

# THE MINIMUM WAGES (CENTRAL) RULES, 1950<sup>1</sup>

[SRO 776, DATED 14-10-1950]

In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government is pleased to make the following rules, the same having been previously published as required by the said section, namely:

## CHAPTER I PRELIMINARY

**1. Short title and extent:-**These rules may be called the Minimum Wages (Central) Rules, 1950.

**2. Interpretation:-**In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Minimum Wages Act, 1948 (11 of 1948);
- (b) 'advisory committee' means an advisory committee appointed under section 6 and includes an advisory sub-committee appointed under that section;
- (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 a Chairman of the Advisory Board, the Committee or the Advisory 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 twenty-four 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 the Indian Trade Union Act, 1926 (16 of 1926);
- (j) 'section' means a section of the Act; and
- (k) 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 COMMITTEE AND ADVISORY COMMITTEE

**3. Term of office of the members of the Committee and the Advisory Committee:-**The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the Central Government is necessary for completing the enquiry into the scheduled employment concerned and the Central Government may, at the time of the constitution of the

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1 Vide S.R.O. 776, dated 14-10-1950.

Committee or an Advisory Committee, as the case may be, 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 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 Central Government.

**4A. Nomination of substitute members:-**If a member is unable to attend a meeting of the Committee or the Board, the Central Government 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, an Advisory 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 Central Government.

**6. Staff:-**(1) The Central Government may appoint a Secretary to the Committee, an Advisory 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, the Advisory Committee or the Board; as the case may be. He may attend the meetings of such Committee, Advisory Committee or the Board but shall not be entitled to vote at such meetings.

(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, the Advisory 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 re-nomination for the membership of the Committee, Advisory Committee or the 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 Central Government.

(2) A resignation 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.

(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 Central Government immediately. The Central Government shall take steps to fill vacancy.

**9. Cessation and restoration of membership:-**(1) If a member of the Committee, Advisory 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, the Advisory 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.

**10. Disqualification:-**(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, Advisory 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 Central Government thereon shall be final.

**11. Meetings:-**The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, Advisory 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 the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

**12. 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 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 meetings of the Committee, Advisory 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.

<sup>1</sup>[**14. Quorum:-**No business shall be transacted at any meeting unless at least one-third of the members and at least one representative each of both the employers and employees 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 thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present:

<sup>2</sup>[Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members by telegram or by written communication].

**15. Disposal of business:-**All business shall be considered at a meeting of the Committee, Advisory 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 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-thirds 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 shall be held in such manner as the Chairman may decide.

**17. Proceedings of the meetings:-**(1) The proceedings of each meeting showing inter alia the names of the members present there shall be forwarded to each member and to the Central 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 modification if any, as may be considered necessary at the next meeting.

### CHAPTER III

#### **SUMMONING OF WITNESSES BY THE COMMITTEE, ADVISORY COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS**

**18. Summoning of witnesses and production of documents:-**(1) A Committee, Advisory Committee or the Board may summon any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating to 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.

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1 Substituted by G.S.R. 2201, dated 12-12-1968.

2 Substituted by G.S.R. 751, dated 1-7-1974 (w.e.f. 13-7-1974).

(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 (5 of 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, Advisory Committee or the Board.

<sup>1</sup>[(5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of a summons issued under sub-rule (1) may be inspected by the Chairman and independent members, and also by such parties as the Chairman may allow with the consent of the other party, but the information so obtained shall be treated as 'confidential' and the same shall be made public only with the consent in writing of the party concerned:

Provided that nothing contained in this rule shall apply to the disclosure of any such information for the purpose of a prosecution under section 193 of the Indian Penal Code (45 of 1860).]

**19. Expenses of witnesses:-**Every person who is summoned and appears as a witness before the Committee, the Advisory 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 allowance to witnesses 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 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 Central Government from time to time.

**21. Time and conditions of payment of wages and the deductions permissible from wages:-**(1)(i) <sup>2</sup>[The wages of a worker in any scheduled employment] shall be paid on a working day,—

- (a) in the case of establishment 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 the wage period in respect of which the wages are 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

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<sup>1</sup> Inserted by G.S.R. 466, dated 2-3-1970.

