

The Delhi Minimum Wages Rules, 1950

DELHI

India

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Chapter I Preliminary

1. Short title and extent.

(1) These rules may be called the State of Delhi Minimum Wages Rule, 1950. (2) They extend to the State of Delhi.

2. Interpretation.

- In these rules, unless the context otherwise requires-(a)'Act' means the Minimum Wages Act, 1948;(b)Omitted;(c)'Authority' means the Authority appointed under sub-section (1) of Section 20;(d)'Board' means the Advisory Board appointed under Section 7;(e)'Chairman' means the Chairman of the Advisory Board, the committee as the case may be appointed under Section 9;(f)'Committee' means a committee appointed under Clause (a) of sub-section (1) of Section 5 and includes a sub-committee appointed under that section;(ff)'Day' means a period of 24 hours beginning at midnight;(g)'Form' means a form appended to these Rules;(h)'Inspector' means a person appointed as inspector under Section 19;(i)'Registered Trade Union' means a Trade Union registered under Indian Trade Union Act, 1926;(j)'Section' means a section of the Act; and(k)All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

Chapter II

Membership, Meetings and Staff of the Board and Committee

3. Term of office of the Committee.

- The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the scheduled employment concerned and the State Government may, at the time of constitution of the Committee fix such terms and may from time to time, extend it as circumstances may require.

4. Term of office of members of the Board.

(1) Save as otherwise expressly provided in these rules the term of office of a non-official member of the Board shall be two years commencing from the date of his nomination: Provided that such members shall, notwithstanding the expiry of the said period of two years, continue to hold office, until his successor is nominated. (2) A non-official 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) The official members of the Board shall hold office during the pleasure of the State Government. (4) Nomination of substitute members- If a member is unable to attend a meeting of the Committee or the Board, the Chief Commissioner or the Body which nominated him may, by notice in writing signed on its behalf and by such member and addressed to the Chairman of the said committee or the Board, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting.

5. Travelling allowance.

- A non-official member of the Committee, or the Board shall be entitled to draw travelling and halting allowances 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 Government servant of the first class under the appropriate rules of the State Government.

6. Staff.

(1) The State Government may appoint a Secretary to the Committee, or the Board, and such other staff as it may think necessary, and may fix the salaries and allowances payable to them and specify their conditions of service. (2) (i) The Secretary shall be the Chief Executive Officer of the Committee, or the Board as the case may be. He may attend the meeting of such Committee, or Board but shall not be entitled to vote at such meeting. (ii) The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee, or the Board as the case may be.

7. Eligibility for renomination of the members of the Committee, Advisory Committee and the Board.

- An outgoing member shall be eligible for renomination for the membership of the Committee or Board of which he was a member.

8. Resignation of the Chairman and members of the Committee and the Board and filling of casual vacancies.

(1) A member of the Committee or the Board, other than the Chairman, may, by giving notice in writing to the Chairman resign his membership. The Chairman may resign by a letter addressed to the Chief Commissioner. (2) A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from date of resignation, whichever is earlier. (3) When a vacancy occurs or is likely to occur in the membership of the Committee, or the Board, the Chairman shall submit a report to the Chief Commissioner immediately. The Chief Commissioner shall take step to fill the vacancy.

9. Cessation and restoration of membership.

(1) If a member of the Committee, or the Board fails to attend three consecutive meetings, he shall subject to the provisions of sub-rule (2) cease to be a member thereof. (2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership, he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, or the Board, as the case may be. If a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. Disqualification.

(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, or the Board as the case may be—(i) if he is declared to be of unsound mind by a competent court; or (ii) if he is an undischarged insolvent; or (iii) if before or after the commencement of the Act, 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.

11. Meeting.

- The Chairman may, subject to the provisions of Rule 12, call a meeting of the Committee, or the Board, as the case may be, at any time he thinks fit: Provided that on a requisition, in writing from

not less than one half of the members of the Chairman shall call a meeting within fifteen days from the date of receipt of such requisition.

12. Notice of meeting.

- The Chairman shall fix the date and 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 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.

