THE MINIMUM WAGES ACT, 1948

(ACT NO. XI OF 1948)

[15 March 1948]

An Act to provide for fixing minimum rates of wages in certain employments

WHEREAS it is expedient to provide for fixing minimum rates of wages in certain employments;

It is hereby enacted as follows :-

1. Short title and extent.- (1) This Act may be called The Minimum Wages Act, 1948.

(2) It extends [1][to the whole of India] [2][***].

2. Interpretation. - In this Act, unless there is anything repugnant in the subject or context,-

[3][(a) "adolescent" means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

(aa) "adult" means a person who has completed his eighteenth year of age]

(b) "appropriate Government" means -

(i) in relation to any scheduled employment carried on by or under the authority of the [4][Central Government or a railway administration] or in relation to a mine, oil field or major port, or any corporation established by [5][a Central Act], the Central Government; and

(ii) in relation to any other scheduled employment the [6][State Government;

[7][(bb) "child" means a person who has not completed his fourteenth year of age;]

(c) "competent authority" means the authority appointed by the ascertain from time to time the cost of living index number applicable to the employees employed in the scheduled employments specified in such notification;

(d) "cost of living index number" in relation to employees in any

scheduled employment in respect of which minimum rates of wages have been fixed, means the index number ascertained and declared by the competent authority by notification in Official employees in such employment;

1 Subs. by the Adaptation of Laws Order 1950 for `all the Provinces of India."

2 Words "except the State of Jammu and Kashmir" omitted by 51 of 1970 (w.e.f 01-09-1971)

3 Substituted for clause (a) by the Child Labour (Prohibition and Regulation) Act, 1986.

4 Subs. by the Minimum Wages (Amendment) Act 1957.

5 Subs. by the Adaptation of Laws Order, 1950.

6 Amended by the Minimum Wages (Amendment) Act, 1954.

7 Inserted by the Child Labour (Prohibition and Regulation) Act, 1986.

(e) "employer" means any person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, and includes, except in sub-section (3) of section 26-

(i) in a factory where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person named under clause (f) of sub- section (1) of section 7 of the Factories Act, 1948 (63 of 1948) 1[as manager of the factory;

(ii) in any scheduled employment under the control of any Government in India in respect of which minimum rates of wages have been fixed under this Act, the person or authority appointed by such Government for the supervision and control of employees or where no person or authority is so appointed, the head of the Department;

(iii) in any scheduled employment under any local authority in respect of which minimum rates of wages have been fixed under this Act, the person appointed by such authority for the supervision and control of employees or where no person is so appointed the Chief Executive Officer of the local authority;

(iv) in any other case where there is carried on any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, any person responsible to the owner for the supervision and control of the employees or for the payment of wages;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "scheduled employment" means an employment specified in the schedule, or any process or branch of work

forming part of such employment;

(h) "wages" means all remuneration, capable of being expressed in terms of money which would if the terms of the contract of employment express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment 2[and includes house rent allowance] but does not include-

(i) the value of -

(a) any house-accommodation, supply of light, water, medical attendance; or

(b) any other amenity or any service excluded by general or special order of the appropriate Government;

(ii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of social insurance;

1 Amended by the Minimum Wages (Amendment) Act, 1954. 2 Ins. by the Minimum Wages (Amendment) Act, 1957.

(iii) any travelling allowance or the value of any travelling concession;

(iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(v) any gratuity payable on discharge.

(j) "employee" means any person who is employed for hire or reward to do any work skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed; and includes an out worker to whom any articles or materials are given out by another person, to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the out-worker or in some other premises not being premises under the control and management of that other person; and also includes an employee declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the 1[Union].

