1936).

(3) Any employer who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred taka or with both, and if the Court trying such contravention by order so directs, shall also pay to the worker concerned such sum as may be specified in the order to represent the differences between the amount actually paid to such worker and the amount which would have been paid to him had there been no such contravention.

10. Cognizance of offences.—No Court inferior to that of a Magistrate of the first class shall take cognizance of an offence punishable under this Ordinance or the rules made thereunder, and cognizance shall not be so taken except upon a complaint in writing made by the Government or by any person authorised in this behalf by the Government

11. Protection of the proceedings of a Board or the Council.—No act or proceeding of a Board shall be invalid or questioned merely on the ground of existence of any vacancy therein or of any defect in the constitution or in the appointment or qualification of any member thereof.

CASE LAW

S. 11—Defect in constitution of Board—Only three members appointed to the Board instead of four when reference made—Reference is not defective.

Held : Even if it were to be said that the Board was defective in strength while receiving the reference from the Government for the fixation of minimum rates of wages owing to the existence of the vacancy of the fourth member, the deficiency is obviously cured by S. 11, although, the act of merely receiving the reference is of no consequence, because what really matters are the final recommendations of the Board which were made by the Full Board. Similarly,

this provision cures the defect in the constitution of the Board also even if the defect be relatable to its non-representative status. Pakistan Steel Re-rolling Mills Association Vs. Province of W.P. PLD 1964 Lah. 138 (DB) (Sajjad Ahmad, J).

12. Powers of Boards, etc. to collect information.—(1) Any Board or the Chairman of a Board may, for the purpose of an enquiry under this Ordinance or the rules made thereunder, direct any employer to furnish such records, documents or information and do such other acts as the Board or the Chairman, as the case may be, may require, and every such employer shall comply with such direction.

(2) The Chairman of the Board and such members, officers and servants thereof as are authorised in this behalf by the Chairman, may, for the discharge of any functions under this Ordinance or the rules made thereunder.—

- (a) enter, at all reasonable times, any factory ;
- (b) inspect any books, registers and other documents relating to such factory ; and
- (c) record statements of persons connected with the working of such factory :

Provided that no one shall be required under this clause to answer any question tending to criminate himself.

(3) Any employer who contravenes the provisions of sub-section (1), and any person who wilfully obstructs any one in the exercise of any power under sub-section (2), or fails to produce on demand thereunder any books, registers or other documents, shall be punishable with fine which may extend to five hundred taka.

13. Certain powers of Court to Boards, etc.—(1) The Boards shall, while holding an enquiry under this Ordinance or the rules made thereunder, be deemed to be Civil Courts and shall have the same powers as are vested in such Courts under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely—

- (a) enforcing the attendance of any person and examining him on oath ;
- (b) compelling the production of documents and material objects ; and
- (c) issuing commissions for the examination of witnesses.

14. **Chairman, etc., deemed to be public servants**—The Chairman of the Board and the members, officers and servants thereof, shall all be deemed to be public servants within the meaning of section 21 of the Penal Code (Act XLV of 1860).

15. **Bar to legal proceedings.**—No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Ordinance or the rules made thereunder.

16. [*Rules relating to Council*]. *Omitted by A.O. 1964 Art. 2 and Sch.*

17. **Rules relating to Boards.**—(1) Subject to the provisions of section 16, the Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for—

- (a) the matters specified in sub-section (5) of section 3 ;
- (b) the giving of opportunities to persons likely to be affected by the minimum rates of wages to offer comments and make suggestions ;
- (c) fixing normal hours of work for the purpose of determining time-work ;
- (d) giving adequate publicity to the minimum rates of wages declared under this Ordinance ;
- (e) the maintenance of wage books, wage slips, registers and other records and prescribe their forms and particulars to be entered therein and the manner of authenticating such entries ;

- (f) the preparation and submission of reports and returns;
- (g) the appointment of Inspectors or other officers and prescribe their powers and functions; and
- (h) such other matters for which rules are considered necessary for effectively carrying out the provisions of this Ordinance.

(3) Rules made under this section may provide that any contravention thereof shall be punishable with fine not exceeding five hundred taka.

18. Repeal & saving.—(1) *The East Pakistan Minimum Wages Act, 1957 (E.P. Act XXXVII of 1957) shall stand repealed.*

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rule made and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done, taken, made or issued under this Ordinance, and shall have effect accordingly.

THE (E.P.) MINIMUM WAGES RULES, 1961

(Rules framed by the Government of East Pakistan in exercise of the powers conferred by section 17 of the Minimum Wages Ordinance, 1961 (Ordinance No. XXXIX of 1961).

1. Short title.—These rules may be called the East Pakistan Minimum Wages Rules, 1961.

2. Definitions —In these rules, unless there is anything repugnant in the subject or context—

(a) "Ordinance" means the Minimum Wages Ordinance 1961 (Ordinance No. XXXIX of 1961) ;

(b) "Board" means the (East Pakistan) Minimum Wages Board established under section 3 of the Ordinance ;

(c) "Committee" means any Committee appointed by the Board ; and

(d) other words and expressions used in these rules have the same meanings as those assigned to them in the Ordinance.

3. Meetings.—(1) Meetings of the Board shall be convened by notice in writing given to each member by the Chairman, including such time and place of meetings as the Chairman may direct.

(2) Meetings shall be convened as frequently as the Chairman considers necessary.

(3) Every meeting of the Board shall be presided over by the Chairman, if present, or if he is absent, by the independent member.

¹(4) The quorum of the first meeting of the Board on a reference under section 5 shall consist of the Chairman, the independent member, one member each representing the employers and the employees of the industry concerned :

Provided that the absence of any such member in the subsequent meetings of the Board shall not affect the progress of the

1. Sub-sections (4) and (5) substituted by S.R.O. 72-L/81/S/XI/MWR-27/81 dated 28 February, 1981.

work of the Board and that the proceedings of the Board shall not be vitiated in any way notwithstanding the absence of any such member.

(5) The Board shall dispose of any case referred to it under section 5 of the Ordinance within six months from the date of the first meeting of the Board ;

Provided that no recommendation of the Board shall be invalid merely on the ground of delay in its delivery,]

4. Term of office.—(1) The term of office of the members of the Board, except as otherwise expressly provided in the Ordinance, shall be three years from the date on which the appointment is notified in the official Gazette. Members shall, notwithstanding the expiry of the said period of three years, continue to hold office till the appointment of a successor is notified in the official Gazette,

(2) Any person whose term of office expires shall be eligible for re-appointment.

(3) A member of the Board may resign his office by notice in writing to the Government and his seat shall fall vacant from the date of the acceptance of the resignation by the Government.

(4) If a member of the Board (other than the Chairman) absents himself from three consecutive meetings thereof without leave of absence from the Chairman, the Government may, by notification in the official Gazette declare his seat to be vacant.

(5) If for misconduct or any other reason the continuance in office of a member of the Board is deemed to be not in the public interest, that member may be removed by the Government from membership of the Board.

(6) Any vacancy in the Board shall be filled by the Government in a manner not affecting the representative interests on the Board.

