THE MINIMUM WAGES (CENTRAL) RULES, 1950

Vide Notification No.SRO776 Dated 14-10-1950

In exercise of the powers conferred by section 30 the Minimum Wages Act, 1948 (XI 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;

(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 the Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section9;

(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 mid-night;

(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 Unions Act, 1926;

(j) 'section' means a section of the Act; and

(k) all other words and expressions used herein and not defined shall have the meanings respectively assigned to them under the Act.

CHAPTER II

MEMBER AND STAFF, AND MEETING OF THE BOARD, COMMITTEE AND ADVISORY COMMITTEE

3. Term of office of the member of the Committee and 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 Committee, or Advisory Committee, as the case may be, fix such terms and may from time to time, extend it as circumstance 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.

4.A **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 the meeting.

5. **Travelling allowance**

A non-official member of the Committee, and Advisory 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 Central Government.

6. **Staff**

(1) The Central Government may appoint a Secretary to the Committee, and 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 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 decision of the Committee, the Advisory Committee, or the Board, as the case may be.

7. **Eligibility for re-nomination 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, the Advisory Committee or the Board of which he was a member.

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

(1) A member of the committee, Advisory 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, Advisory Committee or the Board, the Chairman shall submit a report to the Central Government immediately. The Central Government shall then take steps to fill the 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 therefore 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 provision 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 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.

1{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 a employees are present:

PROVIDED that, if at any meeting less than one-third of the members are present, the Chairman may adjourn the meting 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};

[1]{PROVIDED FURTHER that the date, time and place of such adjourned meting shall be intimated to all the members by telegram or by a written communication.}

[1] Substituted by Notification No.G.S.R.2201, dt. 12-12-1968, published in the Gazette of India, Pt.II Sec.3(i) dt.21.12.1968.

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 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 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 thereat 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 there in and to produce any books, papers or other documents and things in his possession or under his control relating to any matter to the enquiry.

[1] Substituted by Minimum Wages (Central) (Second Amendment) Rules, 1974, vide Notification No.G.S.K. 751, dt. 1.7.1974, w.e.f. 13.7.1974.

(2) A summons under sub-rule(1) may be addressed to an individual or an organisation of employers or registered trade union of workers.

(3) A summons under this rule may be served-

(i) in the case of an individual, by being delivered or sent to him by registered post;
(ii) in the case of an employers' organisation or the 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.

[1]{(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, 1860 (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 by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing civil courts in the State.

CHAPTER IV

COMPUTATION OF 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.

[1] Inserted by Minimum Wages (Central) (Amendment) Rules, 1969, vide Notification No.G.S.R. 466, dated 2.3.1970, w.ef. 21.3.1970.

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

(1) (i) [1]{The wages of a worker in any scheduled employment shall be paid on a working day, -

(a) in the case of establishments in which less than one thousand persons are employed, before the expiry of the seventh day, and

(b) in the case of other establishments, before the expiry of the tenth day after the last day of the wage period in respect of which the wages are payable.

(ii) The wages of an employed person shall be paid to him without deduction of any kind except those authorized by or under these rules.

Explanation : (1) 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)

deduction for absence from duty;

(iii) deductions from 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, authorize;

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 payment 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 recognized

1 Substituted by Notification No.G.S.R. 109, dt. 14.1.1959, published in the Gazette of India, Pt.II, s.3(i), No.4, dt. 24.1.1959.

provident fund as defined in 1{section 58A of the Indian Income Tax Act, 1922 (11 of 1922)}, or any provident fund approved in this behalf by the Central Government during the continuance of such approval;

2{(x) deductions for payment to co-operative society 3{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 Indian established under the Life Insurance Act, 1956 (31 of 1956)};

4{(xi) deductions for recovery of adjustment of amounts, other than wages, paid to the employed person in error or in excess of what is due to him;

5{(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};

6{(xiii) deductions made with the written authorization 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 7{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;}

8{(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 authorized 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.

[1] Refer to Income Tax Act, 1961.

[2] Substituted by Notification No.G.S.R. 659, dt. 26.7.1958, published in the Gazette of India, Pt.II, s.3(1), dt.2.8.1958.

[3] Inserted by Minimum Wages (Central) (Amendment) Rules, 1960 vide Notification No.G.S.R. 717, dt. 15.6.1960.

[4] Inserted by Minimum Wages (Central) (Amendment) Rules, 1957 vide Notification No.S.R.O. 298, dt. 23.1.1957, published in the Gazette of India, Pt.II s.3(1) No.5, dt. 2.2.1957.