3. Fixing of minimum rates of wages .-2[(1) The appropriate Government shall, in the manner hereinafter provided,-

3(a) fix the minimum rates or wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either part by notification under section 27:

Provided that the appropriate Government may, in respect of employees employed in an unemployment specified in Part II of the Schedule, instead of fixing minimum rates of wages under this clause for the whole State, fixing such rates for a part of the State or for any specified class or classes of such employment in the whole State or any part thereof];

(b) review at such intervals as it may think fit, such intervals not exceeding five years, the minimum rates of wages so fixed and revise the minimum rates, if necessary:

4[Providedthat, where for any reason the appropriate Government has not reviewed the minimum rates of wages fixed by it in respect of any scheduled employment within any interval of five years, nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of five years and revising them, if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of five years shall continue in force.]

5[(IA) Notwithstanding anything contained in sub-section (1), the appropriate Government may refrain from fixing minimum rates of wages in respect of any scheduled employment in which there are in the whole State less than one thousand employees

1 Subs. by the Adaptation of Laws Order, 1950
2 Subs. by the Minimum Wages (Amendment) Act, 1954.
3 Subs. by the Minimum Wages (Amendment) Act, 1961.
4 Inserted by Act. 30 of 1957, s. 3 (w.e.f 17-09-1957)
5 Amended by the Minimum Wages (Amendment) Act, 1961.

engaged in such employment, but if at any time, the appropriate Government comes to a finding after such inquiry as it may make or cause to be made in this behalf that the number of employees in any scheduled employment in respect of which it has refrained from fixing minimum rates of wages has risen to one thousand or more, it shall fix minimum rates of wages payable to employees in such employment as soon as may be after such finding.

(2) The appropriate Government may fix -

(a) a minimum rate of wages for time work (hereinafter referred to as "a minimum time rate");

(b) a minimum rate of wages for piece work (hereinafter referred to as "a minimum piece rate");

(c) a minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employees a minimum rate of wages on a time work basis (hereinafter referred to as "a guaranteed time rate").

(d) a minimum rate (whether a time rate or a piece rate) to apply in substitution for the minimum rate which would otherwise be applicable in respect of overtime work done by employees (hereinafter referred to as "overtime rate").

1[2(2-A) Where in respect of an industrial dispute relating to the rate of wages payable to any of the employees employed in a scheduled employment any proceeding is pending before a Tribunal or National Tribunal under the Industrial Disputes Act, 1947 (14 of 1947), or before any like authority under any other law for the time being in force or an award made by any Tribunal, National Tribunal or such authority is in operation, and a notification fixing or revising the minimum rates of wages in respect of the scheduled employment is issued during the pendency of such proceeding or the operation of the award; then, notwithstanding anything contained in this Act, the minimum rates of wages

so fixed or so revised shall not apply to those employees during the period in which the proceeding is pending and the award made therein is in operation or, as the case may be, where the notification is issued during the period of operation of any award, during that period; and where such proceeding or award relates to the rates of wages payable to all the employees, in the scheduled employment, no minimum rates of wages shall be fixed or revised in respect of that employment during the said period.]

(3) In fixing or revising minimum rates of wages under this section-

(a) different minimum rates of wages may be fixed for-

(i) different scheduled employment;

(ii) different classes of work in the same scheduled employments;

(iii) adults, adolescents, children and apprentices;

(iv) different localities;

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1 Added by the Minimum Wages (Amendment) Act, 1961.

1[(b) minimum rates of wages may be fixed by any one or more of the following wage periods, namely,-

(i) by the hour,

(ii) by the day,

(iii) by the month, or

(iv) by such other larger wage period as may be prescribed and where such rates are fixed by the day or by the month, the manner of calculating wages for a month or for a day, as the case may be, indicated]:

Providedthat where any wage periods have been fixed under section 4 of the Payment of Wages Act, 1936 (4 of 1936), minimum wages shall be fixed in accordance therewith.

4. Minimum rate of wages.- (1) Any minimum rate of wages fixed or revised by the appropriate Government in respect of scheduled employments under sec. 3 may consist of-

(i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the variation in the cost of living index number applicable to such workers (hereinafter referred to as the "cost of living allowance"); or

(ii) a basic rate of wages with or without the cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concessional rates, where so authorised; or

(iii) an all inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

(2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concessional rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate Government.

