

TO,
THE ASSISTANT LABOUR COMMISSIONER
CIRCLE-1, MINI SECRETARIAT,
GURGAON, HARYANA.

DATE:-20.06.2018


**SUBJECT: REMINDER TO OUR LETTERS WRITTEN TO YOU ABOUT
THE MINIMUM WAGES VIOLATIONS GOING ON IN
CERTAIN GARMENT MANUFACTURING
ESTABLISHMENTS IN YOUR JURISDICTION AND
ANALYSYS OF SPECIFIC ESTABLISHMENTS, DESCRIBING
THE LEVELS OF VIOLATION AND THE STRATEGIES USED
BY THESE ESTABLISHMENTS TO EVADE LIABILITIES OF
PAYING APPROPRIATE MINIMUM WAGES TO THEIR
WORKERS.**

**REF: LETTER OF THE ADDITIONAL LABOUR COMMISSIONER,
GURUGRAM (Letter No. 1478) DATED: 31.10.2017.**

**REF: TO OUR REMINDER LETTERS DATED: 11.01.2018 & 22.02.2018
WRITTEN TO YOU.**

We would hereby like to state that:

1. That the "Garment and Allied Workers Union" is working for the upliftment, welfare and protection of the Labour rights of the workers of the garment industry in the Delhi- NCR region for the last 10 years. The Union has written so many letters relating to the Minimum Wages Violation to the different ALCs and already informed them about the Minimum Wages violations in the district, but no action is taken on the defaulting establishments.
2. That the "Garment and Allied Workers Union" has prepared the list of violations and analyzed the violation done by the companies operating in Gurgaon and Manesar. In Gurgaon and Manesar there are thousands of workers working in the garment industry. There are large number of companies violating the Minimum Wages Act and not paying to its workers according to the Minimum Wages Notification(s).

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3. The first is a group of companies of which **M/S Richa & Co., plot No. 239, Phase-1, Udyog Vihar, Gurgaon, Haryana**, is one, which pays to its tailor/operator which is a skilled category, basic wages as shown from its pay slips is Rs. 6017, while the applicable rate of Minimum Wage is Rs. 9585.35. So the difference in basic wage is Rs. 3568 which amounts to 37.22% under payment, and this is when the company is not making any deductions in the wages in the respective month. Again the Over-time rates per hour as per the Minimum Wages Notification should be Rs. 92.16 per hour, whereas the worker is getting O.T. at Rs. 82.64 per hour and also the company is considering working on the day of rest as normal working day, thereby making under payment of O.T. by 60.77%. The total under payment of wages of tailor in the company is coming to 51.99% in cases where the worker worked all days and company has not deducted anything from his salary. The company also does not pay any Dearness Allowance to its workers across all skill category. The company in cases of all workers deducts the full day salary of workers even if they take earned leave.
 4. A pay slip of the company in which we have blacked out the name and other employment details of the worker, so as not to disclose his employment details is attached herewith. In cases where the worker has taken some leave the under payment of basic wages can be as high as 45.5% and in many of these cases the company considers working in more than one shifts or on the day of rest as working on the regular day/ shift due to the fact that the worker was on leave for certain time or may be for any day.
 5. Again **M/S Richa & Co** where minimum basic wages to a helper which is an unskilled category is at the rate of Rs.5887 per month, whereas the actual Minimum Wage to an unskilled worker as per the Minimum Wages Notification is Rs. 8280, thereby making under payment of Rs. 2393 in the wage of an unskilled worker, which is 37% under payment from the stipulated Minimum Wages. Similarly the rate at which Over time should be paid to an unskilled worker is Rs. 79.61 per hour and the company is not paying according to the government rate(s). The company also does not pay any Dearness Allowance to its workers across all skill categories. The company in cases of all workers deducts the full day salary of workers even if they take an earned leave. Blacked out pay slip is attached herewith of a worker of this category.

6. A Checker which is also a skilled category should be paid basic wages at rate Rs. 9585 per month, whereas the company is paying to a checker at Rs. 6017. Thereby again making 37% under payment of basic wages of the workers of this category. The Over-time should again be paid at Rs. 92 per hour, whereas the company paying at the rate Rs. 81.45 per hour and also the company considers the working on the day of rest as a normal working day. Thereby making an under payment 46.95% in the O.T. to workers under this category. In this category also the company is not paying Dearness Allowance to the workers. The blacked out pay slips of one of the worker is attached here.

7. As **Richa & Co., Richa Global, and Gaurav International** are companies owned by the same family, so the same pattern of Minimum Wages violation can be seen across all the units and all skill categories of workers of these companies. **Richa & Co.** being one of the biggest garment manufacturing companies in Haryana and employs more than 10 thousand workers in total in all its units has standard rates of Payment of wages for different skill categories across all its units. The general pattern of violation which can be seen by looking at the pay-slips of the workers of company is as follows:-

(a) The company is under paying the basic wages to workers by a huge margin.

(b) The company is not paying any dearness allowance to its workers and even though in some cases it is paying HRA and Conveyance Allowance to its workers it does not make up for the loss of basic wages and DA of those workers- which have a direct bearing on the P.F. and ESI Contributions of these workers.

(c) As can also be seen from the pay-slips the workers who have worked for 30 days in a month and have not taken any day of rest, the O.T. which the company pay-slips show also describe how the company is treating working on the day of rest as a normal working day and paying at improper rates for these days.

(d) The company is also under paying the O.T. of the workers of the skilled category at improper rates. The company is not considering the years of experience of the workers as per the Minimum Wages Notification, while paying the wages of these workers. In many of these cases the company should be paying at skill sub category (B) whereas it is paying as per the sub category (A).