<sup>2</sup> Substituted by G.S.R. 109, dated 14-1-1959.

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 a 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 in respect of such acts and omissions on the part of employed persons as may be specified by the Central Government by general or special order in this behalf;
- (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 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 Central 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 subscriptions to, and for repayment of advances from any provident fund to which the Provident Funds’ Act, 1952 (19 of 1952), applies or any recognised provident fund as defined in section 58A of the Indian Income-tax Act, 1922) (11 of 1922)<sup>1</sup>, or any provident fund approved in this behalf by the Central Government during the continuance of such approval;
- <sup>2</sup>[(x) deductions for payment to co-operative societies <sup>3</sup>[or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the Central Government] or deductions made with the written authorization of the person employed, for payment of any

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1 Now see the Income-tax Act, 1961 (43 of 1961).

2 Substituted by G.S.R. 659, dated 26-7-1958.

3 Inserted by G.S.R. 717, dated 15-6-1960.

premium, on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956);

- <sup>1</sup>[(xi) deductions for recovery or adjustment of amounts, other than wages, paid to the employed person in error or in excess of what is due to him :
- <sup>2</sup>[(xii) deductions made with the written authorisation of the employed persons (which may be given once generally and not necessarily every time a deduction is made), for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post Office Savings Bank in furtherance of any savings scheme of any such Government;]
- <sup>3</sup>[(xiii) deductions made with the written authorisation of the employed person for contributions to the National Defence Fund or the Prime Minister's National Relief Fund or to any Defence Savings Scheme <sup>4</sup>[approved by the Central Government or to such other Fund as the Central Government] may, by notification in the Official Gazette, specify in this behalf;]
- <sup>5</sup>[(xiv) deductions for recovery of loans granted for house building or other purposes approved by the Central Government, and for the interest due in respect of such loans, subject to any rules made or approved by the Central Government regulating the extent to which such loans may be granted and the rate of interest payable thereon.]

Provided that prior approval of the Inspector or any other officer authorised by the Central Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.]

<sup>6</sup>[(2A) Notwithstanding anything contained in these rules, the total amount of deductions which may be made under sub-rule (2) in any wage period, from the wages of an employee shall not exceed—

- (i) 75 per cent of such wages in cases where such deductions are wholly or partly made for payments to Consumer Co-operative Stores run by any Co-operative Society under clause (x) of sub-rule (2); and
- (ii) 50 per cent of such wages in any other case:

Provided that where the total amount of deductions which have to be made under sub-rule (2) in any wage period from the wages of any employee exceeds the limit specified in clause (i), or, as the case may be, clause (ii) of this sub-rule, the excess shall be carried forward and recovered from the wages of succeeding wage period or wages periods as the case may be, in such number of instalments as may be necessary.]

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1 Inserted by S.R.O. 298, dated 23-1-1957.

2 Inserted by G.S.R. 627, dated 22-4-1961.

3 Substituted by G.S.R. 676, dated 7-6-1980 (w.e.f. 21-6-1980).

4 Corrected by G.S.R. 463(E), dated 2-8-1980.

5 Inserted by G.S.R. 676, dated 7-6-1980 (w.e.f. 21-6-1980).

6 Inserted by G.S.R. 676, dated 7-6-1980 (w.e.f. 21-6-1980).

(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 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.

<sup>1</sup>[(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 Central Government. All such fines imposed and deductions made shall be recorded in the registers maintained in Forms I and II, respectively. These registers shall be kept at the workspot and maintained up-to-date. Where no fine or deduction has been imposed or made on or from any employee in a wage period, a 'nil' entry shall be made across the body of the relevant register at the end of the wage period, indicating also in precise terms the wage period to which the 'nil' entry relates.]

<sup>2</sup>[(4A) Every employer shall send annually a return in Form III <sup>3</sup>[\*\*\*] so as to reach the Inspector not later than the 1st February following the end of the year to which it relates.

<sup>4</sup>[(5) The amount of fine imposed under sub-rule (3) shall be utilised only for for such purposes beneficial to the employees as are approved by the Central 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 wage fixed under the Act:-** Notices <sup>5</sup>[in Form IX-A] containing the minimum rates of wages fixed together with <sup>6</sup>[extracts of] 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 <sup>7</sup>[at the main entrances to the establishment and at its office] 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.

