

MANIPUR



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 240 Imphal, Friday, November 19, 2021 (Kartika 28, 1943)

GOVERNMENT OF MANIPUR
SECRETARIAT : SKILL, LABOUR, EMPLOYMENT &
ENTREPRENEURSHIP DEPARTMENT

NOTIFICATION

Imphal, 19th November, 2021

No. 5/44/2018-L&E(Pt-3): The following draft rules, which the Government of Manipur proposes to make in exercise of the powers conferred by sections 67 of the Code on Wages, 2019 (No. 29 of 2019 read with section 23 of the General Clauses Act, 1807(No.10 of 1897) and in supersession of

Manipur Payment of Wages Rules,
Manipur Payment of Wages(Procedure) Rules, and
Manipur Minimum Wages Rules,

made by the Government of Manipur in exercise of the powers conferred by the Payment of Wages Act, 1936 (No.4 of 1936) and the Minimum Wages Act, 1948 (No.11 of 1948), as the case may be, which are repealed by the Code of Wages, 2019 (No. 29 of 2019) except as respects things done or omitted to be done before such supersession, are hereby notified as required by sub-section (1) of section 67 of the said Code for information of all persons likely to be affected and the notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which the rules is published are made available to the public.

Objections and suggestions, if any, may be addressed to the **Secretary (Skill, Labour, Employment & Entrepreneurship), Government of Manipur**, 2nd floor, New Secretariat Building, North Block, Imphal-795001 or by email: bjohnt77@gmail.com / support@manipurlabour.in. The objections and suggestions should be sent in a preformed containing column (1) specifying the name and address of the person or organization, column (2) specifying the chapter and rule or sub-rule which is proposed to be modified, column (3) specifying the revised rule or sub-rule proposed to be submitted and column (4) reasons thereof; Objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period specified above will be considered by the Government of Manipur.

By orders & in the name of Governor,

MAISNAM CHINGLEMBI LUWANG

Under Secretary (Skill, Labour, Employment & Entrepreneurship),
Government of Manipur

**THE CODE ON WAGES (MANIPUR) RULES, 2021
DRAFT RULES**

CHAPTER-I

1. Short title, extent and commencement: (1) These rules may be called the Code on Wages (Manipur) Rules, 2021.

(2) They shall extend to the whole of Manipur.

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

2. Definitions: In these rules, unless the subject or context otherwise requires

(a) "Central Government" means the Government of India.

(b) "Code" means the Code on Wages, 2019(No. 29 of 2019).

(c) "Labour & Employment Department" means the Labour & Employment Department, Government of Manipur.

(d) "Section" means section of the Code.

(e) "State Government" means the Government of Manipur.

2. Adaptation of central rules: The Code on Wages (Central) Rules, 2020, except its rules 1, rules 11, 12 and rules 28 to 45, is adapted with the conditions that the word or words "Central Government", "Chief Labour Commissioner (Central)", "Deputy Secretary to the Government of India in Ministry of Labour & Employment", "Director General of Employment, Government of India in the Ministry of Labour & Employment", "Joint Secretary to the Government of India in the Ministry of Labour & Employment", "Labour Enforcement Officer (C)" and "Ministry of Labour & Employment" referred to in the Code on Wages (Central) Rules, 2020, the same shall be construed as referring to "State Government", "Labour Commissioner, Manipur", "Deputy Secretary to the Government of Manipur in the Department of Labour & Employment", "Joint Secretary to the Government of Manipur in the Department of Labour & Employment", "Labour Inspector" and "Department of Labour and Employment, Government of Manipur" respectively for anything to be prescribed by the State Government under the Code and the matters under section 67 of the Code, which are not covered by rules 3 to 22 of the Central Rules.

CHAPTER-II

ADVISORY BOARD AND COMMITTEES

Constitution and Procedure of State Advisory Board and Committee, etc.