2[**5. Procedure for fixing and revising minimum wages.-** (1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either-

(a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be, or

(b) by notification in the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration.

(2) After considering the advice of the committee or committees, appointed under clause (a) of sub-section (1), or as the case may be all representations

1 Subs. by the M. W. (Amendment) Act, 1957.

2 Subs. by the Minimum Wages (Amendment) Act. 1957.

received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate Government shall, by notification in the Official Gazette, fix, or, as the case may be, revise the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue:

Providedthat where the appropriate Government proposes to revise the minimum rates of wages by the mode specified in clause (b) of sub-section (1) the appropriate Government shall consult the Advisory Board also.]

6. [Advisory Committees and sub-committees]- Repealed by the Minimum Wages (Amendment) Act, 1957 (30 of 1957), section 5 (w.e.f 19-9-1957).]

7. Advisory Board.- (1) For the purpose of co-ordinating the work of 1[committees and sub-committees appointed under section 5] and advising the appropriate Government, generally in the matter of fixing and revising minimum rates of wages, the appropriate Government shall appoint an Advisory Board.

8. Central Advisory Board.- (1) For the purpose of advising the Central and 2[State Governments] in the matters of the fixation and revision of minimum rates of wages and other matters under this Act and for co-ordinating the work of the Advisory Boards, the Central Government shall appoint a Central Advisory Board.

(2) The Central Advisory Board shall consist of persons to be nominated by the Central Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman of the Board by the Central Government.

9. Composition of committees, etc.- Each of the committees, sub- committees, 3[***] and the Advisory Board shall consist of p ropriate

Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members, one of such independent persons shall be appointed the Chairman by the appropriate Government.

4[**10. Correction of errors.-** (1) The appropriate Government may, at any time, by notification in the Official Gazette, correct clerical or arithmetical mistakes in any order fixing or revising minimum rates of wages under this Act, or errors arising therein from any accidental slip or omission.

(2) Every such notification shall, as soon as may be after it is issued, be placed before the Advisory Board for information.]

11. Wages in kind.- (1) Minimum wages payable under the Act shall be paid in cash.

1 Subs. by the Minimum Wages (Amendment) Act, 1957.

2 Subs. by the Adaptation of Laws Order, 1950

3 Omitted by the Minimum Wages (Amendment) Act. 1957.

4 Subs. by the Minimum Wages (Amendment) Act, 1957.

(2) Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government being of the opinion that it is necessary in the circumstances of the case may, by notification in the Official Gazette, authorise the payment of minimum wages either wholly or partly in kind.

(3) If the appropriate Government is of the opinion that provisions should be made for the supply of essential commodities at concessional rates, the appropriate Government may, by notification in the Official Gazette, authorise the provision of such supplies at concessional rates.

(4) The cash value of wages in kind and of concessions in respect of supplies of essential commodities at concessional rates authorised under sub-sections (2) and (3) shall be estimated in the prescribed manner.

12. Payment of minimum rates of wages.- (1) Where in respect of any scheduled employment a notification under section 5 1[***] is in force, the employer shall pay to every employee engaged in a scheduled employment under him, wages at a rate not less than the minimum rates of wages fixed by such notification for that class of employees in that employment without any deductions except as may be authorised within such time and subject to such conditions as may be prescribed.

(2) Nothing contained in this section shall affect the provisions of the Payment of Wages Act, 1936 (IV of 1936).