(7) A member appointed to fill a casual vacancy shall hold office only for the unexpired portion of the term of office of his predecessor,

5. Absence from Bangladesh.—(1) If any member of the Board (other than the Chairman) leaves Bangladesh he shall intimate to the Chairman the date of his departure from, and the date of his expected return to, Bangladesh; if he intends to be absent from Bangladesh for a period exceeding six months, the Chairman shall inform the Government with a view to the appointment, if necessary, of a substitute member for such period.

(2) Where the Chairman goes on long leave or is sent on deputation outside Bangladesh the Government may appoint any other person as Chairman, for the period of his absence.

6. Allowances for members of the Board—Members of the Board other than the Chairman, shall receive such allowances as the Government may determine.

7. Disposal of business.—(1) Decisions of the Board shall be according to the views of the majority of the members present at the meeting and in the event of an equality of votes the Chairman shall have a second or casting vote :

Provided that if at any meeting the representatives of the employers and workers respectively are present in unequal number the Chairman, if he deems it expedient, may require them to vote by "sides".

(2) Votes shall ordinarily be by showing hands; but if the Chairman so decides, the decisions on any matter may be taken by secret vote, which shall be held in such manner as the Chairman may decide.

8. Attendance of witnesses.—For the purpose of any enquiry under this Ordinance, the Chairman of the Board shall have powers to require the attendance of witnesses, including parties interested, and the production of documents as provided in the Code of Civil Procedure, 1908 (Act V of 1908).

9. Experts and Advisers.—(1) The Chairman of the Board shall have power to invite any expert or adviser to attend any meeting of the Board and to take part in its deliberations; but such person shall not have the right to vote,

(2) The expenses of Advisers to members of the Board, other than the Chairman and the independent member, shall be borne by the respective parties.

10. Powers of the Board, etc., to collect information.—The Chairman or any member of the Board or any adviser or expert or any officer in the employment of the Board duly authorised by the Chairman on this behalf, may, for the purpose of carrying out objects of the Ordinance—

- (a) enter at any reasonable times, any factories or other premises or places used in connection with the working of any industry ;
- (b) require the production of any register and any other document and take on the spot or otherwise statements of any person which he may consider necessary ; and
- (c) obtain information in writing by the issue of questionnaires or otherwise.

11. Minutes of meetings.—(a) The minutes of each meeting of the Board shall show the names of members present and shall be recorded in such form as may be directed by the Chairman. A copy of the minutes shall be communicated to each member as soon as possible after the meeting.

(b) The minutes of each meeting shall be confirmed at the next meeting and signed by the Chairman.

12. Appointment of committees.—(1) The Board may appoint committees, and may refer to any such committee for investigation, report and recommendations on any matter which the Board may decide to refer to it, in order to assist the Board in the preparation of recommendations on matters within the competence of the Board including minimum rates of wages for any locality or for any section of an industry.

(2) Such committees shall consist of at least one member representing employers, one member representing workers and one independent member, who shall be Chairman,

(3) The Chairman of a committee shall have the same power for purposes of investigation as conferred upon the Chairman of the Board by rule 8.

(4) The Chairman of a committee or any member of a committee or any adviser or expert of a committee shall have the same powers as those conferred by rule 10 on the Chairman of a Board or any member, adviser or expert of the Board.

(5) Members of a committee including its Chairman, shall receive such allowances as may be determined by the Government.

13. Staff.—(a) The Government may appoint a Secretary of the Board and such other staff as it thinks necessary.

(b) the Secretary so appointed shall attend the meetings of the Board, and, as authorised by the Chairman of the Board, shall assist him in—

- (i) convening meetings ;
- (ii) keeping the records of the proceedings of the meetings ;
- (iii) carrying out the decisions taken ; and
- (iv) in any other ways ensuring the application of the provisions of the Ordinance ;

Provided that the Secretary shall not be entitled to vote.

14. Principle of equal remuneration.—In fixing minimum rates of wages, the principle of equal remuneration for men and women workers for work of equal value shall be applied.

15. Procedure for determining minimum rates of wages.—(1) Where the Board proposes to recommend minimum rates of wages it shall give notice, by publishing the terms of the proposed recommendation in the official Gazette, to persons likely to be affected thereby, in order, that they may have opportunity to file objections or make suggestions in writing with supporting data, within fourteen days from the date of publication.

(2) The Board may, after considering any objections and suggestions made in accordance with sub-rule (1), make such am-

endments of the original proposals as may seem desirable, or may uphold its original proposals and make recommendations accordingly, to the Government.

16. **Publicity for minimum rates of wages.**—(1) The Government shall take all appropriate means of ensuring that the minimum rates of wages fixed shall be made known to all employers and workers concerned.

(2) The Government may, whenever it considers appropriate, require all employers for whose workers minimum rates of wages have been fixed, to display in conspicuous places in the factory, workshop or such other places as it thinks fit, notices in English, Bengali and Urdu giving the minimum rates of wages fixed.

(3) In respect of home or out-workers, the notice shall be displayed in such factory, workshop or place as may be used for giving out work to them.

17. **Form of Registers and Records**—(1) Every employer shall maintain, at the place of employment in respect of any industry for which minimum rates of wages have been fixed under the Ordinance, a Wage Register in Form I.

(2) Every employer shall issue to the employees employed in any industry in respect of which minimum rates of wages have been fixed under the provisions of the Ordinance, Wages Slips in Form II.

(3) Every employer shall obtain the signature or the thumb impression of every employee on the Wage Register.

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

(5) A Muster Roll shall be maintained by the employer in Form III at the place of employment in respect of all employees employed in any industry in respect of which minimum rates of wages have been fixed under the provisions of the Ordinance.

(6) The registers and records required under this rule and such other rolls and records as the Government may require to be maintained under the Ordinance or these rules for the effective

application of the Ordinance shall be preserved by the employer for two years after the last entry made therein,

18. Penalty for false entries in records, producing false records or giving false information.—Whoever makes or cause to be made or knowingly allows to be made any entry in a record required by rule 17 to be kept by employers, which he knows to be false in a material particular or for purposes connected with rule 17 produces or furnishes or causes or knowingly allows to be produced or furnished, any Wage Register, Wages Slips, or information which he knows to be false in a material particular, shall be punishable on conviction to a fine not exceeding five hundred Taka.

19. Appointment of Inspectors.—The Government may appoint any person as it thinks fit to be Inspector for the purposes of the Ordinance.

20. Powers and functions of Inspector.—An Inspector appointed under rule 19 shall exercise the following powers and perform the following duties :—

- (a) enter any premises where any employer or worker to whom minimum rates of wages fixed under the Ordinance apply carries on his business and to require the production for examination of any register, wage book, records of payments made to home or outworkers by persons giving out work and any other records or documents relating to the calculation or payment of wages, and take on the spot or otherwise such evidence of any person, and exercise such powers of inspection as he may deem necessary for carrying out the purpose of the Ordinance ;
- (b) examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matter under the Ordinance any person whom he has reasonable cause to believe to be or to have been a worker to whom a minimum rate of wage applies or was

applicable or the employer of any such person or servant or agent of the employer employed in the employer's business and to require every such person to be so examined and sign a declaration of the truth of the matters in respect of which he is so examined.