[5] Inserted by Minimum Wages (Central) (Amendment) Rules, 1961 vide Notification No.G.S.R. 627 dt. 22.4.1961, published in the Gazette of India, Pt.II, s.3(i) p.743 dt. 29.4.1961.

[6] Substituted by Minimum Wages (Central) (Amendment) Rules, 1980 vide Notification No.GSR, 676 dt. 7.6.1980, w.e.f. 21.6.1980 for Cl.(xiii) inserted by GSR 945, dt. 23.5.1963.

[7] Corrected for 'approved by the Central Government' by the corrigendum vide Notification No.G.S.R.463 (E), dt. 2.8.1980.

[8] Inserted by Minimum Wages (Central) (Amendment) Rules, 1980 vide Notification No. GSR 676, dt. 7.6.1980, w.e.f. 21.6.1980.

[1](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 any 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 wage of succeeding wage period or wage periods as the case may be, in such number of instalments as may be necessary.}

(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 find 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.

[2]{(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 register maintained in Forms I and II, respectively. These registers shall be kept at the work spot and maintained up-to-date. Where no fine or deduction has been imposed or made 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.}

[3]{(4A} Every employer shall send annually a return in Form III [4][***] so as to reach the Inspector not later than the 1st February following the end of the year to which it relates}

[5]{(5) The amount of fine imposed under sub-rule (3) shall be utilized only for such purposes beneficial to employees as are approved by the Central Government.}

1 Inserted by Minimum Wages (Central) (Amendment) Rules, 1980 vide Notification No. GSR 676, dt. 7.6.1980, w.e.f. 21.6.1980

2 Substituted by Minimum Wages (Central) (Amendment) Rules, 1960 vide Notification No.G.S.R. 1060, dt. 3.9.1980 published in the Gazette of India, Pt.II, dt.10.9.1960.

3 Inserted by Minimum Wages (Central) (Amendment) Rules, 1960 vide Notification No.G.S.R. 1060, dt. 3.9.1980, published in the Gazette of India, Pt.II, dt.10.9.1960

4 Words 'showing the deduction from wages' omitted by the Minimum Wages (Central) (Second Amendment) Rules, 1962 vide Notification No.G.S.R. 1542, dt. 8.11.1962 published in the Gazette of India, Pt.II sec.3(1) dt. 17.11.1962, p.1878.

5 Substituted by Minimum Wages (Central) (Amendment) Rules, 1957 vide Notification No.S.R.O.254, dt. 2.8.1954, published in the Gazette of India, dt. 7.8.1954, p.1899.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936 (4 of 1936).

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

Notices in 1{Form IX-A} containing the minimum rates of wages fixed together with 2{abstracts 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 2{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.

3{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:

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, 4{***}

(b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947, 5{and

) 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.

1 Inserted by Minimum Wages (Central) (Amendment) Rule, 1954 vide Notification No. SRO 2727 dt 20801954, published in the Gazette of India, Pt.II.s.3(i), dt 21-8-1954 p.2041

2 Substituted by Minimum Wages (Central) (Amendment) Rules, 1960 vide Notification No. GSR 918, dt. 29.7.1960, published in the Gazette of India, Pt.II s.3(i), no.32 dt. 6.8.1960.

3 Substituted by Minimum Wages (Central) (Amendment) Rules, 1960 vide Notification No. GSR 918, dt. 29.7.1960, published in the Gazette of India, Pt.II s.3(i), dt. 6.8.1960.

[4] Word 'and' omitted by Minimum Wages (Central) (Third Amendment) Rules, 1963.

[5] Inserted by Minimum Wages (Central) (Third Amendment) Rules, 1963 vide Notification No.G.S.R. 1324, dt. 2.8.1963.

(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 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 rate 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 a 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:

PROVIDED FURTHER that in 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.

[1]{***)

[1]{(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,

[1] Sub-rule (5) omitted and sub-rule(6) renumbered as sub-rule (5) by GSR 158 dt. 10.1.1979 w.e.f. 27.1.1979.

agreement or contract of service, and in such a case, the employee shall be entitled only to 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 &1/2 hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals of rest, if any, 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.

[1]{(4A) No child shall be employed or permitted to work for more than 4 ½ hours on any day.

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

[2]{24A. **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 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.}

[1]{25. **Extra wages for overtime**

1 Inserted by Minimum Wages (Central) (Amendment) Rules, 1954 vide Notification No.S.R.O. 3304, dt. 2.10.1954.
2 Added by Notification No.S.R.O. 1932, dt. 6.10.1954.