13. Chairman.

(1)The Chairman shall preside at the meeting of the Committee, or the Board as the case may be.(2)In the absence of the Chairman at any meeting the members shall elect from amongst themselves, by a majority of vote, a member who shall preside at such meeting.

14. Quorum.

- No business shall be transacted at any meeting unless at least one-third of the members are present:Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall there upon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present.

15. Disposal of business.

- All business shall be considered at a meeting of the Committee, or the Board, as the case may be and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote:Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of the 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 a two-third majority of the members.

16. Method of Voting.

- Voting shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairman so decides, the voting shall be by Secret Ballot and held in such manner as the Chairman may decide.

17. Proceedings of the Meeting.

(1)The proceedings of each meeting showing inter alia the names of tire members present threat 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.(2)The proceedings of each meeting shall be confirmed with such modifications, if any, as may be considered necessary at the next meeting.

Chapter III

Summoning of Witnesses by the Committee and the Board and Production of Documents

18. Summoning of Witnesses and Production of documents.

(1)A committee, or the Board may summon any person to appear as a witness in the course of any enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers other documents and things in his possession or under his control relating in any manner to the enquiry.(2)A Summon under sub-rule (1) may be addressed to an individual or an organisation of employers or a registered trade union of workers.(3)A summons under this rule may be served-(i)in the case of an individual, by being delivered or sent to him by registered post;(ii)in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the Secretary or other principal officer of the organisation or union as the case may be.(4)The provisions of the Code of Civil Procedure, 1908, relating to the summoning and enforcement of appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, or the Board.

19. Expenses of witnesses.

- Every person who is summoned and appears as a witness before the Committee, or the Board shall be entitled to an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowances to witness appearing in civil Courts in the State.

Chapter IV

Computation and Payment of Wages, Hours of Work and Holidays

20. Mode of computation of the each value of wages.

- The retail prices at the nearest market shall be taken into account in computing the cash value of wage paid in king and of essential commodities supplied at concession rates. This computation shall be made in accordance with such directions as may be issued by the Government from time to time.

21. Time and conditions of payment wages and deductions permissible from wages.

(1)The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of workers in such employment shall be paid on a working day:(a)in the case of establishments in which less than one thousand persons are employed before the expiry of the seventh day; and(b)in the case of other establishments before the expiry of the tenth day after the last day of wage period in respect of which the wages are payable.(i)The employer or his agent shall fix periods in respect of which such wages shall be payable.(ii)Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day on which his employment is terminated.(iii)The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules.Explanation. - Every payment made by the employed person to the employer or his agent shall for the purpose of these rules, be deemed to be a deduction from wages.(2)Deductions from the wages of a person employed in scheduled employment shall be of one or more of the following kinds, namely-(i) fines; in respect of such acts and omissions on the part of the employed persons as may be specified by the State Government by General or Special order in this behalf;(ii)deduction for absence from duty;(iii)deduction for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;(iv)deductions for house accommodation supplied by the employer;(v)deductions for such amenities and services supplied by the employer as the Government, may by general or special order authorise;Explanation. - The words 'amenities and Services' in this clause do not include the supply of tools and protectives required for the purposes of employment.(vi)deductions for recovery of advances or for adjustment of over payments of wages:Provided that such advances do not exceed an amount equal to wages for two calendar months of the employed person and, in no case, shall the monthly instalment of deduction exceed one-fourth of the wages earned in that month.(vii)deductions of income tax payable by the employed person;(viii)deductions required to be made' by order of a court or other competent authority;(ix)deductions for subscription to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1925, applies or any recognised provident fund as defined in Section 58-A of the Indian Income-Tax Act, 1922 or any provident fund approved in this behalf by the Government during the continuance of such approval; and(x)deductions for payments to Co-operative Societies or deductions for recovery of loan advanced by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the Chief Commissioner.(3)Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and in writing the act or commission or the damage or loss, in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.(4)The amount of fine or deduction for damage or loss mentioned in sub-rule (3) shall be subject to such limits as may be specified in this behalf by the Chief Commissioner. All such fine imposed, deduction made, shall be recorded in the registers maintained in Forms I & II respectively. These registers shall be kept at the work-spot and maintained up-to-date. Where no fine or deduction has been imposed or made or from any employee in a wage period 'nil' entry shall be

made in the relevant register at the end of the wage period.(4A)Every employer shall send annually a return in Form III showing the deductions from wages as to reach the Inspector not later than the 1st February, following the end of the year to which it relates.(5)The amount of fine imposed under sub-rule (3) shall be utilised in accordance with the directions of the State Government.(6)Nothing in this rule shall be deemed to affect the Provisions of the Payment of Wages Act, 1936.

