

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ: ಇ-ಕಾಇ 157 ಎಲ್‌ಇಡಿ 2020(ಭಾ-1)

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,  
ವಿಕಾಸ ಸೌಧ,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/03/2021

ಅಧಿಸೂಚನೆ

ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಕರಡು The Code on Wages Karnataka Draft Rules 2021 ಅನ್ನು ರಚಿಸಿದೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ Code of Wages, 2019 (Central Act No. 29 of 2019) Section 67, Sub section (1) ರಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುವ ಅಧಿಸೂಚನೆಯನ್ನು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಿದ 30 ದಿನಗಳ ನಂತರ ಈ ನಿಯಮಗಳನ್ನು ಜಾರಿಗೊಳಿಸಲು ಉದ್ದೇಶಿಸಲಾಗಿದೆ.

ಈ ಬಗ್ಗೆ ಮೇಲ್ಕಂಡ ಅವಧಿಯೊಳಗೆ ಬರುವ ಆಕ್ಷೇಪಣೆ ಮತ್ತು ಸಲಹೆಗಳಲ್ಲಿ ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಕಾರ್ಮಿಕ ಇಲಾಖೆ, ಕೊಠಡಿ ಸಂಖ್ಯೆ: 414, 4ನೇ ಮಹಡಿ ವಿಕಾಸ ಸೌಧ, ಬೆಂಗಳೂರು-560 001 ಇವರಿಗೆ ಕಳುಹಿಸುವುದು. (ಇ-ಮೇಲ್: secy-labour@karnataka.gov.in / labour.do3@gmail.com)

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

*(ಪ್ರದೀಪ್ ಕುಮಾರ್ ಬಿ.ಎಸ್.)*

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,  
ಕಾರ್ಮಿಕ ಇಲಾಖೆ.

ಇವರಿಗೆ:

ಸಂಕಲನಕಾರರು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಬೆಂಗಳೂರು - ಈ ಅಧಿಸೂಚನೆಯನ್ನು  
ಇ-ರಾಜ್ಯಪತ್ರದಲ್ಲಿ (E-Gazette) ಪ್ರಕಟಿಸಲು ಕೋರಿದೆ.

ಪ್ರತಿಯನ್ನು:

- 1) ಕಾರ್ಮಿಕ ಆಯುಕ್ತರು, ಕಾರ್ಮಿಕ ಭವನ, ಬನ್ನೇರುಘಟ್ಟ ರಸ್ತೆ, ಬೆಂಗಳೂರು.
- 2) ನಿರ್ದೇಶಕರು, ಕಾರ್ಮಿಕಗಳು, ಬ್ಯಾಂಕ್ ಗಳು, ಕೈಗಾರಿಕಾ ಸುರಕ್ಷತೆ ಮತ್ತು ಸ್ವಾಸ್ಥ್ಯ ಇಲಾಖೆ, ಕಾರ್ಮಿಕ ಭವನ, ಬನ್ನೇರುಘಟ್ಟ ರಸ್ತೆ, ಬೆಂಗಳೂರು.
- 3) ಮಾನ್ಯ ಕಾರ್ಮಿಕ ಸಚಿವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.
- 4) ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ಕಾರ್ಮಿಕ ಇಲಾಖೆ, ವಿಕಾಸ ಸೌಧ, ಬೆಂಗಳೂರು.
- 5) ಕಾರ್ಯದರ್ಶಿ, ಸಂಸದೀಯ ವ್ಯವಹಾರ ಮತ್ತು ತಾಸನ ರಚನೆ ಇಲಾಖೆಯವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ವಿಧಾನಸೌಧ, ಬೆಂಗಳೂರು.
- 6) ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತ ಸಹಾಯಕರು, ವಿಕಾಸ ಸೌಧ, ಕಾರ್ಮಿಕ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
- 7) ಶಾಖಾ ರಕ್ಷಾ ಕಡತ/ವೆಬ್‌ಸೈಟ್ ಪ್ರತಿಗಳು.