(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall in respect of overtime work, be entitled to wages -

(a) in the case of employment in agriculture, at one and a half times the ordinary rate of wages;

(b) in the case of any other scheduled employment, at double the ordinary rate of wages;

Explanation : The expression 'ordinary rate of wages' means the basic wages 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.

[2]{(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 up-to-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.}

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

26. **Form of registers and records**.

Form X.

[4]{(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.

[1] Substituted by Minimum Wages (Central) (Amendment) Rules, 1979, vide Notification No.GSR 158, dt. 10.1.1979, w.e.f. 27.1.1979.

[2] Substituted by Minimum wages (Central) (Amendment) Rules, 1960 vide Notification No. GSR 1060, dt. 3.9.1960.

[3] Substituted by Minimum wages (Central) (Amendment) Rules, 1966 vide Notification No. GSR 1473, dt. 17.9.1966.

[4] Substituted by Minimum Wages (Central) (Amendment) Rules, 1974 vide Notification No.G.S.R. 139, dt. 16.1.1974, w.e.f. 2.2.1974.

(3) Every employer shall get the signature or thumb-impression of every person employed on the [1]{register of wages} and wage slip.

(4) Entries in the [1]{register of wages} and wages slips shall be a authenticated by the employer or any person authorized by him in this behalf.

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 same may be.}

[3]{(6) ***}

[4]{26A. **Preservation of registers**

A register required to be maintained under rules 21(4), 25(2) and 26(1) and [5]{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.}

[6]{26 B. **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 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 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

1 Substituted by Minimum wages (Central) (Amendment) Rules, 1965 vide Notification No. GSR 721, dt. 5.5.1965, w.e.f. 15.5.1965.

2 Substituted by Minimum wages (Central) (Amendment) Rules, 1974 vide Notification No. GSR 139, dt. 16.1.1974, w.e.f. 2.2.1974.

3 Sub-rule (6) was omitted by Minimum Wages (Central)(Amendment) Rules, 1963 vide Notification No.GSR 1213, dt. 9.7.1963 earlier inserted by G.S.R. 1512, dated 15.12.1961.

4 Inserted by Minimum Wages (Central) (Amendment) Rules 1960 vide Notification No.GSR 1060, dt. 3.9.1960, published in the Gazette of India, Pt.II, s.3(i) dt. 10.9.1960.

5 Inserted by Minimum Wages (Central)(Amendment) Rules 1960 vide Notification No.GSR 1523, dt. 16.12.1960, published in the Gazette of India, dt. 24.12.1960.

6 Substituted by Minimum wages (Central) (Amendment) Rules, 1967 vide Notification No. GSR 255, dt. 20.2.1967 for the rule inserted by GSR 1523, dt. 16.12.1960.

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.}

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.

[1]{26C. Notwithstanding anything contained in these rules, where a combined (alternative) form is sought to be used by the employer to avoid a duplication of work for compliance with the provision 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 [2]{Central Government}.}

CHAPTER V

CLAIMS UNDER THE ACT

[3]{27. **Applications**

(1) 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, VI-A or VII, as the case may be, one copy of which shall bear the prescribed court-fee.

(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 person, under sub-section (2) of section 20 or 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

1 Inserted by Minimum Wages (Central (Second Amendment) Rules, 1963 vide Notification No.GSR 1213, dt. 9.7.1963.

2 Substituted by Minimum Wages (Central) Amendment Rules, 1984 vide Notification No. GSR 846 dt. 19.7.1984, w.e.f. 4.8.1984.

3 Substituted by Minimum Wages (Central) (Amendment) Rules, 1960 vide Notification No. GSR 1301, dt. 28.10.1960.

before him on a specified date with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the authority may hear and determine the application ex-parte.

(3) If the 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 rehearing in the manner specified in sub-rule (1).

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

30. **Costs**

(1)The authority, for reasons to be recorded in writing, may direct that the cost of any proceeding 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 pleaders or more than one applicants or opponents the authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

31. **Court-fees**

The court-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; for

(ii) every application made by or on behalf of an individual – one rupee;

1{(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}:

1 Inserted by Minimum Wages (Central) (Amendment) Rules, 1960 vide Notification No. G.S.R. 1301, dt. 28.10.1960.

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.

[1]{**CHAPTER VII**

MISCELLANEOUS}

[2]{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.}

1 Inserted by Minimum Wages (Central) (Amendment) Rules, 1953 vide Notification No. SRO 1276, dt. 19.6.1953, published in Gazette of India, dt. 27.6.1953, Pt. II, s.3 p.1943.