21. Submission of claim.—When a worker claims that he has been paid less than the minimum rate of wage applicable to him, the worker himself or any legal practitioner or any officer of a registered trade union authorised in writing to take action on his behalf may submit the claim in Form IV to the Government or to such person or persons as may be appointed to act in this behalf :

Provided that every such claim shall be submitted within six months from the date on which the minimum rates of wages should have been paid.

22. Contravention of Rules.—Any person who contravenes any provisions of these Rules shall be punishable with fine not exceeding five hundred Taka.

FORM I
[Rule 17(1)]

1. Name of Factory.....
2. Department.....
3. Branch/Section/Group/Relay, etc.....
4. Wage-period
5. Address.....

S/No.	Amount of employee	Token or Ticket No.	Occupation	Rate of pay (if paid on piece-rate the rate. at which paid)	Minimum rate of wages payable	No. of days the worker attended
1	2	3	4	5	6	7

No. of hours overtime worked	Amount of overtime wages earned.	Gross wages payable	Amount of any deductions giving reasons of deductions imposed	Actual wages paid	Signature of or thumb impression of the employee	Remarks
8	9	10	11	12	13	14

FORM IV

(Rule 21)

Form for Application

In the Court of the Authority appointed under the Minimum Wages Ordinance, 1961 (XXXIX of 1961 for..... area.

Application No..... of 19..... 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 factory/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.....of the Ordinance, and his address for the service of all notices and processes is—

3. The applicant states that he has been paid less than the minimum rate of wages applicable to him for the following wage-period (s) (give dates).
(Here give any further claim or explanation)

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

5. The applicant prays that a direction may be issued under section.....for.....

(a) payment of his wages paid less as estimated or such greater/lesser amount as the Authority finds to be due.

(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 authorised.

THE SCHEDULE

বাংলাদেশ নিম্নতম মজুরী বোর্ড হোটেল ও রেস্টুরেন্ট শিল্প প্রতিষ্ঠান সুপারিশ—১৯৭১

১৯৬১ সনের নিম্নতম মজুরী অধ্যাদেশের (অধ্যাদেশ নং ৩৯) বিধান অনুযায়ী গণপ্রজাতন্ত্রী বাংলাদেশ সরকার ১৯৭৩ সনের ২৪শে আগস্ট হোটেল ও রেস্টুরেন্ট শিল্প প্রতিষ্ঠানে নিয়োজিত শ্রমিকদের নিম্নতম মজুরী ধার্য কক্ষে সরকারী বিজ্ঞপ্তি নং-এস এস ছয়/আর-৪/৭৩/৪৭৬ মোতাবেক বোর্ড গঠন করেন এবং প্রয়োজনীয় তদন্তক্রমে উক্ত শিল্প প্রতিষ্ঠানে নিয়োজিত শ্রমিকদের নিম্নতম মজুরী ধার্যের সুপারিশ করিবার জন্য বাংলাদেশ নিম্নতম মজুরী বোর্ডকে নির্দেশ দেন।

বোর্ড বাংলাদেশে অবস্থিত ছোট-বড় বেশ কিছু সংখ্যক “হোটেল ও রেস্টুরেন্ট” শিল্প প্রতিষ্ঠান পরিদর্শনক্রমে বিভিন্ন শ্রমিকদের কর্মাবস্থা, মজুরী, রেজিস্টার, মালিকের মজুরী প্রদানের পদ্ধতি, অর্থনৈতিক অবস্থা, সকল শ্রমিকদের জীবিকা নির্বাহের ব্যয় সমেত আরও অন্যান্য বিষয় পর্যবেক্ষণ করেন। এই কথা অনস্বীকার্য যে শ্রমিকদের পদবিন্যাস সন্দেহে বিভিন্ন হোটেল ও রেস্টুরেন্ট বিভিন্ন সময়ে তাহাদের ব্যাখ্যা ও মতামত প্রদান করিয়াছেন এবং ইহা এমনি বৈচিত্র্যপূর্ণ যে উহাকে সহজ ও সরলভাবে বিভিন্ন পর্যায়ে সমভাবে আনিতে গেলে বিরূপ প্রতিক্রমার সৃষ্টি হওয়ার খুবই সম্ভাবনা থাকায় এই শিল্প প্রতিষ্ঠানগুলির দ্রুত উন্নতির পথ ব্যাহত হইতে পারে। সব কিছু গভীরভাবে পর্যালোচনার পরই বোর্ড শিল্প প্রতিষ্ঠানের মালিক ও শ্রমিকদের পক্ষ হইতে প্রয়োজনীয় তথ্যবলী সংগ্রহ করিয়া তাহার তদন্তকার্য সম্পন্ন করেন এবং ১৯৬১ সনের নিম্নতম মজুরী অধ্যাদেশের ৫ ধারা মোতাবেক গণপ্রজাতন্ত্রী বাংলাদেশ সরকারের নিকট নিম্নলিখিত সুপারিশ পেশ করিতেছেন :—

১। বাংলাদেশে অবস্থিত সমস্ত হোটেল ও রেস্টুরেন্ট শিল্প প্রতিষ্ঠানকে সেবামান কর্মরত শ্রমিক সংখ্যা, আয় ইত্যাদি বিবেচনাক্রমে (১) প্রথম শ্রেণী (ক), (২) প্রথম শ্রেণী (খ), (৩) প্রথম শ্রেণী (গ), (৪) দ্বিতীয় শ্রেণী (ক),

(৫) দ্বিতীয় শ্রেণী (খ) ও (৬) তৃতীয় শ্রেণী, মোট ছয় শ্রেণীতে বিভক্ত করা হয় যাহা অগ্রসহ প্রয়োজনীয় ব্যাখ্যাসহ “ক” পরিচ্ছেদে বলা হইয়াছে।

২। ১নং সুপারিশ অনুযায়ী বিভিন্ন শ্রেণীর হোটেল ও রেস্টুরেন্ট শিল্প প্রতিষ্ঠানের শ্রেণী বিভাগ অনুযায়ী শৃঙ্খমাত্র সর্বনিম্ন মজুরী ভোগী শ্রমিকদের জন্য নিম্নতম মজুরী ঘোষণা করা হইল যাহা অগ্রসহ “খ” পরিচ্ছেদে বলা হইয়াছে। হোটেল ও রেস্টুরেন্টের শ্রেণী বিভাগ অনুযায়ী প্রদত্ত নিম্নতম মজুরীকে ঐ সকল হোটেল ও রেস্টুরেন্টের জন্য সর্বনিম্ন মজুরী বহাল রাখিয়া নিজস্ব স্কেল বা গ্রেড যে সকল হোটেল বা রেস্টুরেন্টে প্রচলিত আছে সেখানে বর্তমানে প্রচলিত উচ্চতর গ্রেড বা স্কেলের পারাভিক মজুরীর সহিত ৩০% বৃদ্ধি যোগ করিয়া সংশ্লিষ্ট উচ্চতর গ্রেড বা স্কেলের নিম্নতম মজুরী নির্ধারণ করিবেন।