13. Fixing hours for a normal working day, etc.-2(1) In regard to any scheduled employment minimum rates of wages in respect of which have been fixed under this Act, the appropriate Government may-

(a) fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;

(b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest;

(c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

3[(2) The provisions of sub-section (1) shall, in relation to the following classes of employees, apply only to such extent and subject to such conditions as may be prescribed:-

(a) employees engaged on urgent work or in any emergency which could not have been foreseen or prevented;

(b) employees engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;

(c) employees whose employment is essentially intermittent;

(d) employees engaged in any work which for technical reasons has to be completed before the duty is over;

1 Deleted by Minimum Wages (Amendment) Act, 1957.

2 Figure "1" inserted, by Minimum Wages (Amendment) Act, 1957. 3 Ins. by the Minimum Wages (Amendment) Act, 1957.

(e) employees engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces.

(3) For the purposes of Clause (c) of sub-section (2), employment of an employee is essentially intermittent when it is declared to be so by the appropriate Government on the ground that the daily hours of duty of the employee, or if there be no daily hours of duty as such for the employee, the hours of duty, normally include periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attention.]

14. Overtime.- (1) Where an employee, whose minimum rates of wages is fixed under this Act by the hour, by the day or by such a longer wage-period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the overtime rate fixed under this Act or under any law of the appropriate Government for the time being in force whichever is higher.

(2) Nothing in this Act shall prejudice the operation of the provisions of section 59 of the Factories Act, 1948 (63 of 1948), 1[in any case where those provisions are applicable]

15. Wages of worker who works for less than normal working day.- If an employee whose minimum rates of wages has been fixed under this Act by the day, works on any day on which he was employed for a period less than the requisite number of hours constituting a normal working day, he shall, save as otherwise hereinafter provided, be entitled to receive wages in respect of work done by him on that day as if he had worked for a full normal working day:

Provided, however, that he shall not be entitled to receive wages for a full normal working day,-

(i) in any case where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work, and

(ii) in such other cases and circumstances as may be prescribed.

16. Wages for two or more classes of work.- Where an employee does two or more classes of work to each of which a different m ble, 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.

17. Minimum time rate wages for piece-work.- Where an employee employed on piece-work for which minimum time rate and not minimum piece rate has been fixed under this Act, the employer shall pay to such employee wages at not less than the minimum time rate.

18. Maintenance of registers and records.- (1) Every employer shall maintain such registers and records giving such particulars of employees employed by him, the work performed by them, the wages paid to them, the

1 Amended by the Minimum Wages (Amendment) Act, 1954.

receipts given by them and such other particulars and in such forms as may be prescribed.

(2) Every employer shall keep exhibited, in such manner, as may be prescribed in the factory, workshop or place where the employees in the scheduled employment may be employed, or in the case of out-workers, in such factory, workshop or place as may be used for giving out work to them, notices in the prescribed

form containing prescribed particulars.

(3) The appropriate Government may, by rules made under this Act, provide for the issue of wage books or wage slips to employees employed in any scheduled employment in respect of which minimum rates of wages have been fixed and prescribe the manner in which entries shall be made and authenticated in such wage books or wage slips by the employer or his agent.

19. Inspectors.- (1) The appropriate Government may, by notification in the Official gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act, and define the local limits within which they shall exercise their functions.

(2) Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed

(a) enter at all reasonable hours, with such assistant (if any), being persons in the service of the 1[Government] or any local or other public authority, as he thinks fit, any premises or place where employees are employed or work is given out to out-workers in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, for the purpose of examining any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection;

(b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is an employee employed therein or an employee to whom work is given out therein;

(c) require any person giving out-work and any out-workers to give any information, which is in his power to give, with respect to the names and addresses of the persons, to, for and from whom the work is given out or received, and with respect to the payment to be made for the work;

(d) 2[seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant, in respect of an offence under this Act which he has reason to believe has been committed by an employer; and]

(e) exercise such other powers as may be prescribed.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

3[(4) Any person required to produce any document or thing or to give any information by an Inspector under sub-section (2) shall be deemed to be legally

1 Substituted by the A.O 1950 for "Crown"

2 Subs. by Minimum Wages (Amendment) Act. 1957. 3

Ins. by the Minimum Wages (Amendment) Act. 1957.

bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code (45 of 1860).]