**<sup>8</sup>[23. Weekly day of rest:-**(1) Subject to the provisions of 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 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:

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1 Substituted by G.S.R. 1060, dated 3-9-1980.

2 Inserted by G.S.R. 1060, dated 3-9-1980.

3 Certain words omitted by G.S.R.1542, dated 8-11-1962.

4 Substituted by G.S.R. 2574, dated 2-8-1954.

5 Inserted by S.R.O. 2727, dated 11-8-1954.

6 Substituted by G.S.R. 918, dated 29-7-1960.

7 Substituted by G.S.R. 918, dated 29-7-1960.

8 Substituted by G.S.R. 918, dated 29-7-1960.



Provided further that the employee shall be informed of the day fixed as the rest day and of 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 the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule—

- (a) any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work, <sup>1</sup>[\*\*\*]
- (b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 (14 of 1947), <sup>2</sup>[and
- (c) any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days immediately preceding the rest day],

shall be deemed to be days on which the employee has worked.

(2) Any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless 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:

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 on any one of the five days before or after the rest day, the 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:

Provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six, or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rates of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate; and if any dispute arises whether the daily rate of wages has been worked out as aforesaid, the Chief Labour Commissioner may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations:

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1 Substituted by G.S.R. 918, dated 29-7-1960.

2 Inserted by G.S.R. 1324, dated 2-8-1963.

Provided further that in the case of an employee governed by a piece rate scheme, the wages for the rest day, or, as the case may be, the rest day, and the substituted rest day, shall be such as the Central Government may, by notification in the Gazette of India, prescribe, having regard to the minimum rate of wages fixed under the Act, in respect of the scheduled employment.

*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.

<sup>1</sup>[\*\*\*]

<sup>2</sup>[(5)] 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 aforesaid.

*Explanation.*—For the purposes of this rule, ‘week’ shall mean a period of seven days beginning at midnight 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 shall be—

- (a) in the case of an adult, 9 hours;
- (b) in the case of a child, 4 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 accordingly as he is certified to work as an adult or a child by a competent medical practitioner approved by the Central 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 Central Government.

<sup>3</sup>[(4-A) No child shall be employed or permitted to work for more than 4½ hours on any day.]

(5) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (63 of 1948).

**<sup>4</sup>[24A. Night Shifts:**—Where a worker in a scheduled employment works on a shift which extends beyond midnight—

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1 Sub-rule (5) omitted and sub-rule (6) renumbered as sub-rule (5) by G.S.R. 158, dated 10-1-1979.

2 Sub-rule (5) omitted and sub-rule (6) renumbered as sub-rule (5) by G.S.R. 158, dated 10-1-1979.

3 Inserted by S.R.O. 3304, dated 2-10-1954.

4 Added by S.R.O. 1932, dated 6-10-1954.

- (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 a 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.

**<sup>1</sup>[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 such overtime work, be entitled to wages at double the “ordinary rate of 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 rate of wages” means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale to the person employed of foodgrains and other articles as the person employed is for the time being entitled to but does not include a bonus.]

<sup>2</sup>[(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 and when overtime is worked in any establishment. The register shall be kept at the work-spot and maintained upto date. Where no overtime has been worked in any wage period, a ‘nil’ entry shall be made across the body of the register at the end of the wage period indicating also in precise terms the wage period to which the ‘nil’ entry relates].

**26. Form of registers and records:-**<sup>3</sup>[(1) A Register of Wages shall be maintained by every employer at the workspot in Form X.]

<sup>4</sup>[(1A) Every employer shall, in respect of each person employed in the establishment, complete the entries pertaining to a wage period—

- (a) in columns 1 to 15 of Form X, before the date on which the wages for such wage period fall due ;
- (b) in columns 16 and 17 of the said Form, on the date when payment is made, and obtain the signature or thumb impression of the employee in column 18 of the said Form on the date when payment is made.]

(2) A Wage Slip in Form XI shall be issued by every employer to 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 every person employed on the <sup>5</sup>[Register of wages] and wage slip.

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1 Substituted by G.S.R. 158, dated 10-1-1979.