৩। যে সকল হোটেল ও রেস্টুরেন্ট শিল্প প্রতিষ্ঠানে কোন গ্রেড বা স্কেল প্রচলিত নাই সেই সকল হোটেল ও রেস্টুরেন্ট শিল্প প্রতিষ্ঠানে হোটেল ও রেস্টুরেন্টের শ্রেণী বিভাগ অনুযায়ী (“ক” পরিচ্ছেদ দ্রঃ) ঘোষিত নিম্নতম মজুরী (“খ” পরিচ্ছেদ দ্রঃ) মূল মজুরী হিসাবে গণ্য করিয়া গ্রেড প্রতি টাকা ৮০ যোগ করিয়া উচ্চতর গ্রেড বা গ্রেডসমূহ নির্ধারণ করিবেন। গ্রেড সংখ্যা ও কোন পদ কোন গ্রেডের সহিত অন্তর্ভুক্ত হইবে তাহা নির্ধারণের জন্য মালিক ও শ্রমিক পক্ষ যৌথভাবে আলাপ-আলোচনার মাধ্যমে নির্ধারণ করিবেন।

৪। যদি কোন শিল্প প্রতিষ্ঠান কোন শ্রমিক কন্ট্রাক্টরের মাধ্যমে নিয়োজিত হইয়া মজুরী প্রাপ্ত হইয়া থাকেন তবে সেই শ্রমিক ১৯৬১ সনের নিম্নতম মজুরী অধ্যাদেশের ২(৯) ধারা অনুযায়ী “শ্রমিক” বলিয়া গণ্য হইবেন এবং উক্ত নিয়োগকারী কন্ট্রাক্টর ও মালিকের ন্যায় উল্লিখিত ২নং ও ৩নং সুপারিশ অনুযায়ী কার্য করিবেন এবং উল্লিখিত শ্রমিকদিগের রেজিস্টারভুক্ত করিতে হইবে এবং প্রয়োজনবোধে মজুরী শিল্প প্রদান করিতে হইবে।

৫। শিল্প প্রতিষ্ঠানের মালিক তাহাদের বিভিন্ন পদে নিয়োজিত শ্রমিকদের “খ” পরিচ্ছেদে নির্ধারিত নিম্নতম মজুরী অপেক্ষা কম দিতে পারিবেন না। অন্যান্য সুযোগ সুবিধা সম্বন্ধে মালিক ও শ্রমিক পক্ষ তাহারা তাহাদের আলাপ-আলোচনার বা collective bargaining-এর মাধ্যমে নির্ধারণ করিয়া লইতে পারিবেন।

৬। নির্ধারিত নিম্নতম মজুরী বাহা "খ" পরিচ্ছেদে উল্লিখিত হইয়াছে তাহা সর্বোচ্চ মজুরী হিসাবে গণ্য হইবে না এবং বর্তমানে নির্ধারিত মজুরী অপেক্ষা কোথাও যদি অধিক হারে মজুরী দেওয়া হইয়া থাকে তবে তাহা হ্রাস করা যাইবে না। অবশ্য নিয়োগকর্তা/মালিক পক্ষ ইচ্ছা করিলে নিজেদের উদ্যোগে এককভাবে বা যৌথ চুক্তি অনুযায়ী অধিকতর যোগ্যতাসম্পন্ন শ্রমিককে কোন বিশেষ এলাকার জীবন যাত্রার ব্যয়, মান, বন্দুক বা অপর কোন কারণে উচ্চ হারে মজুরী প্রদান করিতে পারিবেন।

৭। যদি কোন শিল্প প্রতিষ্ঠানের মালিক শ্রমিকদেরকে ক্ষতিপূরণ ভিত্তিক মজুরী দিয়া থাকেন, তবে তাহাকে এই সুপারিশ মোতাবেক তাহাদের মজুরীর হার এইরূপ হারে সংশোধন করিতে হইবে যাহাতে তাহারা বিভিন্ন শ্রেণীভুক্ত শ্রমিকদের (বাহা "খ" পরিচ্ছেদে বলা হইয়াছে) জন্য নির্ধারিত নিম্নতম মজুরী অপেক্ষা কম না হয়।

৮। নির্ধারিত নিম্নতম মজুরী বাহা "খ" পরিচ্ছেদে উল্লিখিত হইয়াছে তাহা ১লা জানুয়ারী ১৯৭৯ সন হইতে কার্যকরী হইবে।

[—S, R.O. 182—L/79/L/WVI/2(4)/78.]

THE SHOPS AND ESTABLISHMENTS ACT, 1965

[Act No. VII of 1965]

An Act to repeal and, with certain amendments, re-enact the East Bengal Shops and Establishments Act, 1951.

1. Short title, extent, commencement and application.—(1) This Act may be called the Shops and Establishments Act, 1965.

(2) It extends to the whole of Bangladesh.

(3) It shall apply at once to every establishment in the areas in which the East Bengal Shops and Establishments Act, 1951 was in force immediately before the commencement of this Act.

(4) It shall apply at once to every establishment in all other areas of Bangladesh in which five or more workers are employed, or were employed on any day of the preceding twelve months.

(5) It shall apply to every other establishment in such other area or areas and on such date as the Government may, by notification in the official Gazette, specify.

(6) Notwithstanding anything contained in the foregoing sub-sections, this Act shall not apply to—

- (i) offices of or under the Government ;
- (ii) offices of or under the Bangladesh Railway Board, including railway stations ;
- (iii) offices of or under any local authority, a trust, a corporation or any other public statutory body, which is not run for profit or gain or in the course of its business does not make any profit or gain ;
- (iv) shops or stalls in any public exhibition or show insofar as such shops or stalls deal in retail trade which is solely subsidiary or ancillary to the main purpose of such exhibition or show ;
- (v) shops or stalls in any public fair or bazar held for religious or charitable purpose ;
- (vi) hostels and messes not maintained for profit or gain;

- or
 (vii) establishment for the treatment or care of the sick, infirm, destitute or mentally unfit.