20. Claims.- (1) The appropriate Government may, by notification in the Official Gazette, appoint 1[any Commissioner for work r of the

Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner or any] other officer with experience as a judge of a Civil Court or as a stipendiary Magistrate to be the Authority to hear and decide for any specified area all claims arising out of the payment of less than the minimum rates of wages [2][or in respect of the payment of remuneration for days of rest for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14,] to employees employed or paid in that area.

(2) [3][Where an employee has any claim of the nature referred to in sub-section (1)], the employee himself, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector, or any person acting with the permission of the Authority appointed under sub-section (1), may apply to such Authority for a direction under sub-section (3):

Provided thatevery such application shall be presented within six months from the date on which the minimum wages [4][or other amounts] became payable:

Provided further thatany application [5][may be admitted after the said period of six months when the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.

[6][(3) When any application under sub-section (2) is entertained the Authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct-

(i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess;

(ii) in any other case, the payment of the amount due to the employee together with the payment of such compensation as the Authority may think fit, not exceeding ten rupees;

and the Authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.

1 Subs by the Minimum Wages (Amendment) Act. 1957.

2 Ins. by the Minimum Wages (Amendment) Act, 1957 dt. 15th July 1976, (w.e.f. 1st Feb. 1977).

3 Substituted by Act 30 of 1957, s. 12 (w.e.f 19-9-1957).

4 Ins. by the Minimum Wages (Amendment) Act, 1957.

5 Ins. by the Minimum Wages (Amendment) Act, 1957.

6 Subs. by the Minimum Wages (Amendment) Act, 1957

(4) If the authority hearing any application under this section is satisfied that it was either malicious or vexatious, it may direct that a penalty not exceeding fifty rupees be paid to the employer by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered-

(a) if the Authority is a Magistrate, by the Authority as if it were a fine imposed by the Authorit

(b) if the Authority is not a Magistrate, by any Magistrate, to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

(6) Every direction of the Authority under this section shall be final.

(7) Every Authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898).

21. Single application in respect of a number of employees.-[1][(1) Subject to such rules as may be prescribed, a single application] may be presented under section 20 on behalf or in respect of any number of employees employed in the scheduled employment in respect of which minimum rates of wages have been fixed and in such cases the maximum compensation which may be awarded under sub-section (3) of section 20 shall not exceed ten times the aggregate amount of such excess, [2][or ten rupees per head as the case may be].

(2) The Authority may deal with any number of separate pending applications presented under section 20 in respect of employees in the scheduled employments in respect of which minimum rates of wages have been fixed, as a single application presented under sub-section (1) of this section and the provisions of that sub- section shall apply accordingly.

[3][**22. Penalties for certain offences.-** Any employer who—

(a) Pays to any employee less than the minimum rates of wages fixed for that employee's class of work, or less than the amount due to him under the provisions of this Act or

(b) Contravenes any rule or order made under section 13

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both:

Providedthat in imposing any fine for an offence under this section the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 20.

22A. General provision for punishment of other offences.- Any employer who contravenes any provision of this Act or of any rule or of order made thereunder shall if no other penalty is provided for such contravention by this Act, be punishable with fine which may extend to five hundred rupees.

1 Subs. by the Minimum Wages (Amendment) Act, 1957.

2 Ins. by the Minimum Wages (Amendment) Act, 1960.

3 Subs. and Ins. by the Minimum Wages (Amendment) Act, 1957.

22B. Cognizance of Offences.- (1) No Court shall take cognizance of a complaint against any person for an offence-

(a) under clause (a) of section 22 unless an application in respect of the facts constituting such offence has been presented under section 20 and has been granted wholly or in part, and the appropriate

Government or an officer authorised by it in this behalf has sanctioned the making of the complaint;

(b) under clause (b) of section 22 or under section 22-A, except on a complaint made by, or with the sanction of, an Inspector.