2 Substituted by Minimum Wages (Central) (Amendment) Rules, 1955 vide Notification NO. SRO 463, dt. 28.2.1955.

FORM-I

[Rule-21(4)]

Register of Fines

Employer

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

FORM-II

[Rules 21 (4)]

REGISTER OF DEDUCTIONS FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER BY THE NEGLECT OR DEFAULT OF THE EMPLOYED PERSONS

Employer

S. No.	Name	Father's/ Husband's Name	Sex	Department	Damage or loss caused with date	Whether worker showed cause against deductions, if so, enter date	Date and amount of deductions imposed	Date and amount of fine imposed	Date on which fine realised	Remarks
1	2	3	4	5	6	7	8	9	10	11
1										
2										
3										
4										
5										
*										
**										
***										

FORM-III

[1][RULE 21(4a)]

ANNUAL RETURN

Return for the 31st Decemeber

1. (a)Name of the establishment and postal address
   (b)Name of the 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 managing agent, if any
2. Number of days worked during the year
[2]3. Number of man-days worked during the year
[3]4. Average daily number of persons employed during the year
   (i) Adults
   (ii) Children
5. Total wages paid in cash
[4]6. Total cash value of the wages paid in kind
7. Deductions

	Number of Cases	Total amount
(a)Fines		
(b)Deductions for damage or loss		
(c)Deductions for breach of contract		

8. Disbursement from fines

	Purpose	Amount
(a)		
(b)		
(c)		
(d)		

9. Balance of fine in hand at the end of the year……

Signature…….
Designation

Dated……

[1] Substituted by GSR 1542, dt 8-11-1962, published in Gazette of India, Pt.II, s.3(i), p.1878 dt 17-11-1962. [2] This is the aggregate number of attendance during the year.

[3] The average daily number of persons employed during the year is obtained by dividing the aggregate number of attendances during the year by working days.

[4] Cash value of the wages paid in kind should be obtained by taking the difference between the cost price paid by the employer and the actual price paid by the employees for supplies of essential commodities at concessional rates.

FORM IV

[Rule 25(2)]

OVERTIME REGISTER FOR WORKERS

Month ending …… 20….

1. Serial No.
2. Name
3. Father's/Husband's name
4. Sex
5. Designation and Department
6. Date on which overtime worked
7. Extent of overtime on each occasion
8. Total overtime worked or production
9. Normal Hours
10. Normal rate
11. Overtime rate
12. Normal earning
13. Overtime earning
14. Total earning
15. Date on whch overtime payment made



FORM V

[Rule 26(5)]

Muster Roll

Name of establishment……. Place……

[1] Inserted by GSR 139 dt. 16-1-1974

[1]**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 …….. which is a registered trade union).

Address……..

Versus

(1)……..

(2)……..

(3)……... Opponents

The applicant above-named states as follows:

(1) The applicant was/has been employed from…. to ….as…..(category) in ….(establishment) of Shri/M/s……engaged in……..(nature of work) which is scheduled employment within the meaning of section 2(e) of the Minimum Wages Act, 1948.

(2) The opponents(s) is/are the employer(s) within the meaning of section 2(e) of the Minimum Wages Act, 1948.

(3) [2][(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….

[2][(b) The applicant has not been paid wages at Rs…. Per day for the weekly days for rest from …..to…….

[2] [(c) The applicant estimates the value of relied sought by him on each account as under:

(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--- [3][(a) payment of the difference between the wages payable under the Minimum Wages Act and the wages actually paid,

[3][(b) payment of remuneration for the days of rest,

[3] [(c) payment of wages at the overtime rate,

[4][(d) compensation amounting to Rs….]

(6) The applicant begs leave to amend or add to or make alteration 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 applicant are true to the best of his knowledge, belief and information.

Dated…….

Signature or thumb-impression of the employed Person, or legal practitioner, or official of a registered trade union duly authorized.]

[1] Substituted by GSR 1301, dt.28-10-1960, published in the Gazette of India, Pt.II, s.3(i).dt. 5-11-1960. [2] Delete the portions not required.

[3] Delete the portions not required.

[1][FORM VI-A

FORM OF GROUP APLICATION UNDER SECTION 21(1) IN THE COURT OF THE AUTHORITY APPOINTED UNDER THE MINIMUM WAGES ACT, 1948

FOR……..AREA……

Application No…….of 20……

Between ABC and (State the number)……other…… Applicant

(Through…….a legal practitioner/an official of which is a registered trade union)

Address…….

And

XYZ…….
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) Shri/M/s……engaged in ……(nature of work) which is/are covered by the Minimum Wages Act, 1948.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(e) of the Minimum Wages Act, 1948. [2][(a)

(3) 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……

[2][(b) The applicants have not been paid wages at Rs…. Per day for the weekly days of rest from….to…

[2] [(c) The applicants have not been paid wages at overtime rate(s) for the period from….to….

