

The Minimum Wages (Madhya Pradesh) Rules, 1958

MADHYA PRADESH

India

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Rule THE-MINIMUM-WAGES-MADHYA-PRADESH-RULES-1958 of 1958

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The Minimum Wages (Madhya Pradesh) Rules, 1958 Published vide Notification No. 303-6, dated 29-12-1958, M.P. Rajpatra, Part 4 (Ga), dated 23-1-1959 at pp. 1-22 In exercise of the powers conferred by Section 30 of the Minimum Wages Act, 1948, the State Government hereby makes the following rules, namely:-

Chapter I Preliminary

1. Short title and extent.

- These rules may be called the Minimum Wages (Madhya Pradesh) Rules, 1958.

2. Interpretation.

- In these rules, unless the context otherwise requires:-(a)"Act" means the Minimum Wages Act, 1948(b)"Authority" means the authority appointed under sub-section (1) of Section 20;(c)"Board" means the Advisory Board appointed under Section 7;(d)"Chairman" means the Chairman of the Advisory Board or the Committee, as the case may be, appointed under Section 9;(e)"Committee" means a committee appointed under clause (a) of sub-section (1) of Section 5 and includes a sub-committee appointed under that section;(f)"Day" means a period of twenty-four hours beginning at midnight;(g)"Government" means the Government of Madhya Pradesh;(h)"Form" means a form appended to these rules;(i)"Inspector" means a person appointed as Inspector under Section 19;(j)"Labour Commissioner" means the Labour Commissioner appointed by the Government;(k)"Registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926;(l)"Section" means a section of the Act; and(m)All other words and expressions used herein and not defined shall have the meanings respectively assigned to them under the Act.

Chapter II

Members and Staff, and Meetings of the Board and Committee

3. Term of office of members of the Committee.

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

4. Term of office 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 member 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 Government.

5.

No act or proceeding of the Committee or the Board shall be questioned on account of any vacancy in the membership or any defect in the appointment of member thereof or any defect or irregularity in such act or proceeding not affecting the merits of the case.

6. Travelling allowance.

- A non-official member of the Committee, or the 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 Government servant of the first class under the appropriate rules of the Government. His pay for this purpose shall be considered as Rs. 750 per month or such higher sum as the Government may prescribe in any particular case : Provided that a member of the State Legislature and Parliament shall receive the daily and travelling allowances at the rates admissible to them under the Acts regulating their salaries and allowances or the rules made thereunder.

7. Staff.

(1) The 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 meetings of such Committee, or Board but shall not be entitled to vote at such meetings, unless he happens to be a member of the Committee or the Board.(ii)The Secretary shall assist the Chairman in convening meetings and shall keep a record of the minute of such meetings and shall take necessary measures to carry out the decision of the Committee or the Board, as the case may be.

8. Eligibility for renomination of the members of the Committee and the Board.

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

9. 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.(2)The Chairman may resign by letter addressed to the Government.(3)Resignations tendered under sub-rule (1) or (2) shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier.(4)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 Government immediately. The Government shall then take steps to fill vacancy.

10. Cessation and restoration of membership.

(1)If a member of the Committee, or the Board fails to attend three consecutive meetings, 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 or by personal delivery. In case the intimation is returned undelivered when sent by personal delivery or by registered post, the Chairman shall cause it to be published in the Official Gazette of the State and on such publication intimation shall be deemed to have been received by the member. 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 and 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.(3)Notwithstanding anything contained in sub-rule (1) or (2) the Government may, after considering opinion of the Committee or the Board, as the case may be, order that a member shall not cease to be so merely because of his failure to attend three consecutive meetings.

11. Disqualifications.

(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, or (iv) if he has ceased to represent the interest of the employers or the employees, as the case may be, in the opinion of the State Government. (2) If any question arises whether a disqualification has been incurred under sub-rule (1) the decision of the Government thereon shall be final.

12. Meetings.

- 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 Board the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

13. Notice of meetings.

- The Chairman 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 personal delivery or 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.

14. Chairman.

(1) The Chairman shall preside at the meetings 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 votes, a member, who shall preside at such meeting.

15. [Quorum. [Substituted by Notification No. 2625-769-XVI, dated 6-6-1969.]