2. Definitions — In this Act, unless there is anything repugnant in the subject or context—

- (a) 'apprentice' means a learner who is paid an allowance during the period of his training ;
- (b) 'child' means a person who has not completed twelve years of age ;
- (c) 'closed' means not open for service to any customer or to any business connected with any establishment ;
- (d) 'commercial establishment' means an establishment in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment employs workers, a unit of a joint stock company, an insurance company, a banking company or a bank, a broker's office or stock exchange, a club, a hotel or a restaurant or an eating house, a cinema or theatre, or such other establishment or class thereof as the Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Act;
- (e) 'day' means a period of twenty-four hours beginning at mid-night ;

Provided that, in the case of a worker whose hours of work extend beyond mid-night, a day means the period of twenty-four hours beginning from the time of commencement of his work, irrespective of mid-night ;

- (f) 'Director of Labour' means an officer so appointed by the Government ;

(g) 'employer' means the owner of a shop, commercial establishment or industrial establishment and includes—

(i) in any shop, commercial establishment or industrial establishment, under the control of any Department of the Government, the authority appointed in this behalf, or where no authority is so appointed, the Head of the Department ;

(ii) in any shop, commercial establishment or industrial establishment, carried on by or on behalf of a local authority, the officer appointed in this behalf, or where there is no such officer, the chief executive officer of that authority ; or

(iii) in relation to any other shop, commercial establishment or industrial establishment, the proprietor of such shop, commercial establishment or industrial establishment and every Director, Manager, Secretary, Agent or other officer or person concerned with the management thereof and is responsible to the owner for the supervision and control of such shop, commercial establishment or industrial establishment ;

(h) 'establishment', where not otherwise specified, means a shop, a commercial establishment, or an industrial establishment ;

(i) 'factory' means a factory as defined in the Factories Act, 1965 (IV of 1965) ;

(j) 'half day' means a period of five consecutive hours between the beginning and closing hours of an establishment ;

(k) 'industrial establishment' means any workshop or other establishment in which articles are produced, adopted or manufactured or where the work of making, altering, repairing, ornamenting, finishing or packing or otherwise treating any article or substance, with a view to their use, transport, sale, delivery or

disposal, is carried on and includes any dock, wharf, jetty, or such other class of establishments as the Government may, by notification in the official Gazette, declare to be an industrial establishment for the purpose of this Act but does not include a factory ;

(l) 'prescribed' means prescribed by rules made under this Act ;

(m) 'shop' means any premises used wholly or in part for the whole-sale or retail-sale of commodities or articles either for cash or credit, or where services are rendered to customers, and includes an office, store room, godown, warehouse or workplace, whether in the same premises or elsewhere, mainly used in connection with such trade or business, and such other premises as the Government may, by notification in the official Gazette, declare to be a shop for the purpose of this Act ;

(n) 'wage' means wages as defined in the Payment of Wages Act, 1936 (Act IV of 1936) ;

(o) 'week' means a period of seven days beginning at mid-night between Friday and Saturday ;

(p) 'worker' means any person including an apprentice employed in any shop, commercial establishment or industrial establishment to do any skilled, unskilled, manual, technical or clerical work for hire or reward, whether the terms of employment be express or implied, but does not include any such person—

(i) who is employed in the Police or Armed Forces of Bangladesh or in the Services of a Prison ;

(ii) who is employed mainly in a managerial or administrative capacity ; or

(iii) who, being employed in a supervisory capacity, exercises, either by nature of the duties attached to the office or by reason of power vested in him, functions mainly of managerial or administrative nature ;

(g) 'young person' means a worker who is not a child and has not completed eighteen years of age.

3. Exemption and extension.—(1) The Government may, by notification in the official Gazette, suspend or extend the operation of all or any of the provisions of this Act in respect of any establishment or class of establishments or person or class of persons and in area for such period and subject to such conditions as may be imposed :

Provided that the period of such suspension, as may be specified in the notification, shall not exceed one year at a time.

(2) The Chief Inspector may, by notification in the official Gazette, suspend the operation of all or any of the provisions of this Act in respect of any establishment or class of establishments for such period and subject to such conditions, as may be imposed, on account of any festival or such other occasions as may be prescribed :

Provided that if any worker is required to work in any festival holiday, he shall be allowed two days' compensatory holidays with full wages for each of such festival holidays.

4. Weekly holidays.—(1) Every worker employed in any establishment shall be allowed one and a half day's consecutive holidays in each week.

(2) No deduction on account of such holidays shall be made from the wages of an establishment.

5. Closure.—(1) Every shop or commercial or industrial establishment shall remain entirely closed for at least one and a half consecutive days in each week.

(2) The days on which shops or commercial or industrial establishments shall remain entirely closed, shall be fixed for each town or area by the Chief Inspector :

Provided that the Chief Inspector may, from time to time, re-fix the days for each town or area in the public interest.

(3) No shop shall on any day remain open after the hours of 8 o'clock *post meridiem* :

Provided that any customer who was being or was waiting in the shop to be served at such hour, may be served during the period of thirty minutes immediately following such hour :

Provided further that the Government may, on consideration of special circumstances, alter, by notifications in the official Gazette, the closing hours of shops in any area in any season on such conditions as may be imposed.

6. Exemption from closure.—(1) The provisions of section 5 shall not apply to—

- (i) docks, wharves or stations and terminal offices of transport services including airports ;
- (ii) shops dealing mainly in any vegetable, meat, fish, dairy products, bread, pastries, sweetmeats and flowers ;
- (iii) shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites ;
- (iv) shops dealing in articles required for funerals, burials or cremation ;
- (v) shops dealing mainly in tobacco, cigars, cigarettes, biris, pan, liquid refreshments sold retail for consumption in the premises, ice, newspapers or periodicals ;
- (vi) petrol pumps for the retail sale of the petrol and automobile service stations not being repair workshops ;
- (vii) barbers' and hair dressers' shops ;
- (viii) any system of public conservancy or sanitation, any industry, business or undertaking which supplies power, light or water to the public ;
- (ix) clubs, hotels, restaurants, eating houses, cinemas or theatres :

Provided that the Chief Inspector may, by a general or special order, published in the official Gazette, fix the opening or closing hours for any of the foregoing establishments or class of establishments.

(2) Where several trades or business are carried on in the same shop or commercial establishment and, any of them, by its nature, is eligible to exemption under sub-section (1), the exemption will apply only to that particular trade or business.

7. Restriction.—After the hour fixed for closure of shops under sub-section (3) of section 5, no goods of the kind sold in any shop, shall be sold in any hotel, restaurant, eating house, cinema, theatre or any other place of public entertainment or amusement, except for consumption in the premises.

8. Daily and weekly hours of work.—(1) Save as otherwise expressly provided in this Act, no worker shall be liable to work in any establishment in excess of nine hours a day and forty-eight hours a week and no young person in excess of seven hours a day and fortytwo hours a week :

Provided that a worker may be required to work overtime in any establishment, but the total number of hours of work including overtime in a week shall not exceed sixty in the case of an adult and fifty-two in the case of a young person :

Provided further that the Chief Inspector may, in special circumstances, grant exemption from the provisions of this section to an establishment or class thereof in respect of the weekly limit of overtime work subject to such conditions as may be imposed,

9. Overtime allowance for overtime work.—A worker shall be paid in respect of overtime work an allowance calculated at double the ordinary rate of his wages and such ordinary rates of wages shall be calculated in the prescribed manner :

Provided that the ordinary rates of wages, for calculating allowance for overtime work under this section, shall not include any bonus or any other additional payment made in lieu of bonus.

10. Interval for rest or meal.—No worker employed in any establishment shall be liable to work either—

- (a) for more than six hours in any one day unless he has been allowed an interval of at least one hour

during that day for rest or meal ; or

- (b) for more than five hours in any one day unless he has been allowed an interval for rest or meal of at least half an hour during that day.

11. **Spread-over.**—The period of work of a worker shall be so arranged that inclusive of his interval for rest or meal under section 10, it shall not spread over more than twelve hours on any day.