3. Constitution of Board and Committee under sub-section(4) of section 42: (1) The State Advisory Board constituted by the State Government under sub-section (4) of section 42 of the Code shall consist of six members representing the employers, six members representing the employees and six members representing independent persons. Out of the eighteen members of the Board six members shall be women and one of the six members representing independent persons shall be

appointed by the State Government as the Chairperson of the State Advisory Board as contemplated under clause (a) of sub-section (7) of section 42 of the Code.

(2) The Committee or Sub-Committee constituted by the State Government under sub-section (5) of section 42 of the Code shall consist of six members representing the employers, six members representing the employees and six members representing independent persons. Out of the eighteen members of the Committee or Sub-Committee as the case may be, six members shall be women and one of the six members representing independent persons shall be appointed by the State Advisory Board as the chairperson of the Committee or Sub-Committee, as the case may be, as contemplated under clause (b) of sub-section (7) of section 42 of the Code.

4. Meeting of State Advisory Board and Committee: (1) The Chairperson of the State Advisory Board may, subject to the provisions of rule 6, call a meeting of the State Advisory Board at any time he thinks fit:

Provided that with requisition in writing from not less than one half of the members, the Chairperson shall call a meeting of the State Advisory Board.

(2) The Chairperson of the Committee or Sub-Committee, as the case may be, may, subject to the provisions of rule 6, call a meeting of the State Advisory Board at any time he thinks fit.

Provided that with requisition in writing from not less than one half of the members, the Chairperson shall call a meeting of the State Advisory Board.

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

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

6. Functions of chairperson: The Chairperson of the State Advisory Board and Committee or Sub-Committee, as the case may be, shall –

- (i) preside at the meeting of the State Advisory Board and Committee or Sub-Committee, as the case may be:

Provided that in the absence of the chairperson at any meeting, the members present at the meeting shall elect amongst themselves by majority of votes, a member who shall preside at such meeting,

- (ii) decide the agenda of each meeting of the State Advisory Board, Committee or Sub-Committee,

- (iii) where in the meeting of the State Advisory Board, Committee or Sub-Committee,

if any issue or to be decided by voting, it shall conduct the voting and count or caused to be counted the secret voting in the meeting.

7. Quorum: No business shall be transacted in any meeting of the State Advisory Board and Committee or Sub-Committee unless at least one--third of the members of the Board or Committee or

Sub-Committee, as the case may be, and at least one member representative member each of both the employers and the employees are present:

Provided that, if at any meeting less than one-third of the members are present the Chairperson shall adjourn the meeting in a date not later than seven days from 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 member present:

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

8. Disposal of business of Board, Committee or Sub-Committee: Every businesses of the State Advisory Board and Committee or Sub-Committee, as the case may be, shall be considered at a meeting of the Board and Committee or Sub-Committee 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-third majority of the members.

9. Method of Voting: Voting in the State Advisory Board and Committee or Sub-Committee shall ordinarily be by show or 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.

10. Proceeding of meeting: (1) The proceedings of such meeting of the State Advisory Board and Committee or Sub-Committee showing, inter alia, the names of the members present thereat shall be forwarded to each member and to the State Government after the meeting as soon as possible, and in any case not less than seven days before the next meeting.

(2) The proceedings of each meeting of the Board and Committee or Sub-Committee shall be confirmed with such modification, if any, as may be considered necessary in the next meeting.

11. Summoning of witnesses and production of documents: (1) The Chairperson of the State Advisory Board and Committee or Sub-Committee may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document.

(2) Every person who is summoned and appears as a witness before the Chairperson of such Board or Committee or Sub-Committee, as the case may be, shall be entitled to an allowance for expenses by him in accordance with the scale for the time being in force for payment of such allowance to witness appearing before a civil court.

12. Terms of office of chairperson and member of State Advisory Board (1) The terms of office of the Chairperson or member of the State Advisory Board shall normally be two years commencing from the date of his appointment or nomination, as the case may be:

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) The non-official member of the Board nominated to fill a casual vacancy in the membership shall hold office for remaining period of terms of office of the member in whose place he is nominated.