- No business shall be transacted at any meeting unless at least one-third of the members and at least one representative of both employers and employees are present: Provided that when at any meeting no representative of the employers or employees has turned up or 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 previously fixed for the purpose and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number or class of members present.]

16. 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 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 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.

17. 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 shall be held in such manner as the Chairman may decide.

18. Proceedings of the meeting.

(1)The proceedings of each meeting showing inter alia the names of the members present thereat shall be forwarded to each member and to the 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 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

19. Summoning of witnesses and production of documents etc.

(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 require to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.(2)A summons 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 or by personal delivery;(ii)in the case of an employer's 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 the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee or the Board.

20. Expenses of witness.

- Every person who is summoned and appears as a witness before the Committee or the Board 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 allowances to witnesses appearing in Civil Courts in the State.

Chapter IV

Computation and Payment of Wages, Hours of Work and Holidays

21. Mode of computation of the cash value of wages.

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

22. Time and conditions of payment of wages and the deductions permissible from wages.

(1)(i)The wage period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid on a working day-(a)in the case of establishments for 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 the wage period in respect of which the wages are payable:Provided that in the case of employment in agricultural, payment of wages shall be made weekly on the day preceding the weekly market day.(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 after the 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 purposes of these rules, be deemed to be deduction from wages.(2)Deductions from the wages of a person employed in a Scheduled employment shall be of one or more of the following kinds, namely :(i) fines for such proved acts and omissions on the part of the person employed in respect of which Government may direct fines to be leviable in all or any Scheduled Employments, and the decision of the Labour Commissioner on the issue as to whether an act or omission has taken place shall be final;(ii)deductions for absence from duty;(iii)deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss 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 or Government or any authority constituted by Government for providing housing accommodation and deductions for water or light connections, whether supplied by the employer or the Government or any agency

authorised by the Government;(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 or wages :Provided that such advances do not exceed an amount equal towages for two calendar months of the employed person and, in no case, shall the monthly instalment of deductions 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 subscriptions to, and for payment of advances from any provident fund to which the Provident Fund 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;(x)deductions for payment to co-operative societies or deductions made with written authorisation of the person employed for payment of any premium or by life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (XXX of 1956);(xi)deductions for recovery or adjustment of amounts other than wages paid to the employed person by error or in excess of what is due to him :Provided that the deductions under this clause shall not be made unless-(i)a prior approval of the Inspector or any officer authorised by the Government in this behalf is obtained; and(ii)the person employed has given his consent in writing for such deductions;(xii)deductions for bad workmanship to such extent and subject to such conditions as the Government may, by order, specify in respect of any scheduled employment.(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 also in writing the act or omission or the damage or loss, in respect of which 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 mentioned in sub-rule (3) shall be such as may be specified by the Government. All such deductions, and all realisations thereof shall be recorded in a register maintained in Forms I, II and III, as the case may be. [A return in Form III in duplicate shall be submitted annually by the employer and shall reach the Inspector] [Substituted by Notification No. 4578-1845-XVI, dated 26-6-1964.] by the 31st January of the succeeding year.(5)The amount of fine imposed under sub-rule (3) shall be utilised only for such purposes beneficial to the employees as are approved by the Labour Commissioner subject to such instructions as may be given to him by the Government.(6)Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936.

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

- Notice in Form X containing the minimum rates of wages fixed together with extracts from the Act, the rules made thereunder and the name and address of the Inspector shall be displayed by the employer in English and Hindi at such place as may be selected by the Inspector and shall be maintained in a clean and legible condition. Such notices shall also be displayed on the notice boards of all sub-divisional and District Offices. If the Inspector fails to specify any place in any particular case, the notice shall be displayed on the main entrance of the establishment or in the case of employment in agriculture, at the main entrance of the employer's residence or farm-house

from where the employees collect their implements or where they receive their wages.

24. [Weekly day of rest. [Substituted by Notification No. 5841-4749-XVI, dated 25-8-1966.]