2 Substituted by G.S.R. 1060, dated 3-9-1960

3 Substituted by G.S.R. 1473, dated 17-9-1966

4 Substituted by G.S.R. 139, dated 16-1-1974 (w.e.f. 2-2-1974).

5 Substituted by G.S.R. 721, dated 5-5-1965.

(4) Entries in the <sup>1</sup>[Register of Wages] and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

<sup>2</sup>[(5) A muster roll shall be maintained by every employer at the workspot and kept in Form V and the attendance of each person employed in the establishment shall be recorded daily in that Form within 3 hours of the commencement of the work shift or relay for the day, as the case may be.]

<sup>3</sup>[\*\*\*]

**<sup>4</sup>[26A. Preservation of registers:-** A register required to be maintained under rules 21(4), 25(2) and 26(1) <sup>5</sup>[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 made therein.]

**<sup>6</sup>[26B. Production of registers and other records:-**(1) All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector during the course of inspection of the establishment:

Provided that the Inspector may, if it is necessary, demand the production of the registers and records in his office or such other public place as may be nearer to the employer;

(2) Any infringement of the provisions of the Act or these rules noticed by the Inspector and communicated to the employer during the course of an inspection or otherwise, shall be rectified by the employer and compliance report in respect thereof shall be submitted to the Inspector, on or before the date specified by him in this behalf.]

**<sup>7</sup>[26C.** Notwithstanding anything contained in these Rules, where a combined (alternative) form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or the Rules framed thereunder, an alternative suitable Form in lieu of any of the Forms prescribed under these Rules may be used with the previous approval of the <sup>8</sup>[Central Government.]

## **CHAPTER V CLAIMS UNDER THE ACT**

**27. <sup>9</sup>[Applications:-**(1) An application under sub-section (2) of section 20 or 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, VIA or VII, as the case may be, one copy of which shall bear the prescribed court fee.

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1 Substituted by G.S.R. 721, dated 5-5-1965.

2 Substituted by G.S.R. 139, dated 16-1-1974 (w.e.f. 2-2-1974).

3 Sub-rule (6) omitted by G.S.R. 1213, dated 9-7-1963. Earlier sub-rule (6) was inserted by G.S.R. 1512, dated 15-12-1961.

4 Inserted by G.S.R. 1060, dated 3-9-1960

5 Substituted by G.S.R. 1523, dated 16-12-1960

6 Substituted by G.S.R. 255, dated 20-2-1967. Earlier rule 26-B inserted by G.S.R. 1523, dated 16-12-1960.

7 Inserted by G.S.R. 1213, dated 9-7-1963.

8 Substituted by G.S.R. 846, dated 19-7-1984 (w.e.f. 19-7-1984).

9 Substituted by G.S.R. 1301, dated 28-10-1960

(2) A single application under section 20 read with sub-section (1) of section 21 may be presented on behalf or in respect of a group of employed persons, if they are borne on the same establishment and their claim relates to the same wage period or periods.]

**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 as 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 reheard after service of notice on the opposite party of the date fixed for re-hearing, 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 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 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 proceeding 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;

- <sup>1</sup>[(iii) for every application made on behalf or in respect of a number of employees - One rupee per employee subject to a maximum of twenty rupees;]

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.

## <sup>2</sup>[CHAPTER VII MISCELLANEOUS

<sup>3</sup>[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 Central Government, make 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.....

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	Rate of wages	Date and amount of fine imposed	Date on which fine realised	Remarks
7	8	9	10	11

1 Inserted by G.S.R. 1301, dated 28-10-1960.

2 Inserted by S.R.O. 1276, dated 19-6-1953.

3 Substituted by S.R.O. 463, dated 12-2-1955.

**FORM II**  
**REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE**  
**EMPLOYER, BY THE NEGLIGENCE OR DEFAULT OF THE EMPLOYED PERSONS**  
**[RULE 21(4)]**

.....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. If so 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

<sup>1</sup>[**FORM III**  
**[RULE 21(4A)]**  
**ANNUAL RETURNS**

Returns for the year ending the 31<sup>st</sup> .....  
 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 in charge 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

---

1 Substituted by G.S.R. 1542, dated 8-11-1962.

3. Number of man-days worked .....  
during the year
14. Average daily number of persons employed during the year
- (i) Adults .....
- (ii) Children .....
5. Total wages paid in cash .....
6. Total cash value of the wages paid  
in kind .....
7. Deductions: .....