(2) No Court shall take cognizance of an offence -

(a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within one month of the grant of sanction under this section;

(b) under section 22-A, unless the complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

1[**22C. Offences by companies.-** (1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible, to the company for 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;

Providedthat nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act 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.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section,-

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

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

22D. Payment of undisbursed amounts due to employees.- All amounts payable by an employer to an employee as the amount of minimum wages of the employee under this Act or otherwise due to the employee under this Act or any rule or order made thereunder shall, if such amounts could not or cannot be paid to the employee on account of his death before payment or on account of his whereabouts not being known, be deposited with the prescribed authority who shall deal with the money so deposited in such manner as may be prescribed.

1 Subs. and Ins. new section by Minimum Wages (Amendment) Act, 1957.

22E. Protection against attachment of assets of employer with Government.- Any amount deposited with the appropriate Government by an employer to secure the due performance of a contract with that Government and any other amount due to such employer from that Government in respect of such contract shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by the employer other than any debt or liability incurred by the employer towards any employee employed in connection with the c

22F. Application of Payment of Wages Act, 1936, to scheduled employments.- (1) Notwithstanding anything contained in the Payment of Wages Act, 1936 (4 of 1936), the appropriate Government may, by notification, in the Official Gazette, direct that, subject to the provisions of sub-section (2), all or any of the provisions of the said Act shall with such notifications, if any, as may be specified in the notification, apply to wages payable to employees in such scheduled employment as may be specified in the notification.

(2) Where all or any of the provisions of the said Act are applied to wages payable to employees in any scheduled employment under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of enforcement of the provisions so applied within the local limits of his jurisdiction.

23. Exemption of employer from liability in certain cases.- Where an employer is charged with an offence against this Act, he shall be entitled, upon complaint duly made by him, to have any other person whom he charges as the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the Court-

(a) that he has used due diligence to enforce the execution of this act, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be discharged:

Providedthat in seeking to prove, as aforesaid, the employer may be examined on oath, and the evidence of the employer or his witness, if any, shall be subject to cross examination by or on behalf of the person whom the employer charges as the actual offender and by the prosecution.

24. Bar of suits.-No Court shall entertain any suit for the recovery of wages in so far as the sum so claimed-

(a) forms the subject of an application under section 20 which has been presented by or on behalf of the plaintiff, or

(b) has formed the subject of a direction under that section in favour of the plaintiff, or

(c) has been adjudged in any proceeding under that section not to be due to the plaintiff, or

(d) could have been recovered by an application under that section.

25. Contracting out.- Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee either relinquishes or

reduces his right to a minimum rate of wages or any privilege or concession accruing to him under this Act shall be null and void in so far as it purports to reduce the minimum rate of wages fixed under this Act.

26. Exemptions and Exceptions.- (1) The appropriate Government may, subject to such conditions if any as it may think fit to impose, direct that the provisions of this Act shall not apply in relation to the wages payable to disabled employees.

(2) The appropriate Government may, if for special reasons it thinks so fit, by notification in the Official Gazette, direct that [1][subject to such conditions and] for such period as it may specify the provisions of this Act or any of them shall not apply to all or any class of employees employed in any scheduled employment or to any locality where there is carried on a scheduled employment.

[2][(2-A). The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area [3][or to any establishment or a part of any establishment in a scheduled employment] it is not necessary to fix minimum wages in respect of such employees of that class [4][or in respect of employees in such establishment or part of any establishment] as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct by notification in the Official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees:

(3) Nothing in this Act shall apply, to the wages payable by an employer to a member of his family who is living with him and is dependent on him.

Explanation - In this sub-section a member of the employer's family shall be deemed to include his or her spouse or child or parent or brother or sister.