22. Publicity to the minimum wages fixed under the Act.

- Notices in Form XI-A containing the minimum rates of wages fixed together with abstracts from the Act the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment at the main entrances to the establishment and its office and shall be maintained in a clean and legible condition. Such notices in Form IX-A shall also be displayed on the notice boards of all sub-divisional and District Offices.

23. Weekly day of rest.

(1)Subject to provisions in this rule, an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as the rest days) which shall ordinarily be Sunday, but the employer may fix another day of the week as the rest day for any employee or class of employees in a scheduled employment:Provided that the employee has been continuously employed in the scheduled employment for a period of not less than six days :Provided further that the employees shall be informed of the day fixed as rest day and of any subsequent change in the rest day on display of a notice to that effect in the place of employment.(2)Any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless;(a)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; and(b)prior intimation is given by the employer to the employee of his intention to require the employee to work on the rest day and also. of the day which is to be substituted.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 in any one of the five days before or after the rest day, the said 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)Any employee shall be granted for the rest day wages equal to the average daily wages during the preceding week; and in case he works on the rest day and has been given a substituted rest day, the employee shall be paid, in addition to the wages payable for the rest day on which he has worked wages for the substituted rest day equal to the average daily wages during the preceding week :Provided that no such wages for the rest day or for the substituted rest day shall be payable where the minimum daily rate of the wages the employees as notified under the Act had been worked out by dividing the minimum monthly rate of wages by twenty six and if any difficulty or doubt arises in this regard the same shall be referred to the Director of Industries and Labour Delhi, for decision.Note. - For the purpose of this sub-rule average daily shall not include overtime.(5)The provision of this rule shall apply to the employees in scheduled employment other than agricultural

employment.(6)The provisions of this rule shall not operate to the prejudice or more shall they apply in addition to, more favourable terms if any, to which an employee may be entitled under any law or under the terms of any award, agreement of contract of service.Explanation. - The word 'week' use in this rule will mean a period of seven days beginning at mid-night on Saturday night.

24. Number of hours of work which shall constitute a normal working day.

(1)The number of hours which shall constitute a normal working day will be-(a)in the case of an adult 9 hours;(b)in the case of a child; 4 ½ hours.(2)The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.(3)The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the State Government.(4)The provisions of sub-rules (1) to (3) shall, in the case of workers in Agricultural employment, be subject to such modification as may, from time to time, be notified by the State Government.(4A)No child shall be employed or recruited to work for more than 4 ½ hours a day.(5)Nothing in this rule shall be deemed to effect the provisions of the Factories Act, 1948.

24A. Night Shift.

- Where a worker in a scheduled employment works on a shift which extends beyond mid-night.(a)a holiday for the whole day for the purposes of Rule 23 shall in his case mean a period of twenty-four consecutive hours beginning from the time when his shift ends; and(b)the following day for him shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the hours he had worked after mid-night, shall be counted towards the previous day.

25. Extra wages for overtime.

(1)When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages.(a)in the case of employment in agriculture, at one and a half times the ordinary rate of wages;(b)in the case of any other scheduled employment, at double the ordinary rate of wages.Explanation. - The expression 'ordinary rates of wages' means the basic wage plus such allowances including the cash equivalent of the advantages occurring through the concessional sale to the person employed of good grains and other articles as the person employed is for the time being entitled to but does not include a bonus.(2)A register of overtime shall be maintained by every employer in Form IV in which entries under the columns specified therein shall be made as where overtime is worked in any establishment. The register shall be kept at the work-spot and maintained up-to-date. Where no overtime has been worked in any wage period a nil entry shall be made in the register at the end of the wage period.