No. of cases

**Total****amount**

Rs.

np.

- (a) Fines
- (b) Deductions for damage or  
loss
- (c) Deductions for breach of  
contract

Disbursement from fines :

Purpose

**Amount**

Rs.

np.

- (a)
- (b)
- (c)
- (d)
8. Balance of fine fund in hand at the  
end of the year

Dated .....

Signature .....

Designation

---

1 The average daily number of persons employed during the year as obtained by dividing the aggregate number of attendances during the year by the number of working days.



**FORM IV**  
**OVERTIME REGISTER FOR WORKERS**  
**[RULE 25(2)]**  
**MONTH ENDING..... 20.....**

Sl. No.	Name	Father's/ Husband's Name	Sex	Designation and Department	Dates on which overtime worked	Extent of overtime on each occasion	Total overtime worked or production in case of piece workers
1	2	3	4	5	6	7	8

Normal hours	Normal rate	Over- time rate	Normal earnings	Overtime earnings	Total earnings	Date on which overtime payment made
9	10	11	12	13	14	15

**FORM V**  
**[RULE 26(5)]**  
**MUSTER ROLL**

Name of Establishment.....

Place.....

Sl. No.	Name	Father's/ Husband's name	Sex	Nature of work	For the period ending					<sup>1</sup> [Total Attendance.].	Remarks
					1	2	3	4	5		

<sup>2</sup>[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. ....of 20.....

(1) ..... Applicant (through a legal practitioner/an  
official of a registered Trade Union),

Address .....

1 Inserted by G.S.R. 139, dated 16-1-1974 (w.e.f. 2-2-1974).

2 Substituted by G.S.R. 1301, dated 28-10-1960.

## Versus

- (1) .....  
 (2) ..... Opponent(s)  
 (3) .....

Address.....

The applicant abovenamed states as follows:

- (1) The applicant was/has been employed from.....to.....as.....(Category) in (establishment) of Shri/Messrs ..... engaged in ..... (Nature of work) which is a scheduled employment within the meaning of section 2(g) of the Minimum Wages Act.
- (2) The opponent(s) is/are the employer(s) within the meaning of section 2(e) of the Minimum Wages Act.
- (3) \*(a) The applicant has been paid wages at less than the minimum rate of wages fixed for his category of employment under the Act by Rs... per day for the period from .....to.....;
- \* (b) The applicant has not been paid wages at Rs..... per day for the weekly days of rest from.....to.....;
- \* (c) The applicant has not been paid wages at the over-time rate for the period from .....to.....
- (4) The applicant estimates the value of relief sought by him on each account as under:—
- (a) Rs.....
- (b) Rs.....
- (c) Rs.....
- Total Rs.....
- (5) The applicant, therefore, prays that a direction may be issued under section 20(3) of the Act for:
- \* (a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid.
- \* (b) payment of remuneration for the days of rest.
- \* (c) payment of wages at the overtime rate.
- <sup>1</sup>[(d) compensation amounting to Rs.....]
- (6) The applicant begs leave to amend or add to or make alterations in the application, if and when necessary, with the permission of the Authority.
- (7) The applicant does solemnly declare that the facts stated in this application are true to the best of his knowledge, belief and information.

Date.....

.....

---

1 Inserted by G.S.R. 1140, dated 18-9-1961.

Signature or thumb impression of the  
employed person, or legal practitioner  
or official of a Registered Trade  
Union duly authorised.]

\*Delete the portions not required.

**<sup>1</sup>[FORM VIA]**

**FORM OF GROUP APPLICATION UNDER SECTION 21(1)**

In the Court of the Authority appointed under the Minimum Wages Act,  
1948,

for ..... area.

Application No..... of 20.....

Between A.B.C. and (state the number) ..... Others:

Applicants through a legal practitioner/am official of ..... which is  
a registered trade Union),

Address.....

and

x.y.z. .... opposite party

Address .....