27. Power of State Government to add to schedule.- The appropriate Government, after giving by notification in the Official Gazette not less than three month's notice of its intentions so to do, may by like notification add to either Part of the Schedule any employment in respect of which it is of opinion that minimum rates of wages should be fixed under this Act, and thereupon the Schedule shall in its application to the [5][State be deemed to be amended accordingly.

28. Power of Central Government to give directions.- The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.

29. Power of the Central Government to make rules.- The Central Government may, subject to the conditions of previous publication, by notification in the Official Gazette, make rules prescribing the terms of office of the members, the procedure to be followed in the conduct of business, the method of voting, the manner of filling up casual vacancies in membership and

1 Ins. by the Minimum Wages (Amendment) Act, 1957. 2
Ins. by the Minimum Wages (Amendment) Act, 1954. 3
Ins. by the Minimum Wages (Amendment) Act, 1957. 4
Ins. by the Minimum Wages (Amendment) Act, 1957. 5
Subs. by the Adaptation of Laws Order, 1950.

the quorum necessary for the transaction of business of the Central Advisory Board.

30. Power of appropriate Government to make rules.- (1) The appropriate Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may-

(a) prescribe the term of office of the members, the procedure to be followed in the conduct of bu

manner of filling up casual vacancies in membership and the quorum necessary for the transaction of business of the Committee, Sub- Committees, [1][***] and the Advisory Board;

(b) prescribe the method of summoning witnesses, production of documents relevant to the subject-matter of the enquiry before the Committees, Sub-Committees [2][***] and the Advisory Board;

(c) prescribe the mode of computation of the cash value of wages in kind and of concessions in respect of supplies of essential commodities at concessional rates.

(d) prescribe the time and conditions of payment of, and the deductions permissible from wages;

(e) provide for giving adequate publicity to the minimum rates of wages fixed under this Act;

(f) provide for a day of rest in every period of seven days and for the payment of remuneration in respect of such a day;

(g) prescribe the number of hours of work which shall constitute a normal working day;

(h) prescribe the cases and circumstances in which an employee employed for a period of less than the requisite number of hours constituting a normal working day shall not be entitled to receive wages for a full normal working day;

(i) prescribe the form of registers and records to be maintained and the particulars to be entered in such registers and records;

(j) provide for the issue of wage books and wage slips and prescribe the manner of making and authenticating entries in wage books and wage slips;

(k) prescribe the powers of Inspectors for purposes of this Act;

(l) regulate scale of costs that may be allowed in proceedings under section 20;

(m) prescribe the amount of court-fees payable in respect of proceedings under section 20; and

(n) provide for any other matter which is to be or may be prescribed.

[3][30A. Rules made by Central Government to be laid before Parliament.-[1][(1)] Every rule made by the Central Government under this Act shall be laid as

1 Del. by the Minimum Wages (Amendment) Act, 1957.

2 Del. by the Minimum Wages (Amendment) Act, 1957. 3
Added by the Minimum Wages (Amendment) Act, 1961.

soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses, agree in making any modification in the rule, or both Houses agree that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule].

2[[2) Every rule made by the State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.]

3**[31. Validation of fixation of certain minimum rates of wages.-** Where during the period-

(a) commencing on the 1st of April 1952 and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1954 (26 of 1954); or

(b) commencing on the 31st day of December, 1954 and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1957 (30 of 1957); or

(c) commencing on 31st day of December, 1959 and ending with the date of the commencement of the Minimum Wages (Amendment) Act, 1961 (31 of 1961);

minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any employment specified in the Schedule in the belief or purported belief that such rates were being fixed under clause (a) of sub- section (1) of section 3 as in force immediately before the commencement of the Minimum Wages (Amendment) Act, 1954 (26 of 1954), or the Minimum Wages (Amendment) Act, 1957 (30 of 1957), or the Minimum Wages (Amendment) Act, 1961 (31 of 1961), as the case may be, such rates shall be deemed to have been fixed in accordance with law and shall not be called in question in any Court on the ground merely that the relevant date specified for the purpose in that clause had expired at the time the rates were fixed:

Providedthat nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the payment by him by way of wages to any of his employees during any period specified in this section of an amount which is less than the minimum rates of wages referred to in this section or by reason of non-compliance during the period aforesaid with any order or rule issued under section 13.]