26. Form of registers and record.

(1) A register of wages shall be maintained by every employer at the work-spot and kept in such form as may be notified by the State Government and shall include the following particulars-(a) The minimum rate of wages payable to each person employed. (b) The number of days for which each employed person worked overtime for each wage period. (c) The gross wages of each person employed for each wage period. (d) All deductions made from wages with an indication in each case of the kinds of deductions mentioned in sub-rule (2) of Rule 21. (e) The wages actually paid to each person employed for each wage period and the date of payment. (2) Wage slips containing the aforesaid particulars and such other particulars as may be notified by the Government shall be issued by every person employed by him at least a day prior to the disbursement of wages. (3) Every employer shall get the signature or the thumb impression of the employer or any person authorised by him in this behalf. (4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorised by him in this behalf. (5) A Muster Roll shall be maintained by every employer and kept in Form V. Establishments governed by the Delhi Shops and Establishment Act, 1954 may however, maintain the same form as required under the said Act and Rules made thereunder.

26A. Employers to provide cards to employees engaged in public Motor Transport.

(1) Every driver, conductor or cleaner employed in Public Motor Transport shall at the beginning of every month be provided with a card in Form V-A which may be in English or in the language understood by such employees. (2) The Card shall be in the custody of such employee during the month and thereafter shall be returned to the employer who shall preserve it for a period of three years. (3) The entries on such card shall be made each day in presence of the employee by the employer or any person authorised by him in that behalf and the employee shall produce the card whenever required for the purpose. (4) If the employee loses his card, the employer shall on payment of Ten Paise, provide him within a week with another card duly completed from his records. (5) If the State Government or any officer authorised by it in this behalf, is satisfied that the drivers, conductors and cleaners employed by any employer are provided with card or other documents, which give in respect of such employees the particulars required for the purpose of this rule, the State Government or such Officer may by order in writing direct that any such Card or document may be provided and maintained in place of the card prescribed under this rule and the provisions of this rule shall then apply mutatis mutandis to such card or documents.

26B. Preservation of registers.

- All Registers and records required to be maintained under Rules 21(4), 26(2), 26(1) and 26-A and the Muster Roll required to be maintained under Rule 26(5) shall be preserved for a period of three years after the date of last entry.

26C. Production of registers and other records.

- All registers and records required to be maintained by an employer under these Rules shall be produced on demand before the inspector :Provided that where establishment has been closed, the Inspector may demand the production of the registers and records in his office.

Chapter V

Claims Under the Act

27. Application.

- An application under sub-section (2) of Section 20 or sub-section (1) of Section 21, by or on behalf of an employed person or group of employed persons shall be made in duplicate in Forms VI and VII, as the case may be.

28. Authorisation.

- The authorisation to Act on behalf of an employed person or persons, under sub-section (2) of Section 20 or of sub-section (1) of Section 21 shall be given in Form VIII by an instrument which shall be presented to the Authority hearing the application and shall form part of the record.

29. Appearance of Parties.

(1)If an application under sub-section (2) of Section 20 or Section 21 is entertained, the authority shall serve upon the employer by registered post a notice in Form IX to appear before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.(2)If the employer or his representative fails to appear on the specified date, the Authority may hear and determine the application ex-parte.(3)If the employee or his representative fails to appear on the specified date, the Authority may dismiss the application.(4)An order passed under sub-rule (2) or sub-rule (3) may be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall then be reheard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub-rule (1).

Chapter VI

Scale of Costs in Proceedings Under the Act

30. Costs.

(1)The Authority, for reasons to be recorded in writing may direct that the costs of any proceedings pending before it shall not follow the event.(2)The costs which may be awarded shall

include-(i)Expenses incurred on subsistence money to witness;(ii)Expenses incurred on account of court-fees; and(iii)Pleader's fees to the extent of ten rupees provided that the Authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.(3)Where there are more than one pleaders or more than one applicants or opponents the Authority, may, subject as aforesaid award to the successful party or parties such costs as it may deem proper.