The application states as follows:--

- (1) The applicants whose names appear in the attached schedule were/have been employed from ..... to ..... as ..... (categories) ..... in ..... (establishment) of Shri/Messrs. .... engaged in ..... (nature of work) which is/are scheduled employments) within the meaning of section 2(g) of the Minimum Wages Act.
- (2) The opponent(s) is/are the employer(s) within the meaning of section 2(e) of the Minimum Wages Act.
- (3) \*(a) the applicants have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act by Rs. .... per day for the period(s) from ..... to .....  
\*(b) The applicants have not been paid wages at Rs. .... per day for the weekly days of rest from ..... to ..... ;  
\*(c) The applicants have not been paid wages at the overtime rate(s) for the period from ..... to .....
- (4) The applicants estimate the value of relief sought by them on each account as under:
  - (a) Rs.....
  - (b) Rs.....
  - (c) Rs.....
  - Total Rs. ....

---

1 Substituted by G.S.R. 1301, dated 28-10-1960.

- (5) The applicants, therefore, pray that a direction may be issued under section 20(3) of the Act for:
- \* (a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid;
  - \* (b) payment of remuneration for the days of rest;
  - \* (c) payment of wages at the overtime rate(s);
  - <sup>1</sup> [(d) compensation amounting to Rs.....]
- (6) The applicants beg to leave to amend or add to or make alterations in the application, if and when necessary, with the permission of the Authority.
- (7) The applicants do solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

Date.....

Signature or thumb impression of the  
employed persons or legal practitioner,  
or official of a Registered Union duly  
authorized.

## <sup>2</sup>[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 20.....

(1) .....Applicant

Address.....

Versus

(1) .....Opponent(s)

Address.....

The applicant abovenamed states as follows :—

(1) The opponent(s) has/have

- \* (a) paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Act by Rs..... per day for the period(s) from.....to.....
- \* (b) Not paid wages at Rs..... per day for the weekly days of rest from ..... to .....
- \* (c) not paid wages at the overtime rate(s) for the period from ..... to ..... the following employees:

<sup>1</sup> Ins. by the Minimum Wages (Central) (Second Amendment) Rules, 1961.

<sup>2</sup> Substituted by G.S.R. 1301, dated 28-10-1960.

- (2) The applicant estimates the value of relief sought for the employees on each account as under
- (a) Rs.....
- (b) Rs.....
- (c) Rs.....
- Total Rs. ....
- (3) The applicant, therefore, prays that a creation may be issued under section 20(3) of the Act for :
- \* (a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid;
- \* (b) payment of remuneration for the days of rest;
- \* (c) payment of wages at the overtime rate;
- <sup>1</sup> [(d) compensation amounting to Rs.....]
- (4) The applicant begs leave to amend or add to or make alterations in the application if and when necessary with the permission of the Authority.
- (5) The applicant does solemnly declare that the facts stated in this application are true to the best of his knowledge, belief and information.

Date.....

Signature.....]

\*Delete the portions not required.

**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 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.

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<sup>1</sup> Inserted by G.S.R. 1140, dated 18-9-1961.

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 abovesaid 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 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.....

.....  
Signature

\*When the application is by a group of employees, the thumb-impressions 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.

**<sup>1</sup>[FORM IX-A  
(RULE 22)  
NOTICE****<sup>2</sup>[ABSTRACTS OF] THE MINIMUM WAGES ACT, 1948 AND THE RULES MADE  
THEREUNDER****I. Whom the Act affects**

1. (a) The Act applies to persons engaged in scheduled employments or in 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 fulfillment of his contract of employment <sup>3</sup>[and includes house rent allowance].It excludes-

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1 Inserted by S.R.O. 2727, dated 11-8-1954.

2 Substituted by G.S.R. 109, Dated 14-1-1959.

3 Added by G.S.R. 109, Dated 14-1-1959.

- (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 traveling allowance or the value of any traveling concession;
  - (iv) the sum paid to the person employed to defray special expenses entailed by 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 a wages may consist of—
  - (ii) a basic rate of wages with or without a cost of living allowance and the cash value of any concessions, like supplies of essential commodities at concession rates; and
  - (iii) an all-inclusive rate comprising basic rate, cost of living allowance and cash value of concessions, 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 overtime 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**

1. 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 employee.
2. The minimum wages payable under this Act shall be paid in cash unless the Government authorizes payment thereof either wholly or partly in kind.
3. Wage-period shall be fixed for the payment of wages at intervals not exceeding one month <sup>1</sup>[or such other larger period as may be prescribed].
4. Wages 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.