(4) The applicants estimate the value of relief sought by them on each amount as under:

(a) Rs…….

(b) Rs…….

(c) Rs…….

Total Rs…….

(5) The applicants, therefore, prays that a direction may be issued under section 20(3) of the Minimum Wages Act, 1948 for:

[2] [(a) payment of the difference between the wages payable under the Act and the wages actually paid,

[2] [(b) payment of remuneration for the days of rest,

[2] [(c) payment of wages at the overtime rates,

[3][(d) compensaton amounting to Rs…..]

(6) The applicants do hereby solemnly declare that the facts stated in this application are true to the best of their knowledge, belief and information.

Dated…….

Signature or thumb-impression of the employed Person, or legal practitioner, or official of a registered trade union duly authorized.

[1] substituted by GSR 1301, dt.28-10-1960, published in the Gazette of India, pt.II,s.3(i)dt.5-11-1960.

[2] Delete the portions not required.

[1][**FORM VII**

FORM OF APPLICATION BY AN INSPECTOR OR PERSON ACTING WITH THE PERMISSION OF THE AUTHORITY UNDER SECTION 23(20)

IN THE COURT OF THE AUTHORITY APPOINTED
UNER THE MINIMUM WAGES ACT, 1948
FOR…….AREA

Application No……of 20……

(1) ……
Address…… Applicant

Versus

(1) …….
Address…….. Opponent(s)

The application abovenamed states as follows:

(1) The opponent(s) has/have-

[2][(a) paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Minimum Wages Act, 1948 by Rs…. …… per day for the period(s) from……..to ……..,

[2][(b) not paid wages at Rs…. Per day dor the weekly days or rests from ….to….,

[2] [(c) not paid wages at the overtime rate(s) for the period from ….to…..to the following employees:

(2) The applicant estimates the vaule 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 direction may be issued under section 20(3) of the Act for- [2] [(a) payment of the difference between the wages payable under the Act and the wages actually paid, [2] [(b) payment of remuneration for the days of rest,

[2] [(c) payment of wages at the overtime rate,

[3] [compensation amounting to Rs……].

(4)The applicant begs leave to amend or add to or make alteration 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.

Dated……. Signature…….

---

[1] Delete the portions not required.

[2] Inserted by GSR 1140, dt 8-9-1961, vide Gazette of India, pt.II, s.3(i), dt 1-9-1961. [3] Substituted by GSR 1301, dt 28-10-1960, vide Gazette of India, Pt.II, s.3(i), dt 5-11-1960

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) ……..
(3) …….. Applicant(s)

versus

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

I hereby the authorize Mr……, a legal practitioner, an official of the registered trade union of ……to appear and act on my behalf in the above described proceedings and 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 (I) OF SECTIN 20
OR UNDER SECTION 21 IS ENTERTAINED

(Title of the application)

To

(Name, description and place of residence)

Whereas……(name of the applicant) 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 authorized agent, and required to answer all material questions relating to the application, or shall be, accompanied by some person able to answer such question 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 the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day mentioned hereabove, the application will be heard and determined in your absence.

Date…….

FORM IX-A

(RULE 22)

I.. MINIMUM RATES OF WAGES FIXED

Name of undertaking…….

SNo.	Category of employees	Minimum wages
1.		
2.		
3.		
4.		
5.		
6.		

II. NAME AND ADDRESS OF THE INSPECTOR(S)

S.No.	Name	Address
1.		
2.		
3.		
4.		
5.		
6.		

[1]**FORM X**

[Rule 26(1)]

REGISTER OF WAGES

Wages period from ……..to……..

Name of establishment…….. 1.Sl.No.

2.Name of the employee

3.Father's/husband's name

4.Designation

Minimum rate of wages payable

5.Basic

6.D.A.

Rates of wages actually paid

7.Basic

8.D.A.

9.Total attendance/units of work done 10.Overtime worked

11.Gross wages payable

Deductions

12.Employee's contribution to P.F.

13.H.R.

14.Other Deductions

15.Total Deductions

16.Wages paid

17.Date of payment

Place……..

18.signature or thumb-impression of the employee

[1] Substituted by GSR 1473, dt.17-9-1966

[1][**FORM XI**

[Rules 26(2)]

WAGE SLIP

Name of establishment……. Place……..

1.Name of employee with father's /husband's name

2.Designation

3.Wage period

4.Rate of wages payable:

a. Basic

b.D.A.

5.Total attendance/unit 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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1 Substituted by GSR 1473, dt 17-9-1966.