(3) The Official members of the Board shall hold office till they are replaced by respective such official members.

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

13. Terms of office of chairperson and member of Committee and Sub-Committee: 1) The terms of office of the Chairperson or member of the State Advisory Board shall normally be two years commencing from the date of his appointment or nomination, as the case may be.

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) The non-official member of the Board nominated to fill a casual vacancy in the membership shall hold office for remaining period of terms of office of the member in whose place he is nominated.

(3) The Official members of the Board shall hold office till they are replaced by respective such official members.

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

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

15. Officers and Staffs of State Advisory Board: The State Advisory Board may, in consultation with the State Government in this regards, establish a secretariat consisting of its officers and staffs to assist the Board in discharging functions and duties assigned to the Board under the Code and these rules.

16. Officers and Staffs of Committee and Sub-Committee: The Committee or Sub-Committee may, in consultation with the State Advisory Board in this regards, establish a secretariat consisting of its officers and staffs to assist the Committee or Sub-Committee, as the case may be, in discharging the functions and duties assigned to the Committee or Sub-Committee under the Code and these rules.

17. Eligibility for nomination of members of State Advisory Board, Committee and Sub-Committee: Any outgoing member shall be eligible for re-nomination or re-appointment for membership of the State Advisory Board, Committee or Sub-Committee, as the case may be, for more than two terms.

18. Resignation of the Chairperson and members of State Advisory Board, Committee and Sub-Committee: (1) A member of the State Advisory Board, Committee or Sub-Committee, as the case may be, may by giving notice in writing in this behalf to the Chairperson, resign his membership and

the chairperson may resign by a letter to address to the Administrative Secretary of the Department of Labour, Government of Manipur.

(2) A resignation under sub-rule (1) 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) Where a vacancy occurs or is likely to occur in the membership of the Board, Committee or Sub-Committee, as the case may be, the Chairperson shall submit a report to the State Government immediately and the State Government shall, then, take steps to fill up the vacancy in accordance with the provisions of the Code and these rules.

19. Cessation of membership: If a member of the State Advisory Board, Committee or Sub-Committee, as the case may be, fails to attend three consecutive meetings without prior permission of the chairperson, he shall cease to be a member thereof.

20. Disqualifications: (1) A person shall be disqualified for being continued as, and for being a member of the State Advisory Board, Committee or Sub-Committee, as the case may be:-

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

(ii) he is an un-discharged insolvent, or

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

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

CHAPTER-III **REMOVAL OF DIFFICULTY AND RESIDUARY PROVISIONS**

21. Removal of difficulty: The difficulty, if any, in the interpretation of any rule of these rules shall be referred to the State Government for its decision. The decision of the State Government shall be binding on the rule.

22. Residuary provisions: (1) Such matters, with respect to which no expressed provision is made in these rules, shall be referred by the Labour & Employment Department to the State Government for its decision and the decision of the State Government shall be binding on such matter.

(2) Such decision taken by the State Government on any matter under clause (1) of this rule shall be notified in the official gazette.

Statement in respect of the Draft Code on Wages (Manipur) Rules, 2021

In the Draft Code on Wages (Manipur) Rules, 2021 the rules 2 to 10, rules 13 to 27 and rules 46 to 58 of the Code on Wages (Central) Rules, 2020 are adapted since anything to be prescribed by the Central Government and the State Government under the Industrial Relations Code, 2020 (No. 35 of 2020) are the same and the matters under section 67 of the said Code, except the matters of the State Advisory Board constituted by the State Government and the Committee or Sub-Committee constituted by such State Advisory Board, are the same. The rules 3 to 20 of the Draft Rules provide the provisions of the matters of the said Board and Committee or Sub-Committee. The rules 21 and 22 empower the State Government for the removal of difficulty in the interpretation and application of the rules in the Draft Rules and taking decision on the issue referred to it on the matters for which no expressed provision is made in the Draft Rules.

The Draft Rules has no provision creating financial involvement of the State Government.

—