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1 Added by G.S.R. 109, dated 14-1-1959.

5. The wages of a person discharged shall be paid not later than the second working day after his discharge.
6. If an employee is employed on any day for a period less than the normal working day, they 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 commission of the employer to provide him with work for that period.
7. 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.
8. Where an employee is employed on piece-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**

1. The number of hours which shall constitute to 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.
2. The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours on any day.
3. <sup>1</sup>[The employer shall allow a day of rest with wages to the 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 paid wages for that day at the overtime rate and is also allowed a substituted rest day with wages (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 to overtime work<sup>4d</sup> 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 authorized 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 subject to

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1 Substituted by G.S.R. 918, dated 29-7-1960.



such limits as may be specified in this behalf by the Central Government]. It shall be utilized in accordance with the directions of the Central Government;

- (ii) deductions for absence from duty;
- (iii) deductions for damages 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. <sup>1</sup>[It shall be subject to such limits as may be specified in this behalf by the Central Government];
- (iv) deductions for house accommodations supplied by the employer <sup>2</sup>[or by a State Government or any authority constituted by a State for providing house accommodation];
- (v) deductions for such amenities and services supplied by the employer as the Central 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 a Court or other competent authority;
- (ix) deductions for subscription to and for repayment of advances from any provident fund;
- <sup>3</sup>[(x) deductions for payment to co-operative societies <sup>4</sup>[or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the Central Government] or deductions made with the written authorization of the person employed, for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Act, 1956 (31 of 1956);]
- (xi) deductions for recovery or adjustment of amount other than wages, paid to the employed person in error or in excess of what is due to him;

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1 Substituted by G.S.R. 213, dated 7-2-1962.

2 Substituted by G.S.R. 109, dated 14-1-1959.

3 Substituted by G.S.R. 109, dated 14-1-1959.

4 Inserted by G.S.R. 213, dated 7-2-1962.

Provided that prior approval of the Inspector or any other officer authorized by the Central Government in this behalf obtained in writing before making the deductions, unless the employee gives his consent in writing to such deduction;

- <sup>1</sup>[(xii)] [deductions made with the written authorization of the employed person which may be given once generally and not necessarily every time a deduction is made) for the purchase of securities of the Government of India or of any State Government or for being deposited in any post office savings bank in furtherance of any savings scheme of any such Government.

Every employer shall send annually return in Form III showing the deductions from swages so as to reach the Inspector not later than the 1<sup>st</sup> of February following the end of the year to which it relates.]

## **VI. Maintenance of registers and records**

Every employer <sup>2</sup>[shall maintain at the work-spot a register of wages in the form prescribed] specifying the following particulars for each period in respect of each employed person:

- (a) the minimum rates of wages payable;
- (b) the number of days in which overtime 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 wage-slips <sup>3</sup>[in the form prescribed] 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-book and wage-slips shall be properly authenticated by the employer or his agent.

<sup>4</sup>[A muster-roll, register of fines, register of deductions for damage or loss and register of overtime shall be maintained by every employer at the work-spot in the form prescribed.]

<sup>5</sup>[Every employer shall keep exhibited at main entrance to the establishment and its office notice in English and the language understood by a majority of the workers of the following particulars in clean and legible form;

- (a) minimum rate of wages;
- (b) <sup>6</sup>[abstracts of] the Acts and the rules made thereunder;
- (c) name and address of the Inspector.

<sup>7</sup>[Register of wages, muster-roll, register of fines, register of deductions for damage or loss and register of overtime shall be preserved for a period of three years after the date of last entry made therein.

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1 Substituted by G.S.R. 109, dated 14-1-1959.