JK  
03/03



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## **GOVERNMENT OF KARNATAKA**

No: E- LD 157 LET 2020 (P-1)

Karnataka Government Secretariat,  
Vikasa Soudha,  
Bengaluru, Dated: 02/03/2021

### **NOTIFICATION**

The draft of the Code on Wages Karnataka Rules, 2021 which the Government of Karnataka proposes to make in exercise of the powers conferred by section 67 of the Code on Wages, 2019 (Central Act No. 29 of 2019) is hereby published as required by sub-section (1) of said section, for the information of all the persons likely to be affected there by and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion, which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above, will be considered by the State Government. Objections and suggestions may be addressed to the Additional Chief Secretary to Government, Department of Labour, Room No 414, Fourth Floor, Vikasa Soudha, Bengaluru-1.

### **DRAFT RULES CHAPTER I PRELIMINARY**

**1. Title and commencement.**-(1)These rules, may be called the Code on Wages Karnataka Rules, 2021.

(2)They shall come into force on the date of their final publication in the Official Gazette.

- 2. Definitions.**-(1) In these rules, unless the context otherwise requires,—
- “Authority” means the authority appointed by the State Government under sub-section (1) of section 45 of the Code;
  - “Appellate Authority” means the appellate authority appointed by the State Government under sub-section (1) of section 49 of the Code;
  - “Appeal” means an appeal preferred under sub-section (1) of section 49 of the Code;
  - “Board” means the State Advisory Board constituted by the State Government under sub-section (4) of section 42 of the Code;
  - “Chairperson” means the chairperson of the Board;
  - “Code” means the Code on Wages, 2019 (Central Act 29 of 2019);
  - “Committee” means a committee appointed by the State Government under clause (a) of sub-section (1) of section 8;
  - “Day” means a period of 24 hours beginning at mid-night;
  - “Form” means a form appended to these rules;

- (j) “Highly skilled occupation” means an occupation which requires a specific level of perfection and competence acquired through intensive technical or professional training or practical occupational experience for a considerable period and also requires an employee to assume full responsibility to the best of his judgement or decision involved in the execution of such occupation;
- (k) “Member” means a member of the Board and includes its Chairperson;
- (l) “Metropolitan city” means a compact area having a population of forty lakhs or more comprised in one or more districts;
- (m) “Non Metropolitan city” means a compact area having a population of more than ten lakhs but less than forty lakhs, comprised in one or more districts;
- (n) “Population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (o) “Registered trade union” means a trade union registered under the Industrial Relations Code, 2020 (Central Act 35 of 2020);
- (p) “Rural area” means an area which is not the urban area or semi urban area;
- (q) “Schedule” means the schedule appended to these rules;
- (r) “Section” means a section of the Code;
- (s) “Semi-skilled occupation” means an occupation which in its performance requires the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;
- (t) “Skilled occupation” means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgement;
- (u) “State Government” means the Government of Karnataka; and
- (v) “Unskilled occupation” means an occupation which in its performance requires the application of simply the operating experience and involves no further skills.

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

## **CHAPTER II**

### **Minimum Wages**

**3. Manner of calculating the minimum rate of wages.** – (1) For the purposes of sub-section (5) of section 6, the minimum rate of wages shall be fixed at a rate equal to or above the floor wages fixed by the Central Government under section 9 on the day basis keeping in view the following criteria, namely:-

- (i) the standard working class family which includes a spouse and two children apart from the earning worker; an equivalent of three adult consumption units;
- (ii) a net intake of 2700 calories per day per consumption unit;
- (iii) 66 meters cloth per year per standard working class family;

- (iv) housing rent expenditure to constitute 10 per cent. of food and clothing expenditure;
- (v) fuel, electricity and other miscellaneous items of expenditure to constitute 20 percent of minimum wage; and
- (vi) expenditure for children education, medical requirement, recreation and expenditure on contingencies to constitute 25 percent of minimum wages.