31. Court-fees.

- The Court-fee payable in respect of proceedings under Section 20 shall be-(i)for every application to summon a witness. One rupee in respect of each witness.(ii)for every application made by or on behalf of an individual-One rupee:Provided further that the Authority may, if in is opinion, the applicant is a pauper exempt him wholly or partly from the payment of such fees :Provided that no fee shall be chargeable-(a)from persons employed in Agriculture; or(b)in respect of an application made by an Inspector.

32. Saving.

- These rules shall not apply in relation to any scheduled employment in so far as there are in force rules applicable to such employment which, in the opinion of the State Government made equally satisfactory provisions for the matters dealt with by these rules and such opinion shall be final.
Form - I[Rule 21(4)]Register of Fines.....Employer.....

SI. No.	Name	Father's/ Husband's name	Sex	Department	Nature and date of the offence for which fineimposed	Whether workman showed cause against fine or not,if so, enter date	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks
1	2	3	4	5	6	7	8	9	10	11

Form - II[Rule 21(4)]Register of Deductions for Damage or Loss caused to the Employer, by the Neglect or Default of the Employees.....Employer.....

SI. No.	Name	Father's/ Husband's name	Sex	Department	Damage of loss caused	Whether worker showed cause against deduction, ifso, enter date	Date and amount of deduction imposed	Number of instalments if any	Date on which total amount realised	Remarks
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1 2 3 4 5

1.2.3.4.5.6.7.8.9.10.

Note - The mark 'H' shall be made in the column relating to any day on which a weekly holiday is given and 'A' if the employee is absent on any other day. Form - VI Form of Application by an Employee under Section 20(2) In Court of the Authority appointed under the Minimum Wages 1948, for..... Application No..... of..... 20..... (1)..... (2).....

Applicant(s) (3)..... (Through a legal practitioner)..... official of..... Union which is a Address. Versus (1)..... (2).....

Opponent(s) (3)..... Address..... The application(s) above named begs/beg respectfully to submit as follow- (1) That (2) That The applicant(s) has/have been paid wages at less than the minimum rate of wages. The applicant(s) estimates/estimate the value of the relief sought by him/them at the sum of Rs..... The applicant(s) prays/pray that a direction may be issued under sub-section (3) of Section 20 for- (a) payment of the difference between the wages due according to the minimum rate of wages fixed by Government and the wages actually paid; and (b) Compensation amounting to Rs..... The applicant(s) begs/beg leave to amend or add to or make alterations in the application if any and when necessary. Date

20..... Signature or thumb impression of the employee(s) or legal practitioner or official of a registered Trade Union duly authorised The applicant(s) does/do solemnly declare that what is stated above is true to the best of his/their knowledge, belief and information. This verification is signed at..... on..... day of..... 20..... Signature or thumb impression of the employee(s) or legal practitioner or official of a registered Trade Union duly authorised

Form - VII Form of Application by an Inspector or Person acting with the Permission of the Authority under Section 20(2) In the Court of the Authority appointed under the Minimum Wages Act, 1948, for area..... Application of

20..... (1)..... Applicant Address.....

applicant above named begs respectfully to submit as follow- (1) That (2) That The opponent is bound to pay wages at the minimum rates of wages fixed by Government but he has paid less wages to the following employees: (1) (2) (3) The applicant estimates the value of the relief sought for the employees at the sum of Rs The applicant prays that a direction may be issued under sub-section (3) of Section 20 for- (a) payment of the difference between the wages due according to the minimum rate of wages fixed by the Government and the wages actually paid,

and (b) compensation amounting to Rs. The applicant begs leave to amend or add to or make alterations in the application if and when necessary. Date..... 20..... Signature Form - VIII Form of Authority in favour of a Legal Practitioner or any Official of a Registered Trade Union referred to in Section 20(2) In the Court of the Authority appointed under the Minimum Wages Act, 1948, for area..... Application No..... of..... 20..... (1)..... (2).....