(1) Subject to the provisions of this rule, an employee in a scheduled employment in respect of which minimum rates of wage have been fixed under the Act, 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 in that scheduled employment : Provided that the employee has worked in the scheduled employment 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 or 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 at the place specified by the Inspector in this behalf. Explanation. - For purposes of the first proviso to this sub-rule, an employee who is required to attend to work on any day but is given only an allowance for attendance and is not provided with work, for any reasons other than any enumerated in Rule 26 shall be treated as having worked on that day. (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 three 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 on the employee working for more than ten days consecutively without a rest day for 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 three 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) An employee shall be granted for the rest day wages calculated at the rate applicable to the next preceding day and in case he works on the rest day and has been given a substituted rest day, 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. 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 apply to the employees in scheduled employments other than agricultural employment. (6) 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 the more favourable terms as aforesaid. Explanation. - The word "week" used in this rule will mean period of seven days beginning at midnight on Saturday night.]

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

(1) The number of hours which shall constitute a normal working day shall be -[x x x] [Omitted by Notification No. 2125-8576-XVI, dated 3-4-1967.](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 or such longer period as the Government may notify by general or special order.(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 Medical Officer not below the rank of Sub-Assistant Surgeon of the dispensaries and hospitals run by the Government.(4)The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Government.(5)No child shall be employed or permitted to work for more than 4 ½ hours on any day.(6)Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 [or the Madhya Pradesh Shops and Establishments Act, 1958.] [Inserted by Notification No, 5058-4026-XVI, dated 10-9-1970.]

26. Night shifts.

- Where a worker in a scheduled employment works on a shift which extends beyond midnight-(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 in such 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 worker was engaged in work shall be counted towards the previous day.

27. [Extra wages for overtime. [Substituted by Notification No. 5058-4026-XVI, dated 10-9-1970.]

(1)When a worker works any day in any employment for more than the number of hours of work constituting a normal working day as prescribed under Rule 25, subject to modifications, if any, under sub-rule (4) thereof; or for more than 48 hours in a week he shall in respect of the overtime work, be entitled to wages-(a)in the case of employment in the agriculture, at one and a half time the ordinary rates of wages;(b)in the case of any other scheduled employment at double the ordinary rates 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 food grains and other articles as the person employed is for the time being entitled to but does not include a bonus.](2)A register showing over-time payment shall be kept in Form IV.(3)Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948.

28. Circumstances in which an employee shall not be entitled to receive wages for a full normal working day.

- A person employed for a period of less than the requisite number of hours constituting a normal working day, shall not be entitled to receive wages for a full normal working day to the extent to which he has remained himself absent during the normal working hours.

29. Form of registers and records.

(1) A register of wages shall be maintained by every employer at the workspot in Form XI. (2) Wage-slips in Form XII containing such particulars as may be notified by the Government shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages. But in cases, where payment of wages is made on every day the work was done, it shall be issued on the very same day. (3) Every employer shall get the signature or the thumb impression of every person employed on the wage-book and wage slip. The authentication shall be duly signed by the employer. (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 at the workspot and kept in Form V.

29A. [Maintenance of Inspection Book. [Inserted by Notification No. 4578-1845-XVI, dated 26-6-1964.]

- Every employer shall in the form of a blank register maintain a bound Inspection Book and shall produce it when so required by the Inspector. The Inspector shall record an inspection note in duplicate on plain papers, the original of which shall be handed over to the Establishment Inspector for being pasted on the inspection book in running serial order and the duplicate copy shall be retained by the Inspector for official purposes.]

29B. [Use of alternative form in certain cases. [Inserted by Notification No. 2217-1331-XVI, dated 12-4-1972.]

- Notwithstanding anything contained in these rules-(a) the employer may maintain the record of attendance, overtime work, account of wages, fines and deductions in respect of each employee in a combined register in Form "N" as prescribed by sub-rule (1) of Rule 20 of the Madhya Pradesh Shops and Establishment Rules, 1959, in place of registers and records required to be maintained in Forms I, II, IV V, XI and XII of these rules; or (b) the employer may use any other alternative form to avoid duplication of work, in lieu of any of the forms required to be maintained under these rules, with the previous approval of the Labour Commissioner which may be obtained by an individual employer or a group of employers or by an association of employers.]

30. Records for Employment in Agriculture.

- Notwithstanding anything contained in Rule 28, the employer in the employment in agriculture may maintain the register in regard to wages, etc. in Form XIII.