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

**4. Norms for fixation of minimum rate of wages.-** (1) While fixing the minimum rate of wages under section 6, the State Government shall divide the concerned geographical area into three categories, that is to say the Metropolitan city, Non Metropolitan city and the rural area.

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

- (i) The Labour Commissioner, Government of Karnataka..... Chairperson;
- (ii) The Joint Secretary of the Labour Department, Government of Karnataka..... Member;
- (iii) A representative from the department of Skill Development, Entrepreneurship and Livelihood, Government of Karnataka ..... Member;
- (iv) The Commissioner of Department of Employment and Training, Government of Karnataka ..... Member.
- (v) Two technical experts in wage determination nominated by the State Government..... Members.
- (vi) The Joint Labour Commissioner, Government of Karnataka... Member Secretary.

(3) The State Government, on the advice of the technical committee constituted under sub-rule (2), shall categorize the occupations of the employees into four categories that is to say unskilled, semi-skilled, skilled and highly skilled by modifying, deleting or adding any entry in the categorization of such occupation specified in Schedule A.

(4) The technical committee constituted under sub-rule (2) shall while advising the State Government under sub-rule (3) take into account, to the possible extent, the national classification of occupation or national skills qualification frame work or other similar frame work for the time being formulated to identify occupations.

**5. Time interval for revision of dearness allowance.-** Endeavour shall be made so that the cost of living allowance and the cash value of the concession in respect of essential commodities at concession rate shall be computed before 1<sup>st</sup> April of every year to revise the dearness allowance payable

to the employees on the minimum wages. The revised dearness allowance so calculated, shall be payable from April 1<sup>st</sup> of every year.

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

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

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

(4) Nothing in this rule shall be deemed to affect the provisions of the Occupational Safety, Health and Working Conditions Code, 2020 (Central Act 37 of 2020).

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

Provided that an employee shall be entitled for the rest day under this sub-rule if he has worked under the same employer for a continuous period of not less than six days:

Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment or prior intimation in electronic form to that effect.

**Explanation.**- For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule, any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work, a day on which an employee is laid off on payment of compensation under the Industrial Relations Code, 2020, (Central Act 35 of 2020) and any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days immediately preceding the rest day, shall be deemed to be days on which the employee has worked.

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

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

(3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the rest day shall, for the

purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) An employee shall be granted-

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

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

then, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day:

Provided that where-

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

(ii) the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee,

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

(iii) the employee works on the rest day and has been given a substituted rest day, then, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate;

and, if any dispute arises whether the daily rate of wages has been worked out in accordance with the provisions of this proviso, the Labour Commissioner or the Deputy Labour Commissioner having territorial jurisdiction may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations:

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

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

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

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

**8. Night shifts.—** Where an employee in an employment works on a shift which extends beyond midnight, then, -

- (a) a rest day for the whole day for the purposes of rule 7 shall, in this case means a period of twenty-four consecutive hours beginning from the time when his shift ends; and
- (b) the following day in such a case shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the hours after midnight during which such employee was engaged in work shall be counted towards the previous day.

**9. The extent and conditions applicable to certain class of employees.-** In case of class of employees referred to under clauses (a) to (e) of sub-section (2) of section 13, the provisions of rules 6, 7 and 8 shall apply subject to the condition that,-

- (i) the spread over of the hours of work of the employee shall not exceed 16 hours in any day; and
- (ii) the actual hours of work excluding the intervals of rest and the periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

**10. Longer wage period.-** The longer wage period for the purposes of minimum rate of wages under section 14 shall be by the month.

### **CHAPTER III**

#### **Payment of Wages**

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

**12. The authority competent to impose fine.-** The Deputy Labour Commissioner having jurisdiction over the place of work of the employee concerned shall be the authority for the purposes of sub-section (1) of section 19.