12. **Payment of wages.**—(1) All wages and other allowances payable to any worker employed in any establishment shall be payable not later than the seventh day of the month immediately succeeding that in respect of which such wages and other allowances are payable.

(2) Notwithstanding anything contained in the Payment of Wages Act, 1936 (IV of 1936) the provisions of the same Act shall, subject to the provision of sub-section (1) of this section, apply to the payment of wages to workers employed in any establishment, as if the provisions of the said Act have been enacted in this Act.

13. **Annual leave with wages:**—(1) Every worker who has completed a period of twelve months' continuous service in the establishment, shall be allowed, during the subsequent period of twelve months leave with full wages for a number of days calculated at the rate of—

- (a) in the case of an adult, one day for every eighteen days of work actually performed by him during the previous period of twelve months ; and
- (b) in the case of a young person, one day for every fourteen days of work actually performed by him during the previous period of twelve months :

Provided that a period of such leave shall be inclusive of any holiday which may occur during such period.

(2) If a worker does not in any period of twelve months, take the leave to which he is entitled under sub-section (1), either in whole or in part, any such leave not taken by him shall be added to the

leave to be allowed to him under that sub-section in the succeeding period of twelve months :

Provided that a worker shall cease to earn any leave under this section when the earned leave due to him, in case of an adult, amounts to thirty days, and in case of a young person, amounts to forty days :

Provided further that any leave applied for by a worker but refused by his employer shall be added to the credit of such worker beyond the aforesaid limit.

(3) For the purpose of this section a worker shall be deemed to have completed a period of continuous service in an establishment notwithstanding any interruption in service during that period due to—

- (a) Any holiday ;
- (b) any leave with wages ;
- (c) any leave with or without wages due to sickness or accident ;
- (d) any maternity leave not exceeding twelve weeks ;
- (e) any period of lay-off ;
- (f) a strike which is not illegal or a lock-out which is not legal.

Explanation.—For the purpose of clause (e) 'lay off' shall mean the failure, refusal or inability of an employer on account of shortage of coal, power or raw material or the accumulation of stock or the break-down of machinery or for any other reason, to give employment to a worker whose name is borne on the muster-rolls of his shop, commercial establishment or industrial establishment.

✓ 14. Festival holiday.—Every worker shall be allowed at least ten days' festival holidays with full wages in a year. The days and dates for such festivals may be fixed in such manner as may be prescribed.

✓ 15. Casual leave.—Every worker shall be entitled to casual leave with full wages for ten days in a calendar year :

Provided that the casual leave admissible under this section shall not be carried forward beyond that calendar year.

✓ 16. **Sick leave.**—Every worker shall be entitled to sick leave with full wages for a total period of fourteen days in a year ; such leave not availed of by any worker during a calendar year may be carried forward, but the total accumulation of such leave shall not exceed twenty-eight days at any one time.

17. **Wages during leave or holiday period.**—(1) For the leave or holidays allowed to a worker under the provisions of this Act, he shall be paid at the rate equal to the daily average of his full-time earnings including dearness allowances, if any, for the days on which he worked during the month immediately preceding his leave but excluding any overtime allowance and bonus.

(2) A worker who has been allowed annual leave for a period of not less than four days in the case of an adult and five days in the case of a young person, at any time, shall, insofar as it is practicable, be paid his wages for the period of the leave so allowed, before his leave begins.

✓ 18. **Cleanliness.**—Every establishment shall be kept clean and free from effluvia arising from any drain, privy or other nuisance and shall be cleaned at such time and by such method as may be prescribed.

✓ 19. **Ventilation.**—Every establishment shall be ventilated in accordance with such standards and by such method as may be prescribed.

✓ 20. **Lighting.**—Every establishment shall be sufficiently lighted during all working hours.

✓ 21. **Sanitary conveniences, washing facilities and facilities for taking meals.**—Every establishment shall provide for the sanitary conveniences, washing facilities and, where so required, facilities for taking meal by the workers in the prescribed manner.

✓ 22. **Prohibition of employment of children**—No child shall be employed to work in any establishment.

23. Night work for women or young person.—No woman or young person shall be employed in any establishment otherwise than between the hours of 7 a. m and 8 p. m. except with the permission of the Chief Inspector.

24. Maintenance of records, registers and notices.—Every employer shall, for the purposes of this Act, maintain such records and registers, and furnish such information, as may be prescribed.

25. Chief Inspector and Inspectors.—(1) The Director of Labour shall be the Chief Inspector, who shall, in addition to the powers conferred on the Chief Inspector under this Act, have the powers of an Inspector throughout Bangladesh and shall also have powers of supervision and control over the Inspectors :

Provided that the Chief Inspector may authorise any other officer or officers under him to exercise all or any of his powers for such area or areas as may be specified by him,

(2) The Government may, by notification in the official Gazette, appoint such persons or class of persons, as it thinks fit, to be Inspectors, for the purposes of this Act, within the local limits, as may be assigned to each.

(3) The Chief Inspector and every Inspector shall be deemed to be public servant within the meaning of section 21 of the Penal Code, 1860 (XLV of 1860).

26. Power of Inspectors.—(1) An Inspector appointed under sub-section (2) of section 25, may, for the purpose of this Act, and within the local limits for which he is appointed, at all reasonable times enter into any place which is, or which he has reason to believe is, an establishment, with such assistant or assistants, if any, being persons in the service of Bangladesh, and make such inspection or examination of that place or of any prescribed records, registers or other documents maintained therein, and may require such explanation from the employer in respect of any prescribed records, registers or other documents as he considers necessary for the purpose of this Act ;

✓ Provided that no person shall be required under this section to answer any question or to make any statement tending to incriminate himself.

(2) All Inspectors appointed under sub-section (2) of section 25, shall be deemed to have been appointed as Inspectors under sub-section (3) of s. 14 of the Payment of Wages Act, 1936 (IV of 1936), within the local limits for which they are appointed, and shall exercise all the functions and powers of an Inspector under that Act in respect of payment of wages to workers employed in any establishment.

(3) An Inspector shall have power to seize in the prescribed manner, any record, register or other document of any establishment, relevant to the enforcement of the provisions of this Act, as he may consider necessary for the purpose of carrying out his functions under this Act.

✓ 27. Penalties.—(1) Whoever contravenes any of the provisions of sections 4, 5, 8, 9, 12, 14, 15, 16, or 24 shall be punishable, for the first offences, with fine, which may extend to taka two hundred and fifty, and for any subsequent offence, with simple imprisonment which may extend to three months or with fine which may extend to Taka five hundred or with both.

(2) Whoever contravenes any of the provisions of sections 10, 11, 17 or 31 and whoever having custody of any prescribed record, register or notice, refuses or without sufficient cause fails to produce it on being so required by an Inspector under section 26, shall be punishable with simple imprisonment which may extend to two months or with fine which may extend to taka two hundred or with both.

(3) Contravention of any other provisions of this Act shall be punishable with simple imprisonment or with fine which may extend to taka one hundred or with both.