31. Maintenance of registers.

- All records and registers required to be maintained under these Rules shall be preserved for a period of at least twenty-four months after the date of the last entry made therein or for such longer period as may be specified by the Inspector in any particular case.

31A. [Employers to provide attendance cards to employees. [Inserted by Notification No. 4578-1845-XVI, dated 26-6-1964.]

(1) Every employee engaged in any scheduled employment except employment in agriculture shall be provided with a card in Form XIV which shall be in Hindi, free of cost by the employer. (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 next twenty-four months. (3) The entries on such card shall be made each day in the presence of the employee by the employer or any other person authorised by him in that behalf, and the employee shall produce the card whenever required, for this 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 employees employed by any employer are provided with cards 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 document.][Chapter IV-A [Inserted by Notification No. 717-7929-XVI, dated 1-2-1966.] Powers and Duties of the Chief Inspector

31AA. Powers and duties of the Chief Inspector.

- The Chief Inspector shall have the power to do all or any of the following things, namely :-(i) to supervise the work of the Inspectors appointed under Section 19 and co-ordinate their working in the State; (ii) to take steps for ensuring the implementation of the minimum rates of wages in respect of the scheduled employments throughout the State and proper enforcement of the Act and the Rules.]

Chapter V

Claims Under the Act

32. Applications.

- 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.

33. 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. Every such authorisation shall bear a court-fee stamp of twelve paise only.

34. 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 witness, 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 applicant 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 re-heard after service of notice on the opposite party on the date fixed for re-hearing, in the manner specified in sub-rule (1).

Chapter VI

Scale of Costs in Proceedings Under the Act

35. Costs.

(1) The Authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event. (2) The costs which may be awarded shall include-(i) expenses incurred on account of court-fees; (ii) expenses incurred on subsistence money to witnesses; 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 pleader or more than one applicant or opponent the Authority may, subject to as aforesaid, award to the successful party or parties such costs as it may deem proper.

36. Court-fees.

- The court-fees 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 that the Authority may, if in its opinion the applicant is a pauper, exempt him wholly or partly from the payment of such fees : Provided further that no fee shall be chargeable-(a) from persons employed in Agriculture; or (b) in respect of an application made by an Inspector.

Chapter VII

Miscellaneous

37. [Powers of Inspectors. [Inserted by Notification No. 3448-3150-XVI, dated 16-6-1971.]

- In addition to the powers specified in sub-section (2) of Section 19 of the Act, an Inspector shall, for the purposes of the enforcement of the Act, have powers, subject to the provisions of the Act, to prosecute, conduct or defend before a Court any complaint or other proceedings arising under the Act or in a discharge of his duties as an Inspector and secure such evidence as may be necessary for the purpose.]

37A. Savings.

- 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 Government make equally satisfactory provisions for the matters dealt with by these rules and such opinion shall be final.

38. Repeal and Saving.

- The V.P. Minimum Wages Rules, 1960; the M.P. Minimum Wages Rules, 1951; the Minimum Wages (M.B. State) Rules, 1961; and the Rajasthan Government Minimum Wages Rules, 1951 as in force in Sironj region are hereby repealed :Provided that any order made, any notification issued, anything done or any action taken under any of the said Rules shall be deemed to have been done, made, issued, or taken under the corresponding provision of these Rules. Form I Register of Fines[See Rule 22 (4)].....Employer.....

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

Form II[See Rule 22 (4)]Register of Deductions for Damage or Loss Caused to the Employer, by the Neglect or Default of the Employed Persons.....Employer.....

Serial No.	Name	Father's/ Husband's name	Sex	Department	Damage or loss caused with date
(1)	(2)	(3)	(4)	(5)	(6)

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
(7)		(8)	(9)	(10)	(11)

[Form III] [Substituted by Notification No. 4578-1845-XVI, dated 26-6-1964.][See Rule 22 (4)]Annual ReturnReturn for the year ending the 31st December.....

1. (a) Name of the establishment and postal address.....

(b)Name and residential address of the owner/contractor.....(c)Name and residential address of the Managing Agent/Director/Partner incharge of the day-to-day affairs of the establishment owned by a company, body corporate or association.(d)Name and residential address of the Manager/Agent, if any.....