**13. The manner of exhibiting the notice.-** A notice referred to in sub-section (2) of section 19 shall be displayed at the conspicuous place in the premises of the work place in which the employment is carried on or shared with the employees in electronic form, so that every concerned employee would be able to easily read and understand the notice and a copy of the notice shall be sent to the Inspector-cum-Facilitator having jurisdiction either physically or electronically.

**14. The procedure for imposition of fines.-** The employer shall give an intimation in writing for obtaining the approval of the imposition of fine to the Inspector-cum-facilitator referred to in rule 13 who shall, before granting or refusing the approval, give opportunity of being heard to the employee and the employer concerned.

**15. Intimation of deduction.-** (1) Where an employer makes any deduction in connection with absence from duty in pursuance of the proviso to sub-section (2) of section 20, he shall make intimation of such deduction to the Inspector-cum-Facilitator having jurisdiction within ten days from the date of such deduction explaining therein the reason for such deduction.

(2) The Inspector-cum-Facilitator shall, after receiving intimation under sub-rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the rules made there under, he shall initiate appropriate action under the Code against the employer.

**16. Procedure for deduction for damage or loss.-** Any employer desiring to make deduction for damage or loss under sub-section (1) of section 21 from the wages of an employee shall,-

- (i) explain to the employee personally and also in writing the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how such damages or loss is directly attributable to the neglect or default of the employee; and
- (ii) thereafter, give the employee an opportunity to offer any explanation and deduction for any damages or loss, if made, shall be intimated to the employee within fifteen days from the date of such deduction.

**17. Conditions regarding recovery of advance.-** The recovery, as the case may be of,-

- (i) advances of money given to an employee after the employment began under clause (b) of section 23; or
- (ii) advances of wages to an employee not already earned under clause (c) of section 23,

shall be made by the employer from the wages of the concerned employee in instalments determined by the employer, so as any or all instalments in a wage period shall not exceed fifty per cent. of the wages of the employee in that wage period and the particulars of such recovery shall be recorded in the register maintained in Form-I.

**18. Extent of loan and rate of interest.-** The Employee may be granted loans to the extent of ten times the salary drawn by the employee at the bank rate of interest on loans.

## **CHAPTER IV**

### **State Advisory Board**

**19. Meeting of the Advisory Board.-** The Chairperson may, subject to the provision of rule 21 call a meeting of the Advisory Board, at any time he thinks fit:

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

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

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

**21. Functions of Chairperson.-** The Chairperson shall-

(i) preside at the meetings of the Advisory Board:

Provided that in the absence of the Chairperson at any meeting, the members present shall elect from amongst themselves by a majority of votes, any other member to preside at such meeting;

(ii) decide agenda of each meeting of the Advisory Board;

(iii) where in the meeting of the Advisory Board, if any issue has to be decided by voting, conduct the voting and count or cause to be counted the secret voting in the meeting.

**22. Quorum.-** No business shall be transacted at any meeting unless at least one-third of the members and at least one representative member each of both the employers and an employee are present:

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

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members electronically or by a Registered post.

**23. Disposal of business of the Advisory Board.-** All business of the Advisory Board shall be considered at a meeting of the Advisory Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

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

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

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

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

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

**26. Term of office of members of the Advisory Board.-** (1) The term of office of the chairperson or a member, as the case may be, shall be normally two years commencing from the date of his appointment or nomination:

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

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

(3) Notwithstanding anything contained in sub-rules (1) and (2), the members of the Board shall hold office during the pleasure of the State Government.

**27. Travelling allowance.-**The Chairperson and every member of the Advisory Board, shall be entitled to draw travelling and halting allowance for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Group A officer of the State Government.

**28. Officers and Staff.-** The State Government may provide a Secretary not below the rank of Joint/Under Secretary to the Government of Karnataka, other officers and staff to the Advisory Board, as it may think necessary for the function of the Board.

**29. Eligibility for re-nomination of the members of the Advisory Board.-**An outgoing member shall be eligible for re-nomination for the membership of the Board for not more than total two terms.