2 Substituted by G.S.R. 213, dated 7-2-1962.

3 Inserted by G.S.R. 213, dated 7-2-1962.

4 Substituted by G.S.R. 213, dated 7-2-1962.

5 Substituted by G.S.R. 213, dated 7-2-1962.

6 Substituted by G.S.R. 109, dated 14-1-1959.

7 Inserted by G.S.R. 213, dated 7-2-1962.

All registers and records required to be maintained by an employer under the rules shall be produced on demand before the Inspector provided that where an establishment has been closed, the Inspector may demand the production of the registers and records in his office or such other public place as may be nearer to employers.]

### **VII. Inspectors**

An Inspector can enter in any premises and can exercise the powers 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 of complaints**

1. 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 the period may be admitted if the authority is satisfied that the applicant had sufficient cause for not making the application within such period.
2. 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.
3. <sup>1</sup>[A single application may be presented on behalf or in respect of a group of employed persons whose wages has been delayed, if they are borne on the same establishment and their claim relates to the same wage-period or periods.]
4. <sup>2</sup>[A complaint under section 22(a) relating to payment of less than the minimum rates of wages or less than the amount due to an employee under the provisions of the Act can be made to the Court only after an application in respect of the facts constituting the offence has been presented under section 20 and has been granted wholly or in part, and the appropriate Government or an officer authorized by it in this behalf has sanctioned the making of the complaint.]
5. A complaint under section 22(b) or section 22(a) regarding contravention of the provisions relating to hours of work and weekly day of rest or other miscellaneous offences relating to maintenance of registers submission, of returns, submission of returns, etc., can be made to the Court by or with the sanction of an Inspector. The time-limits for making such complaints is one month from the date of grant of sanction by the Inspector, in the case of offences falling under section 22(b) and six months from the date on which the offence is alleged to have been committed, in the case of offences falling under section 22(a).

### **IX. Action by the authority**

---

1 Inserted by G.S.R. 213, dated 7-2-1962.

2 Substituted by G.S.R. 109, dated 14-1-1959.

1. 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.
2. If 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.
3. Every direction of the authority shall be final.

#### **<sup>1</sup>[X. Penalties for offences under the Act.**

1. 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 holidays 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.
2. <sup>2</sup>[Any employer who contravenes any provision of the Act or of any rule or order made thereunder shall, if no other penalty is provided of such contravention by the Act, be punishable with fine which may extend to five hundred rupees. If the person committing any offence under the Act is a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company in the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. No such person will be liable to punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
3. Any director, manager, secretary or other officer of the company with whose consent or connivance an offence has been committed is liable to be proceeded against and punished under the Act.

Notes- (a) "Company" means any body corporate and includes a firm or other association of individuals.

(b "Director" in relation to a firm means a partner in the firm.]

#### **XI. Minimum rates of wages fixed**

Name of undertaking.....

Serial No.	Category of employees	Minimum wages

1 Substituted by G.S.R. 109, dated 14-1-1959.

2 Substituted by G.S.R. 109, dated 14-1-1959.

**XII. Name and address of the Inspector(s)**

Name	Address

<sup>1</sup>**[FORM X  
[RULE 26(1)]  
REGISTER OF WAGES**

Name of Establishment.....

Wages

from.....to.....Place..... period

Minimum rates of wages payable		Rates of wages actually Paid		Deductions of wages
Basic	D.A	Basic	D.A	

Sr. No.

Name of the employee

Father's/Husband's name

Designation

Total attendance units of work done

Overtime worked

Gross wages payable

Employee's contribution to P.F.

H.R.

Other deductions

Total deductions

Wages paid

Date of payment

Signature or Thumb-Impression of employee

1	2	3	4	5	6	7	8	9
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10	11	12	13	14	15	16	17	18
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<sup>2</sup>**[FORM XI  
[RULE 26(2)]  
WAGE SLIP**

Name of the establishment .....

Place.....

1 Substituted by G.S.R. 1473, dated 17-9-1966.

2 Substituted by G.S.R. 1473, dated 17-9-1966.

1. Name of the employee with father's/husband's name
2. Designation
3. Wages Period.
4. Rate of wages payable:
  - (a) Basic
  - (b) D.A.
5. Total attendance units of work done
6. Overtime wages.
7. Gross wages payable
8. Total deductions
9. Net wages paid.

.....  
Pay in-charge

.....  
Employee's signature/thumb impression].

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