(4) Any person who fails to comply with any lawful direction of the Chief Inspector or of an Inspector, shall be punishable with fine which may extend to taka two hundred and fifty.

(5) In the case of a continuing offence, a further penalty, which may extend to taka one hundred for every day after the first, during which the offence continues, may be imposed on a person responsible for the contravention of any provision of this Act or of any lawful order passed thereunder.

28. Penalties for false entries by employer.—An employer who with intent to deceive, makes or causes or allows to be made in any register, record or notice, prescribed to be maintained under this Act or rules made thereunder, an entry which, to his knowledge, is false in any material particular, or wilfully omits or causes or allows to be omitted from any such register, record or notice, an entry which is required to be made thereunder, or maintains or allows to be maintained more than one set of registers, records or notices, except the office copies thereof or sends or causes or allows to be sent to an Inspector any statement, information or notice, prescribed to be sent under the provisions of this Act or rules made thereunder, which, to his knowledge, is false in any material particular, shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to taka five hundred or with both.

29. Cognizance of offence.—(1) No Court shall take cognizance of an offence under this Act except upon complaint made by or with the previous permission, in writing, of the Chief Inspector or an Inspector :

Provided that no case started on complaint made by an Inspector shall be withdrawn without the previous permission of the Chief Inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try an offence under this Act.

30. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith done or intended to be done under this Act or rules made thereunder.

31. Protection of certain rights and privileges.—Nothing in this Act shall affect any right or privilege to which a worker has been entitled on the date this Act comes into force, under any law for the time being in force or under any award, agreement, settlement, contract, custom or usage, if such right or privilege is more favourable to him.

32. Power to make rules—(1) The Government may, subject to the condition of previous publication in the official Gazette, make rules for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any matter which is to be or may be prescribed under this Act.

(3) Rules made under this section may provide that a contravention thereof shall be punishable with fine which may extend to taka one hundred.

33. Repeal and savings—(1) The East Bengal Shops and Establishments Act, 1951 is hereby repealed.

(2) Notwithstanding the repeal, anything done, action taken, rules framed or notification or order issued under the said Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued under the corresponding provisions of this Act.

(3) Any reference to the East Bengal Shops and Establishments Act, 1951, in any other law for the time being in force shall be construed to have a reference to this Act.

**CASES UNDER
SHOPS AND ESTABLISHMENTS ACT (1 OF 1952)**

Secs. 1(3), 1(4) and 2(k)

Industrial establishments excluded from the definition of factory—Provisions of the Shops and Establishments Act not applicable to a factory.

Nurul Islam Vs. Chairman, 2nd Labour Court (1975) 27 DLR 244.

Sec. 2(9)

Provisions of the section applicable to an industrial establishment within the meaning of section 2(9) of the E. B. Shops and Establishments Act, 1952, even though no notification was published as required under section 1(5) of the Payment of Wages Act. (1956) 8 DLR 721.

EMPLOYER AND EMPLOYEE

Sec. 3(g)

Temporary higher post ceased to exist.—No liability on the part of the employer in respect of that post to keep the employee there.—Employer can determine the period of employment in case of provisional employment. (1960) 12 DLR (SC) 71.

Promotion temporary—If the employee goes on leave he reverts to his permanent post during the leave period.

In the day-to-day management of its affairs, a company is not under any obligation to keep the employees' association or its employees informed of any action which it might take in respect of any individual employee, whether a member of the association or not.

Ibid.

Duty which employees are duty bound to perform in discharge of their normal duties.

With regard to the clearance of works which had accumulated during the period of strike by the employees, the employees maintained that they would try and clear as much as possible of the

accrued arrears of work during office hours but for the clearance of the arrear work they demanded that honorarium will have to be paid to them. As a matter of fact the arrears which had accumulated were cleared by the staff in a short time during normal working hours.

Held—The claim for honorarium is not at all tenable. The duty of good employees is to co-operate with the employer, to further the objects of the employment (which in this case were all matters connected with the proper and efficient functioning of the Bank.) (1960) 12 DLR (SC) 82.

Sec. 8(2)

Under this sub-section, the provisions of Payment of Wages Act are attracted even though no notification was published as required under section 1(5) of the latter Act. (1956) 8 DLR 721.

A person employed in industrial establishment is entitled to the benefit of the provisions of the Payment of Wages Act, 1936. 9 DLR (Dac.) 202.

A person employed in industrial establishment is entitled to the benefit of the provisions of the Payment of Wages Act, 1936. 9 PLR (Dac.) 202.

S. 9

Leave of absence of an employee for 14 days with full pay.

It was argued that a piece-rated worker is not entitled to the benefit of leave. But this argument is not valid, because nowhere in the Act, a distinction has been made between a salaried employee and a piece-rated employee.

The East Bengal Shops and Establishments Act is mainly for the benefit of the employee and, if possible, it should be given the widest construction so that the employee's case may not be jeopardised. *A. Sukur Vs. Chairman*, (1968) 20 DLR 520.

Sec. 11

Does not empower the employers to dismiss employees.

Section 11 of the Act is intended to provide benefits and reliefs to employees, even in cases of dismissal. It cannot be construed as a source of power for employers to exercise their right of dismissal of their employees. (1959) 11 DLR (SC) 108.

Words "discharge" and "dismissed" explained.

The words "discharged" and "dismissed" found in section 11 of Act No. 1 of 1952 must be construed to mean "a discharge" or "a dismissal" at the instance of the employer. By way of reference we may quote the definition of the word "discharge" as given in section 2(f) of the East Pakistan Employment of Labour (Standing Orders) Act of 1965 (East Pakistan Act No. VIII of 1965) which means the termination of services of worker by the employer for reasons of physical or mental incapacity or continued ill-health of the worker or such other similar reasons not amounting to misconduct. *A Sukur Vs. Chairman, Ist Labour Court.* (1968) 20 DLR 520.

If the employer discharges an employee even on grounds of physical incapacity, that too, would amount to a "discharge" which will entitle the employees to the benefits contemplated by section 11 of East Bengal Act 1 of 1952. Ibid.

SHOPS AND ESTABLISHMENTS RULES, 1970

1. **Short title.**—These rules may be called the Bangladesh Shops and Establishments Rules, 1970.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context—

- (a) “Act” means the Bangladesh Shops and Establishments Acts 1965, (Act No. VII of 1965) ;
- (b) “Form” means a form appended to these Rules ;
- (c) “Inspector” means an Inspector appointed under sub-section (2) of section 25 of the Act ;
- (d) “Section” means section of the Act ;
- (e) words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. **Suspension of the provisions of the Act.**—The Chief Inspector may, by notification in the official Gazette, suspend the operation of all or any of the provisions of the Act, under section 3, on account of public fairs and exhibitions.

4. **Manner of calculating the ordinary rate of wages.**—For the purposes of section 9 of the Act the ordinary rate of wages per hour payable to persons employed shall be calculated in the following manner, namely :—

- (a) For persons employed on weekly wages $1/9$ th of the daily wages ;
- (b) For persons employed on weekly wages $1/48$ th of the weekly wages ; or
- (c) For persons employed on monthly wages $1/28$ th of the monthly wages.

