

Payment of Undisbursed Wages (Mines) Rules, 1989

CONTENTS

1. Short title, application and extent
2. Definitions
3. Nomination
4. Register of nominations
5. Deposit of amounts of undisbursed wages
6. Manner of dealing with the undisbursed wages

Payment of Undisbursed Wages (Mines) Rules, 1989

In exercise of the powers conferred by Section 26 read with Section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules, namely:-

1. Short title, application and extent :-

- (1) These rules may be called the Payment of Undisbursed Wages (Mines) Rules, 1989.
- (2) These rules apply in respect of the payment of undisbursed wages to persons employed, either by the owner in any mine to which the Mines Act, 1952 (35 of 1952), applies or in any oil-field.
- (3) They shall extend to the whole of India.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Payment of Wages Act, 1936 (4 of 1936) ;
- (b) "Chief Labour Commissioner (Central)" means an Officer appointed as such by the Central Government;
- (c) "employer" means the owner of the mine and includes a contractor, agent, manager or any other person responsible under Section 3 of the Act for payment of wages and includes in the case of a deceased employer, his legal representative;
- (d) "family" means
 - (i) in case of a male employee, his wife or wives and children, whether married or unmarried, his dependent parents and widow

and children of his deceased son;

(ii) in case of a female employee, her husband, her children, whether married or unmarried, her dependent parents, her husband's dependent parents and widows and children of her deceased sons;

(e) "Form" means a form appended to these rules;

(f) "Mines" means a mine as defined in clause (j) of Section 2 of the Mines Act, 1952 ;

(g) "person employed" or "employed person" or "employee" means a person employed in a mine or an oil-field to whom the Act applies and includes, in the case of a deceased employed person, his legal representative;

(h) "Prescribed Authority" means, in case of-

(i) mines covered under the provisions of the Mica Mines Labour Welfare Fund Act, 1946, the Lime-Stone and Dolomite Labour Welfare Fund Act, 1972 and the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Welfare Fund Act, 1976, the Welfare Commissioner appointed under the provisions of the aforementioned Acts;

(ii) mines other than those covered under clause (i), but owned or operated by the public sector undertakings of the Central Government or the State Government, the Chief Executive of the concerned public sector undertaking;

(iii) all other mines not covered under clauses (i) and (n), the concerned Regional Labour Commissioner (Central) ;

(i) "section" means a Section of the Act ;

(J) "undisbursed wages" means amounts payable to an employed person as wages which could not or cannot be paid on account of his death before payment or on account of his whereabouts not being known ;

(k) words and expressions used in these rules and not defined herein shall have the same meanings respectively assigned to them in the Act.

3. Nomination :-

(1) A person who is already in employment on the date of the

Payment of Undisbursed Wages (Mines) Rules, 1989, ordinarily within six months from such date, and a person who has been employed after the date of the commencement of the said rules, ordinarily within three months from the date he is employed, shall nominate a person conferring on him the right to receive all amounts payable to him as undisbursed wages, and such nomination shall be in Form I and submitted in duplicate by the employed person by personal service, after taking proper receipt thereof or by sending through registered post with acknowledgement due to the employer: Provided that any nomination may be accepted after the expiry of the specified period, if the person satisfies the employer that he had sufficient grounds for not filing the nomination within such period and no nomination so accepted shall become invalid on the ground that it was filed after the expiry of the specified period.

(2) Within thirty days from the receipt of the nomination under sub-rule (1), the employer shall get the service particulars of the employed person as mentioned in the form of nomination verified with reference to records of the mines and a duly attested copy of the Form I by the employer shall be given to the employed person.

(3) If, at the time of making a nomination an employed person has a family, the nomination shall not be in favour of a person other than the members of his family.

(4) If at the time of making the nomination, the employed person has no family, the nomination may be made in favour of any person but as soon as the employed person subsequently acquires a family, such nomination shall become invalid forthwith and the employed person shall, within thirty days of acquiring a family, submit a fresh nomination in duplicate in Form II to the employer and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis, as if it was made under sub-rule (1).

(5) If the nominee pre-deceases an employed person, the interest of the nominee shall revert to the employed person who shall within a period of thirty days from the death of the nominee make a fresh nomination in the manner hereinafter provided for.

(6) A notice of modification of a nomination including cases where a nominee pre-deceases an employed person shall be submitted in duplicate in Form III to the employer in the manner specified in sub-rule (1) and thereafter the provisions of sub-rule (2) shall

apply mutatis mutandis as if it was made under sub-rule (1).

(7) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employed person or if illiterate, bear his thumb impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination/fresh nomination or a notice of modification of nomination as the case may be.

(8) A nomination or a fresh nomination or a notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

4. Register of nominations :-

(1) The employer shall record and file all nominations, fresh nominations and notices of modification of nominations, as the case may be, in the register of nominations which shall be maintained chronologically by him in Form IV.

(2) The register of nominations shall be maintained by the employer up-to-date and kept permanently at the workspot or where the employer experiences difficulty in keeping them at the workspot, at any other suitable place as may be approved by the Prescribed Authority in this behalf.

5. Deposit of amounts of undisbursed wages :-

(1) Where all amounts payable as wages to a person employed in an establishment in relation to mines remain undisbursed because either no nomination has been made by the employed person or for any reasons, such amounts could not be paid to the nominee of the employed person until the expiry of three years from the date the same had become payable, all such amounts shall be deposited by the employer with the Prescribed Authority before the expiry of the fifteenth day after the last day of the said period of three years.

(2) The amounts referred to in sub-rule (1) shall be deposited by the employer through crossed demand draft obtained from any scheduled bank in India drawn in favour of the Prescribed Authority, and such demand draft shall be submitted by the employer to the Prescribed Authority together with relevant detail in Form V by registered post.

6. Manner of dealing with the undisbursed wages :-

(1) The amount deposited with the Prescribed Authority shall remain with the Prescribed Authority for four years and be invested in the Central or State Government securities or deposited in the nationalised banks.

(2) As soon as possible, the Prescribed Authority will exhibit at least for fifteen days on the notice board of the mine(s) and shall also publish in any two newspapers circulating in the language commonly understood in the area of the mine(s) in which undisbursed wages were earned.

(3) The Prescribed Authority shall release the money to the nominee or to that person who has claims to this money and which has been decided by the competent authority/court.

(4) The amount deposited shall, after a lapse of four years from the date the amount is deposited with the Prescribed Authority by the employer, be applied by the Prescribed Authority to meet the expenditure incurred in connection with the measures which in his opinion are expedient to promote the welfare of persons employed in mines and in particular to defray the cost of measures for the benefit of persons employed in the mines directed towards.

(i) the provision and improvement of educational facilities ;

(ii) the provision and improvement of recreational facilities ;

(iii) the provision and improvement of family welfare including family planning;

(iv) the provision and improvement of vocational training, rehabilitation of disabled and handicapped persons; and

(v) the provision and improvement of transport facilities.

(5) The expenditure incurred in connection with the measures referred to in sub-rule (4) either by an employer in relation to a mine or a trade union registered under the Trade Unions Act, 1926 of persons employed in a mine may be reimbursed to the person concerned by the Prescribed Authority either wholly or partly at his discretion, provided he is satisfied that the expenditure has been actually incurred by that person for bona fide purpose as specified in sub-rule (4).