2. Number of days worked during the year.....

*3. Number of man-days worked during the year.....**4. Average daily number of persons employed during the year.....(i)Adults.....(ii)Children.....

5. Total wage paid in cash.....

***6. Total cash value of the wages paid in kind.....

7. Deductions-

	No. of cases	Total amount	
		Rs.	Paise
(a) Fines		
(b) Deductions for damage or loss		
(c) Deductions for breach of contract		

8. Disbursement from fines-

Purpose Amount

Rs. Paise

(a)

(b)

(c)

(d)

9. Balance of the fund in hand at the end of the year.....

Dated..... Signature.....

Designation.....

*This is the aggregate number of attendances during the year.**The average daily number of

persons employed during the year is obtained by dividing the aggregate number of attendances during the year by the number of working***Cash value of the wages paid in kind should be obtained by taking in the difference between the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities given at concessional rates.To,The Inspector, Under Minimum Wages Act, 1948,C/o Assistant Labour Commissioner/Labour officer,Place.....Form IV[See Rule 27 (2)]Overtime Register for WorkersMonth ending....19.

Serial No. Name Father's/ Husband's name Sex Designation and Department

(1) (2) (3) (4) (5)

Date on which overtime worked	Extent of overtime on each occasion	Total overtime worked or production in case of piece-workers	Normal hours	Normal rate
(6)	(7)	(8)	(9)	(10)

Overtime rate	Normal earnings	Overtime earnings	Total earnings	Date on which overtime payment made
(11)	(12)	(13)	(14)	(15)

Form V[See Rule 29 (5)]Muster RollName of establishment..... Place.....

Serial No.	Name	Father's/ Husband's Name	Sex	Nature of work
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For period ending..... Remarks

1	2	3	4
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Form VI Form of Application by an Employee Under Section 20 (2) In the Court of the Authority appointed under the Minimum Wages Act 1948, for.....area. Application No.(1).....(2)..... Applicant(s)(3).....(through..... a Legal Practitioner/..... official of..... Union which is a registered trade union). Address..... Versus(1).....(2)..... Opponent(s)(3)..... Address..... The applicant(s) above named beg(s) respectfully to submit as follows : (1) that..... (2) that..... The applicant(s) has (have) been paid wages at less than the minimum rate of wages. The applicants) estimate(s) the value of the relief sought by him (them) at the sum of Rs. The applicant(s) pray(s) 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 applicants (s) beg(s) leave to amend or add to or make alterations in the application, if any, and when necessary. Date..... Signature or thumb-impression of the employee(s), legal practitioner or official of a registered trade union duly authorised. The applicant(s) do(es) 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..... 19..... *Signature or thumb-impression of the employee(s)/legal practitioner or official of a registered trade union duly authorised. *When the application is by a

group of employees, the thumb-impression or signatures of two of the applicants need be put to the application and a full list of applicants should be attached to the application. 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 No..... of 19.....

(1) Applicant.

Address.....

Versus

(1) Opponent

Address.....

The applicant above named begs respectfully to submit as follows : (1) that..... (2) that..... The opponent is bound to pay wages at the minimum rate 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 Government and the wages actually paid; and (b) compensation amounting to Rs..... The applicant begs leave to amend or add to or make alteration in the application if and when

necessary. Date..... Signature The applicant does solemnly declare that what is stated above is true to the best of his knowledge, belief and information. This verification is signed at..... on..... day of..... 19..... 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 19.....

(1)

(2) Applicant(s)

(3)

Versus

(1)

(2) Opponent(s)

(3)

I hereby authorise Mr..... a legal practitioner/an official of the registered 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 Application)..... 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... 19... at..... O'clock in the..... noon, to 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 rely 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. Date.....Form X(Rule 23) Notices Extracts from the Minimum Wages Act, 1948 and the Rules Made Thereunder