Note

A month consists of $52 \div 12 = 4\frac{1}{3}$ weeks or $4\frac{1}{3} \times 48$ hours = 208 hours.

5. **Festival holidays**—(1) Where there is a Works Committee in any establishment constituted under section 3 of the Labour

Disputes Act, 1965 festival holidays to be allowed to every worker in a year under section 14 shall be fixed by that Committee in accordance with the provisions of the Rules made under the Labour Disputes Act, 1965 (Act VI of 1965).

(2) Where there is no Works Committee, festival holidays shall be fixed by the employer in consultation with the recognised trade union of the workers of the establishment.

(3) Where there is no Works Committee or a recognised trade union, the festival holidays shall be fixed in consultation with the registered trade union of the workers of the establishment and where there is no registered trade union, such holidays may be fixed in consultation with the representative of the workers.

(4) The festival holidays shall be fixed within 31st December every year and notice thereof shall be forwarded to the Chief Inspector and the Inspector of the locality and the registered trade unions of the workers and another copy shall be pasted at a Notice Board of the establishment.

6. Cleanliness—(1) Every establishment shall be cleaned every day which shall be carried out outside working hours.

(2) All inside walls of the rooms and the ceilings and passages shall be lime-washed at least once a year.

7. Ventilation.—(1) Every employer shall make arrangements in his establishment for adequate ventilation by natural or artificial means so as to render fumes, dust or any other impurities which may be generated during the course of work harmless.

(2) In case of artificial ventilation in any establishment apparatus required thereof shall be so designed and fitted as to introduce sufficient fresh or purified air into the establishment.

(3) If an establishment is wholly or substantially air conditioned, suitable arrangement shall be made for emergency ventilation therein.

8. Sanitary conveniences, washing facilities and facilities for taking meal and drinking water —(1) In every establishment lavatories, washstands and other facilities for the common use of male

and female workers shall be provided separately and shall be cleaned every day and disinfected at least once in a week.

(2) Lavatories, wash-stands and other facilities for female workers shall be so placed or so screened that the interior shall not be visible even when the door is open, from any place where male persons have to work or pass and the approaches shall be separate and there shall be no common-entrance.

(3) All refuse and waste likely to give off obnoxious and harmful smell shall be removed and sufficient receptacles for such refuse and waste shall be provided in suitable places.

(4) Every establishment shall provide for adequate supply of drinking water for its workers.

(5) The supply of drinking water, required under sub-rule (4), if not laid on, shall be contained in suitable vessels which shall be cleansed every day. Every step shall be taken to preserve the water and the vessel free from contamination.

9. Certificate of age of worker.—An Inspector may require an employer under section 22 or under section 23 to produce evidence of age in respect of any worker whom he has reason to suspect to be a child or a young person. Such evidence may be a certificate of age from the Headmaster of a school where the worker concerned had been a student, a secondary school certificate, or certified extract from the Birth Register or a certificate from the Chairman of a Union Council, Town Committee or a Municipality or a certificate from a registered medical practitioner.

10. Particulars of establishments to be furnished to the Inspector.—Every employer shall furnish true and correct particulars of his establishment in Form 'A' in duplicate to the Inspector. One copy of the Form will be endorsed by the Inspector and returned to the employer for record. Whenever any change in particulars already furnished in Form 'A' occurs, immediate notice of the change shall be furnished to the Inspector in the same manner and form as in the case of particulars first furnished.

11. Entries in registers and their preservation.—(1) All entries in the registers to be maintained under the rules shall be in English, Bengali or Urdu and the dates, months and years entered in a register shall be in accordance with English calendar year. Entries shall be made in ink and shall be legible.

(2) All registers, records and notices relating to any calendar year shall be preserved and be available in the establishment for examination by the Inspector till the end of the subsequent two calendar years.

(3) Entries relating to any day, week, month or year in any of the prescribed registers shall be immediately made after the close of such date, week, month or year and be signed by the employer.

12. Visit book.—(1) Every employer shall maintain a visit book in Form 'B' in duplicate in which an Inspector visiting the establishment may record his remarks regarding any defects that may be detected at the time of inspection. The employer shall also sign the visit book and produce it whenever required to do so by an Inspector. A copy of the Inspector's note in the visit book shall be handed over to the Inspector.

(2) Any information relating to the working of the Act required by an Inspector during the course of inspection shall be supplied forthwith, or if asked for in writing, shall be supplied within fifteen days of its receipt by the employer.

13. Attendance Register.—(1) Every employer shall maintain an attendance register in Form 'C' for recording the hours of work and rest period of the workers each day and the weekly holiday allowed to each worker in the week.

(2) Every employer shall record the period of overtime work done and the wages payable for the overtime work in each wage-period in the attendance register.

14. Pay Register.—Every employer shall maintain a pay register in Form 'D' and obtain the signature or thumb-impression of the employee receiving payments. The employer shall endorse and certify all payments made in any wage-period.

15. **Leave Register.**—Every employer shall maintain a leave register in Form 'E' and record the leave allowed to the worker in a year and the amount of leave earned by each worker and carried over at the end of the year. Entries shall be made in the register within seven days from the date of grant of leave and the subsequent entries shall be completed within seven days of resumption of duty.

16. **Special Register.**—If, on an application made by an employer, the Chief Inspector is satisfied that any special register maintained by an employer gives the particulars required to be maintained under these Rules, he may, by an order in writing, allow the maintenance of such a special register.

17. **Mode of inspection.**—(1) An Inspector shall not, as far as possible, cause any suspension of business within the normal working hours in conducting the inspection.

(2) An Inspector may seize any record, register or other documents of an establishment only after issuing receipt for such seizure of record, register or other documents.

18. **Penalty.**—Whoever contravenes any of the provisions of rules 5 to 15 shall, on conviction, be liable for punishment with a fine not exceeding Taka one hundred.

FORM 'A'

(Under Rule 10)

(To be filled in by Inspector)

Classification

No.

(Particulars of Establishment to be furnished to the Inspector under Section 24 and Rule 10.)

Name and address of Establishment.....

(1) Date of starting the Establishment.....

(2) Nature of business performed.....

Name of Employer.....

Father's name of Employer.....

Name of Manager/Person-in-Charge.....

Father's name of Manager/Person-in-Charge.....

No. of persons employed.....

Young Person		Adult	
Male	Female	Male	Female

.....
Signature of Inspector

Date.....

.....
Signature of Employer

Date.....

FORM 'B'
(Under Rule 12)
Visit Book

Name and address of Establishment.	Date and time of inspection.	Remarks of Inspector.

.....
Signature of Employer

Date.....

.....
Signature of Inspector

Date.....

FORM 'C'
(Under Rule 13)
Attendance Register

Name of Establishment... ..
Address... ..

Sl. No.	Name of Worker	Day..... date		Signature or thumb impression	Total hours of overtime work in the week	Total amount of overtime payable in the week
		Form	To			
		Duty				
		Rest				
		Duty				

N.B.—Seven such columns shall be shown in each sheet for the 7 days of a week,
Signature of Employer,
Date.....

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