Applicant(s) (3)..... Versus (1)..... (2)..... Opponent(s) (3)..... I hereby authorise Mr..... a legal practitioner an official of the register Trade Union of to appear and act on my behalf in the above described proceeding and to do all things incidental to such appearing and acting. Date..... Signature or thumb impression of the employee Form - IX

Form of summons to the Opponent to appear before the Authority when an Application under Sub-section (2) of Section 20 or under Section 21 is Entertained (Title of the applicant) To..... (Name, description and place of residence) Whereas has made the above-said application to me under the Minimum Wages Act, 1948, you are hereby summoned to

appear before me in person or by a duly authorised agent and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the..... day of 20 at o' clock in to noon, the answer the claim, and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to relay in support of your defence. Take notice that in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.....Signature of the AuthorityDate.....Form - IX-AA

Abstracts from the Minimum Wages Act, 1948, and the Rules Made Hereunder I. Whom the Act effects. - (a) The Act applies to persons engaged in scheduled employment on specified class of work in respect of which minimum wages have been fixed. (b) No employee can give up by contract or agreement his rights in so far as it purports to reduce the minimum rates of wages fixed under the Act. II. Definition of Wages. - 1. Wages means all remuneration payable to an employed person on the fulfilment of his contract of employment. It excludes: (i) the value of any house accommodation supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the appropriate Government; (ii) contribution paid, by the employer to any pension Fund or Provident Fund or under a scheme of social insurance; (iii) the travelling allowance or the value of any travelling concession; (iv) the sum paid to the person employed to defray special expenses entitled on him by the nature of his employment; (v) Gratuity payable on discharge.

2. The minimum rates of wages may consist of:

(i) a basic rates of wages and a special allowance called the cost of living allowance; (ii) a basic rate of wage with or without a cost of living allowance and the cash value of any concession like supplies of essential commodities at concession rates; (iii) an all inclusive rate comprising of basic rate cost of living allowance and cash value of concession if any.

3. The minimum wages payable to employees of scheduled employment notified under Section 5, read with Section 3 or as revised from time to time under Section 10 read with Section 3 may be:

(a) a minimum time rate; (b) a minimum piece rate; (c) a guaranteed time rate; (d) an over-time rate; differing with (1) different scheduled employments (2) different clauses of work (3) different localities (4) different wage periods and (5) different age groups. III. Computation and conditions of payment. - The employer shall, pay to every employee engaged in scheduled employment under him wages at a rate not less than the minimum rate of wages fixed for that class of employees. The minimum wages payable under this Act shall be paid in cash unless the Government authorised payment thereof either wholly or partly in kind. Wage shall be paid on a working day within seven days of the end of the wage period or within ten days if one thousand or more persons are employed. The wages of person discharged shall be paid not later than the second working day after his discharge. If an employee is employed on any day for a period less than the second working day after his discharge. If an employee is employed on any day for a period less than the normal working day he shall be entitled to receive wages for a full normal working day provided his failure to work is

not caused by his unwillingness to work but by the omission of the employer to provide him with work for that period. Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work wages at not less than the minimum rate in force in respect of each such class of work for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employee wages at not less than the minimum time rate.

IV. Hours of Work and Holidays - The number of hours which shall constitute a normal working day shall be-(a)in the case of an adult 9 hours.(b)in the case of a child, 4 ½ hours. The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours on any day. The employer shall allow a day of rest with wages to employees every week. Ordinarily Sunday will be the weekly day of rest, but any other day of the week may be fixed as such rest day. No employee shall be required to work on a day fixed as rest day, unless he is allowed a substituted rest day with wages. The employer shall give prior intimation to the employee if he is required to work for the rest day (see Rule 23). When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall in respect of overtime worked be entitled to wages in schedule employment other than agriculture, in double the ordinary rate of wages.