I. Whom the Act affects. - (a) The Act applies to persons engaged on scheduled employments 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 any 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 entailed on him by nature of his employment; (v) gratuity payable on discharge. (2) The minimum rate of wages may consist of - (i) a basic rate of wages and 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 concessions, 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 employments 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 classes 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 authorises payment thereof either wholly or partly in kind. Wage periods shall be fixed for the payment of wages at intervals not exceeding one month. Wage shall be paid on a working day within seven days of the end of the wage period or within ten days if 1,000 or more persons are employed. The wages of a 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 normal working day he shall be entitled to receive wages for a full normal working day provided in 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 class. Where an employee is employed on piece work for which a 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. - Except for employment in agriculture 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 1/2 hours. The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours on any day. The holidays in the scheduled employment shall be governed by the legislation applicable to them in this behalf and where such legislation does not apply, the (State)

Government may fix the weekly holiday, if deemed necessary. 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 scheduled employment other than agriculture, at double the ordinary rate of wages.

V. Fines and Deductions. - No deductions shall be made from wages except those authorised by or under these rules. Deduction 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 Government. It shall be utilised in accordance with the directions of the Government;
- (ii) **deductions 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 such 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 Government;
- (iv) **deductions for house accommodation supplied by the employer or Government, etc.;**
- (v) **deductions for such amenities and services supplied by the employer as the Government may, by general or special order, authorise.** These will 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-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 deduction shall not 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 Court or other competent authority;**
- (ix) **deductions 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 Government;**
- (xi) **deductions for recovery or adjustment of amounts other than wages paid to the employed person by error or in excess of what is due to him.**

VI. Maintenance of Registers and Records. - Every employer shall maintain a register of wages in Form 'XI' at the workspot. Every employer shall issue wage-slips containing prescribed particulars to every person employed. Every employer shall get the signature or the thumb-impression of every person employed on the wage-book and wage-slips. 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, notice in English and Hindi 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 in any premises and can exercise power of inspection (including examination of documents and taking of evidence) as he may deem 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 fixed for his class of work or less than the amount due to him under the provisions of this Act, he can make an application in the prescribed form within six months to the Authority appointed 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 date 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 ten times the 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 any 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 record required to be maintained under Section 18, shall be punishable with fine which may extend to five hundred rupees. XI. Minimum Rates of Wages Fixed. - Name of Undertaking

Serial No.	Category of employees	Minimum Wages
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XII. Name(s) and Address (s) of the Inspector(s).

Name..... Address.....

Form XI[See Rule 29 (1)]Register of WagesName of the Establishment.....Place.....

Name of the worker	Wage period	Minimum rates of wages payable	Dates on which overtime worked
(1)	(2)	(3)	(4)
Gross wages payable	Deduction, if any	Actual wage paid	Signature or thumb-impression of the employees
(5)	(6)	(7)	(8)

Form XII[See Rule 29 (2)]Wage SlipName of the Establishment.....Place.....

Name of the worker	Wage period	Minimum rates of wages payable	Dates on which overtime worked
(1)	(2)	(3)	(4)
Gross wages payable	Deduction, if any	Actual wage paid	Signature or thumb-impression of the employees
(5)	(6)	(7)	(8)

Form XIII[See Rule 30]Register for Employment in AgricultureName and address of the Establishment.....

Serial No. Name Father's/Husband's name Sex

(1) (2) (3) (4)

Nature of work	Rates of wages	Attendance & hours of work done daily	1	2	3	4	5	6	Overtime wages, if any
(5)	(6)	(7)							(8)

Deductions, if any	Actual wages paid	Signature of the employee receiving wages intoken of receipt of wages with date	Signature of the employer and date
(9)	(10)	(11)	(12)

[Form XIV] [Inserted by Notification No. 4578-1845-XVI, dated 26-6-1964.][See Rule 31-A]Employment (Nature of Employment).....Name of Establishment.....Name of employer.....Name of employee.....Serial No. in Muster Roll (Form V).....Month of.....19.....

Date	Reporting time	Relieving time	Rest/Interval	Overtime hours	Endorsement of employer or his agent	Remarks, if any
From To	(2)	(3)	(4)	(5)	(6)	(7)
(1)						(8)

1.
2.
3.
4.
5.
6.
7.
etc.

Note. - The mark "H" shall be made in the column relating to any date on which a weekly holiday is given and "A' if the employee is absent on any other day.....Signature of the Employer/Proprietor/Manager/Person-in-charge with name