**30. Resignation of the Chairperson and other members of the Advisory Board.-**(1) A member of the Advisory Board, other than the Chairperson, may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by given notice in writing addressed to the State Government.

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

(3) When a vacancy occurs or is likely to occur in the membership of the Advisory Board, the Chairperson shall submit a report to the State Government

immediately and the State Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.

**31. Cessation of membership.-** If a member of the Advisory Board, fails to attend three consecutive meetings without prior intimation to the Chairperson, he shall cease to be a member thereof.

**32. Disqualification.-** (1) A person shall be disqualified for being nominated as, and for being a member of the Advisory Board if,-

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

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

## **CHAPTER V**

### **PAYMENT OF DUES, CLAIMS, etc.**

**33. Payment under clause (a) of sub-section (1) of section 44.-** Where any amount payable to an employee under the Code is due after his death or on account of his whereabouts not being known, and the amount could not be paid to the nominee of the employee until the expiry of three months from the date the amount had become payable, then, such amount shall be deposited by the employer with the Deputy Labour Commissioner having jurisdiction, who shall disburse the amount to the person nominated by the employee after ascertaining his identity within two months of the date on which the amount was so deposited with him.

**34. Deposit of the undisbursed dues.-**Where any amount payable to an employee under this Code remains undisbursed in cases where no nomination has been made by such employee or for any other reason, all such amount shall be deposited by the employer with the Deputy Labour Commissioner having jurisdiction before the expiry of the fifteenth day after the last day of the said period of six months, through bank transfer or through a crossed demand draft obtained from any Scheduled bank in India drawn in favour of such Deputy Labour Commissioner.

**35. Manner of dealing with the undisbursed dues.—** (1) The amount referred to in sub rule (1) of rule 44 (hereinafter in this rule referred to as the amount) deposited with the Deputy Labour Commissioner having jurisdiction shall remain with him and be invested in the Central or State Government Securities or deposited as a fixed deposit in a nationalised bank.

(2) The Deputy Labour Commissioner having jurisdiction will exhibit, as soon as maybe possible, a notice containing such particulars regarding the amount as the Deputy Labour Commissioner considers sufficient for information at least for fifteen days on the notice board and also publish such notice in any two newspapers being circulating in the language commonly understood in the area in which undisbursed wages were earned.

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

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

## **CHAPTER VI THE FORM, REGISTER AND WAGE SLIP**

**36. The form of a single application.** – A single application may be filed under sub-section (5) of section 45 in Form-II along with documents specified in such Form.

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

**38. Form of register, etc.**- (1) All fines and all realization thereof referred to in sub-section (8) of section 19 shall be recorded in a register to be kept by the employer in Form-I, electronically or otherwise and the authority referred to in said sub-section (8) shall be the Deputy Labour Commissioner having jurisdiction.

(2) All deductions and all realization referred to in sub-section (3) of section 21 shall be recorded in a register to be kept by the employer in Form-I electronically or otherwise.

(3) Every employer of an establishment to which the Code applies shall maintain a register under sub-section (1) of section 50 in Form I and Form IV, electronically or otherwise.

**39. Wage slip.**- Every employer shall issue wage slips, electronically or otherwise to the employees in Form V on or before payment of wages.

**40. Manner of holding enquiry by the officer of the State Government.**-(1) When a complaint is filed before the officer appointed under sub-section (1) of section 53, such officer after considering the evidence produced before him is of the opinion that an offence has been committed, shall issue summons to the offender on the address specified in the complaint fixing a date for his appearance .

(2) If the offender to whom the summons has been issued under sub rule (1) appears or is produced before the officer, he shall explain the offence complained against him and if the offender pleads guilty, the officer shall impose penalty on him in accordance with the provisions of the Code and when the offender does not plead guilty, the officer shall take evidence of the witnesses produced by the complainant on oath and provide an opportunity of cross examination of the witnesses so produced . The officer shall record the

statement of the witnesses on oath and in cross examination in writing and take the documentary evidence on record.