V. Fines and Deductions. - No deduction shall be made from wages except those authorised by or under the Rules. Deductions from the wages shall be one or more of the following kinds namely : (i) Fines - An employed person shall be explained personally and also in writing the act or omission in respect of which the fine is proposed to be imposed and given an opportunity to offer any explanation in the presence of another person. The amount of the said fine shall also be intimated to him. It shall be such as may be specified by the State Government. It shall be utilised in accordance with the directions of the State Government; (ii) Deduction for absence from duty; (iii) deductions or damage to or loss of goods entrusted to the employee for custody, or for loss of money for which he is required to account, where much damage or loss is directly attributable to his neglect or default. The employed person shall be explained personally and also in writing the damage or loss, in respect of which the deduction is proposed to be made and given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him. It shall be such as may be specified by the State Government; (iv) deductions for house accommodation supplied by the employer; (v) deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorise. These will not include the supply of tools and protectives required for the purpose of employment; (vi) deductions for recovery of advances or for adjustment of over payment of wages; such advances shall not exceed an amount equal to wages for two calendar months of the employed person and the monthly instalment of deductions shall not exceed one-fourth of the wages earned in the month; (vii) deductions of income tax payable by the employed person; (viii) deductions required to be made by order of court or other competent authority; (ix) deduction for subscriptions to and for repayment of advances from any provident fund; (x) deductions for payment to co-operative societies or to a scheme of insurance approved by the State Government.

VI. Maintenance of Registers and Records - Every employer shall maintain a register of wages specifying the following particulars for such period in respect of each employer persons. (a) The Minimum rates of wages payable. (b) The number of days in which over-time was worked. (c) The gross wages. (d) All deductions made from wages. (e) The wages actually paid and the date of payment. Every employer shall issue wages slips containing prescribed particulars to every person employed. Every employer shall get the signature or the

thumb-impression of every person employed on wage book and wage slip. Entries in the wage books and wage slips shall be properly authenticated by the employer or his agent. A muster roll shall be maintained by every employer and kept in the form prescribed. Every employer shall keep exhibited at such places selected by the inspector, notices in English and in language understood by a majority of the workers of the following particulars in a clean and legible form; (a) Minimum rate of wages. (b) Extracts from the Acts and the Rules made thereunder. (c) Name and address of the Inspector. VII. Inspections. - An Inspector can enter any premises and can exercise powers of inspection (including examination of documents and taking of evidence) as he may need necessary for carrying out the purposes of the Act. VIII. Claims and Complaints. - Where an employee is paid less than the minimum rates of wages for his class of work, or less than the amount due to him under the provisions of this Act, he can make an application for the purpose. An application delayed beyond this period may be admitted if the authority is satisfied that the applicant had sufficient cause for not making the application within such period. Any legal practitioner, official of a registered Trade Union, Inspector under the Act or other person acting with the permission of the Authority can make the complaint on behalf of an employed person. A single application may be presented by or on behalf of any number of persons belonging to the same factory the payment of whose wages has been delayed. A complaint regarding less payment of notified wages under Section 22 of the Act can be made to the Court only with the sanction of the authority within one month of the grant of such sanction. A complaint under Section 22 of the Act can be made to the Court only by or with the sanction of an Inspector within six months of the dates on which the offence is alleged to have been committed. IX. Action by the Authority. - The authority may direct the payment of the amount by which the minimum wages payable exceed the amount actually paid together with the payment of compensation not exceeding not times ten amount of such excess. The authority may direct payment of compensation in cases where the excess is paid before the disposal of the application. If a Malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50/- on the applicant and order that it be paid to the employer. Every direction of the Authority shall be final. X. Penalty for Offence under the Act. - Any employer who pays to an employee less than the amount due to him under the provisions of this Act or infringes any order or rules in respect of normal working day, weekly holiday, shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both. Any employer who fails to maintain a register or records required to be maintained under Section 18, shall be punishable with the fine which may extend to five hundred rupees. XI. Minimum Rates of Wages Fixed. Name of undertaking. Serial No. Category of employees. Minimum Wages. XII. Name and Address of the Inspector(s). Name. Address. Form - X [Rule 26(1)] Register of Wages. Name of the establishment. Place.

Name of the worker	Wage period	Minimum rates of wages payable	Date on which overtime worked	Gross wages payable	Deductions, if any	Actual wages paid	Signature or Thumb impression of the employee
1	2	3	4	5	6	7	8

Form - XI [Rule 26(2)] Wages Slips. Name of the establishment. Place.

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Name of the worker	Wage period	Minimum rates of wages payable	Date on which overtime worked	Gross wages payable	Deductions, if any	Actual wages paid	Signature of the employee
1	2	3	4	5	6	7	8