8. All these practices of the companies which are absolute illegal are cause of loss of thousands of Rupees to each of these workers and the company making millions of Rupees in profit owing to these illegal act.

It is endeavor to bring to your notice all these violations and to help you in understanding the different methods used by these companies to conceal minimum wages violation from the authorities. It is now your duty to ensure that strict inspection is taken up against the company and its erring personals under the provisions of the Minimum Wages Act and as per State Rules made therein.

अमरनाथ शर्मा

Amarnath Sharma

(General Secretary)

Garment and Allied Workers Union

C/o Mazdoor Ekta Manch (MEM)

Sector-06, IMT Manesar, Village Naharpur,

Post Nakhrola, Near DC Complex, Opposite Sabji Mandi,

Gurgaon, Haryana-122050.

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RICHA & CO.
239, PHASE I, UDYOG VIHAR, GURGAON, HARYANA, INDIA.

SCREEN NO:
FORM-1
[See Rule 26(2)]
Wages Slip

वेतन पर्ची/PAY SLIP

Code
A/Name
पिता/पति का नाम
Father's/Husband's Name
पद/Designation
ग्रेड/Grade
Group

क रा बीमा क्रमांक/E.S.I. Ins. No.
भविष्य निधि खाता क्रमांक/P.F. A/C N
कार्य दिवस/Wage days
Dept: SEWIN
माह/Month
भुगतान का प्रकार/Mode of Payment

कुल वेतन/Total Salary	दर/Rate	कमाया वेतन/ Earning	Arrear Rate	Arrear Earning	कटौतियां/Deductions	रशि/Amount	Arrear Deduction
मूल वेतन/Basic Pay	6017.00	6017.00			क रा बीमा/E.S.I.	158.00	
नकान किराया भत्ता/H.R.A.	2481.00	2481.00			भविष्य निधि/P.F.	722.00	
यात्रा भत्ता/Conveyance All.	0.00	0.00			स्त्रोत कर/T.D.S.	0.00	
चिकित्सा भत्ता/Medical All.	0.00	0.00			अग्रिम राशि/Advance	0.00	
शिशु शिक्षा भत्ता/C.E. All.	0.00	500.00			अन्य कटौतियां/Other Ded.	0.00	
अन्य भत्ता/Other Allowance					P L W F	10.00	
उप योग/Sub Total	8498.00	8998.00				890.00	
अतिकाल घंटे/O.T. Hours 7.00	81.71	571.98			क रा बी/Ded ESI	10.00	
कुल योग/Total	8498.00	9569.98				900.00	

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वेतन पर्ची/PAY SLIP

SCHEDULE
FOR-11
(See Rule 26(2))

का नाम
/Husband's Name
Designation
/Grade

क.रा.बीमा क्रमांक/E.S.I. Ins. No.
मविष्य निधि खाता क्रमांक/P.F. A/C No.
कार्य दिवस/Wage days

Dharm

माह/Month
भुगतान का प्रकार/Mode of Payment

कुल वेतन/Total Salary	दर/Rate	कमाया वेतन/ Earning	Arrear Rate	Arrear Earning	कटौतियां/Deductions	राशि/Amount	Arrear Deduction	देय वे
मूल वेतन/Basic Pay मकान किराया भत्ता/H.R.A. यात्रा भत्ता/Conveyance All. चिकित्सा भत्ता/Medical All. शिशु शिक्षा भत्ता/C.E. All. अन्य भत्ता/Other Allowance		29800			क. रा. बीमा/E.S.I. मविष्य निधि/P.F. स्त्रोत कर/T.D.S. अग्रिम राशि/Advance अन्य कटौती/Other Ded.			
उप योग/Sub Total		29800				29800		
अतिकाल घंटे/O.T. Hours		34300			क.रा.बी/Ded ESI	2500		
कुल योग/Total		33230				32780		

हृपया वेतन खाते में शीघ्र चैक करें। ना मिलने पर तुरन्त कार्मिक विभाग में सूचित करें।

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(Signature)

RTIHA & CO.
PLOT NO. 28, SEC-5 MANESAR, GURGAON, HARYANA, INDIA

SCHEDULE
FORM-11
(See Rule 25(1))
Wages Slip

वेतन पर्ची/PAY SLIP

कोड/Code
नाम/Name
पिता/पति का नाम
Father's/Husband's Name
पद/Designation
श्रेणी/Grade

क. रा. बीमा क्रमांक/E.S.I. Ins. No.
भविष्य निधि खाता क्रमांक/P.F. A/C
कार्य दिवस/Wage days
माह/Month
भुगतान का प्रकार/Mode of Paym

कुल वेतन/Total Salary	दर/Rate	कमाया वेतन/ Earning	Arrear Rate	Arrear Earning	कटौतियाँ/Deductions	राशि/Amount	Arrear Deduction
मूल वेतन/Basic Pay मकान किराया भत्ता/H.R.A. यात्रा भत्ता/Conveyance All. चिकित्सा भत्ता/Medical All. शिशु शिक्षा भत्ता/C.E. All. अन्य भत्ता/Other Allowance					क. रा. बीमा/E.S.I. भविष्य निधि/P.F. स्त्रोत कर/T.D.S. अग्रिम राशि/Advance अन्य कटौती/Other Ded. P.L.F.	712.00 10.00 1.00 0.00 0.00 10.00	
उप योग/Sub Total						733.00	
अतिकाल घंटे/O.T. Hours					क. रा. बी./Ded ESI	10.00	
कुल योग/Total						743.00	

225

10/2