(3) The officer shall, after the complainant's evidence is complete, provide opportunity of defence to the accused person and the witnesses produced by the accused shall be cross examined after their statements on oath by the complainant and documentary evidence in defence shall be taken on record by the officer.

(4) The officer shall after hearing the parties and considering the evidences both oral and documentary decide the complaint in accordance with the provisions of the Code.

**41. The manner of imposing fine.-** (1) An accused person desirous of making composition of offence under sub-section (1) of section 56 may make an application in Form VI electronically or otherwise, to the Gazetted Officer notified under said sub-section (1).

(2) The Gazetted Officer referred to in sub-rule (1), shall, on receipt of such application, satisfy himself as to whether the offence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compromise the offence for a sum of fifty per cent. of the maximum fine provided for such offence under the Code, to be paid by the accused within the time specified in the order of composition issued by such officer.

## **CHAPTER VII MISCELLANEOUS**

**42. Repeal and savings.-** The Minimum Wages ( Karnataka) Rules, 1958, the Payment of Wages (Karnataka) Rules, 1963, the Equal Remuneration (Karnataka) Rules, 1976 and the Payment of Bonus (Karnataka) Rules, 1965 are hereby repealed:

Provided that, the said repeal shall not affect,-

- (a) the previous operation of the said rules or anything duly done or suffered there under, or
- (b) affect any right, liability or obligation acquired, accrued or incurred under the said rules.

**FORM-I****[See rule 17 and sub-rule(1) and (3) of rule 38]****Register of Wages, Overtime, Fine, Deduction for damage and Loss**

Name of the Establishment: Name of the Employer:

Name of the Owner: PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sr. No. in Employee Register	Name of the employee	Designation / Department	Duration of Payment of Wages (Monthly/Fortnightly /Weekly/Daily/Piece rated)	Wage Period From-To	Total no. of days worked during the period	Total overtime (hours worked or production in case of piece workers)	Rates of wages		
							Basic	DA	Allowances
1	2	3	4	5	6	7	8	9	10

Overtime earning	Nature of acts and omissions for which fine imposed with date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	Total amount of wages paid	Date of Payment	Attendance	
							Date	Signature
11	12	13	14	15	16	17	18	19

**FORM-II**

[See rule 36]

**BEFORE THE AUTHORITY APPOINTED UNDER SUB SECTION (1) OF SECTION 45 OF THE CODE ON WAGES, 2019 (29 OF 2019)**

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

Application No of20.....

Between ABC and (State the number) .....other Applicant

(Through employees concerned or registered trade union or Inspector- cum- Facilitator

Address.....

And

XYZ.....

Address.....

The application states as follows:

(1) The applicant(s) whose name(s) appear in the attached schedule was/were/has/have been employed from

.....to..... as.....(category) in.....(establishment) Shri/M/s.....engaged in .....(nature of work) which is/are covered by the Code on Wages, 2019.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(l) of the Code on Wages, 2019.

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

(b)The applicant(s) has/ have not been paid wages at Rs..... Per day for the weekly days of rest from to...

(c)he applicant(s) has/ have not been paid wages at overtime rate(s) for the period from.....to....

(d)The applicant(s) has/have not been paid wages for period from.....to.....

(e)Deductions have been made which are in contravention of the Code, from the wage(s) of the applicant(s) as per details specified in the annexure appended with this application.

(f)The applicant(s) has/have not been paid minimum bonus for the accounting year.....

(4) The applicant(s) estimate(s) the value of relief sought by him/ them on each amount asunder:

a. Rs.....

b. Rs.....

c. Rs.....

Total Rs.....

(5) The applicant(s), therefore, pray(s) that a direction may be issued under section 45(2) of the Code on Wages, 2019for;

- (a) payment of the difference between the wages payable under the Code and the wages actually paid,
- (b) payment of remuneration for the days of rest
- (c) payment of wages at the over time rates,
- (d) Compensation amounting to Rs.....
- (6) The applicant(s) do hereby solemnly declare(s) that the facts stated in this application are true to the best of his/their knowledge, belief and information.

Dated.....

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

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

**FORM III**

(See rule 37)

**Before The Appellate Authority under the Code on Wages, 2019**

A.B.C

Address.....APPELLANT

Vs.

C.D.E.

Address..... RESPONDENT

DETAILS OF APPEAL:

(1) Particulars of the order against which the appeal is made: Number and date:

The authority who has passed the impugned order:

Amount awarded:

Compensation awarded, if any:

(2) Facts of the case:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

(3) Grounds for appeal:

(4) Matters not previously filed or pending with any other Court or any Appellate Authority:

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

(5) Reliefs sought:

In view of the facts mentioned above the appellant prays for the following relief(s) :— [Specify below the relief(s) sought]

(6) List of enclosures:

- 1.
- 2.
- 3.
- 4.

.....

Date:

Place:

Signature of the appellant.

For office use

---

Date of filing or  
Date of receipt by post Registration No.

Authorized Signatory

**FORM IV**

[See sub-rule(3) of rule 38]

**EMPLOYEE REGISTER**

Name of the Establishment:            Name of the Employer:

Name of the Owner:            PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sl. No.	Employee Code	Name	Surname	Gender	Father's /Spouse Name	Date of Birth	Nationality	Education Level	Date of Joining	Designation	Category (HS/S/SS/U S)*	Type of Employment
1	2	3	4	5	6	7	8	9	10	11	12	13

Mobile No.	UAN	PAN	ESIC No.	IPA	AADHAAR	Bank A/c Number	Bank	Branch (IFSC)	Present Address	Permanent Address
14	15	16	17	18	19	20	21	22	23	

Service Book No.	Date of Exit	Reason for Exit	Mark of Identification	Photo	Specimen Signature/Thumb Impression	Remarks
24	25	26	27	28	29	30

\*(Highly Skilled/Skilled/Semiskilled/Unskilled)

**FORM V**  
**[See rule 39]**  
**WAGE SLIP**

Date of issue:

Name of the Establishment..... Address.....Period.....

- 1.** Name of employee:
- 2.** Father's /Spouse name:
- 3.** Designation:
- 4.** UAN:
- 5.** Bank Account No.:
- 6.** Wage period:
- 7.** Rate of wages payable: a.)Basic      b.) D.A.      c.) other allowances
- 8.** Total attendance/unit of work done:
- 9.** Over time wages:
- 10.** Gross wages payable:
- 11.** Total deductions: a.) PF      b). ESI      c.) Others
- 12.** Net wages paid:

Employer / Pay-in-charge signature

**FORM VI**  
**[See sub-rule(1) of rule 41]**  
**APPLICATION UNDER SUB-SECTION (4) OF SECTION 56 FOR**  
**COMPOSITION OF OFFENCE**

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

By order and in the name of the  
Governor of Karnataka,

**(PRADEEP KUMAR B.S.)**  
Under Secretary to Governement,  
Labour department.

**To,**

The Compiler, Karnatak Gazette, Bengaluru-with a request to publish the above Notification in E- Gazette.

**Copy to:**

1. The Commissioner, Labour Department, Karmika bhavan, Bannerghatta Road, Bengaluru.
2. Director, Department of Factories, Boilers, Industrial Safety and health, Karmika bhavan, Bannerghatta Road, Bengaluru.

3. Private Secretary to Hon'ble Minister for Labour, Vidhana Soudha, Bengaluru.
4. Private Secretary to Additional Chief Secretary to Government., Labour Department, Vikas Soudha, Bengaluru.
5. Private Secretary to Secretary to Government, Department of Law and Parliamentary Affairs, Vidhana Soudha, Bengaluru.
6. P.A to Deputy Secretary to Government, Labour Department, Vikasa Soudha, Bangaluru.
7. S.G.F/ Spare Copies.