THE SCHEDULE
[SEE SECTIONS 2(G) AND 27]
PART I

1. Employment in any woollen Carpet Making or Shawl Wearing establishment

2. Employment in any rice mill, flour mill or dal mill.

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1 Section 30A renumbered as sub-section (1) thereof by Act 4 of 2005, sec. 2 and Sch. (w.e.f. 11-1-2005).

2 Inserted by Act 4 of 2005, sec. 2 and Sch. (w.e.f 11-01-2005). 3 Subs. by the Minimum Wages (Amendment) Act, 1961.

3. Employment in any tobacco (including bidi making) manufactory.

4. Employment in any plantation, that is to say, any estate which is maintained for the purpose of growing cinchona, rubber, tea or coffee.

5. Employment in any oil mill.

6. Employment under any local authority

1[7. Employment on the construction or maintenance of roads or in building operations.]

8. Employment in stone breaking or stone crushing.

9. Employment in any lac manufactory.

10. Employment in any mica works.

11. Employment in public motor transport.

12. Employment in tanneries and leather manufactory.

2[Employment in gypsum mines.

Employment in barites mines.

Employment in bauxite mines.]

3[Employment in manganese mines.]

4[Employment in the maintenance of buildings and employment in the construction and maintenance of runways.]

5[Employment in China clay mines.

Employment in Kyanite mines.]

6[Employment in copper mines.]

7[Employment in clay mines covered under the Mines Act, 1952 (35 of 1952).]

8[Employment in magnesite mines covered under the Mines Act, 1952 [35 of 1952).]

9[Employment in white clay mines.]

10[Employment in stone mines.]

11[Employment in Steatite mines (including the mines producing soapstone and Talc) covered under the Mines Act, 1952 (35 of 1952).]

12[Employment in Ochre Mines.]

1 Subs. by Minimum Wages (Amendment) Act, 1957.

2 S.O. 3760 dated 4-12-62
3 S.O. 4030 dated 30-10-67.
4 S.O. 1987 dated 30-5-68.
5 S.O. 586 dated 5-2-70.
6 S.O. 795 dated 13-2-70.
7 S.O. 796 dated 18-2-70.
8 S.O. 2357 dated 1-7-70.
9 S.O. 3896 dated 3-9-71.
10 S.O. 3898 dated 15-9-71.
11 S.O. 2972 dated 1-7-72.

12 S.O. 2973 dated 1-7-72.

[1][Employment in Asbestos Mines.]

[2][Employment in Fire clay Mines.]

[3][Employment in Chromite Mines.]

[4][Employment in quartizite mines

Employment in quartz mines

Employment in silica mines.]

[5][Employment in Graphite mines.]

[6][Employment in felspar mines.]

[7][Employment in laterite mines.]

[8][Employment in dolomite mines

Employment in redoxide mines.]

[9][Employment in Wolfram mines.]

[10][Employment in iron ore mines.]

[11][Employment in Granite Mines.]

[12][Employment in Rock Phosphate Mines.]

[13][Employment in Hematite Mines.]

[14][Employment in Loading and Unloading in—

(i) Goods Shed, Parcel Offices of Railways;

(ii) Other Goodsheds, Godowns, Warehouses etc.; and

(iii) Docks and Ports.

Other things would remain the same]

[15][Employment in marble and calcite mines.]

[16][Employment in Asphit cleaning in Railways.]

[17][Employment in Uranium Mines.]

[18][Employment in Ligmite Mines.]

1 S.O. 2974 dated 6-7-72.

2 S.O. 1587 dated 24-5-73.

3 S.O. 2311 dated 3-7-75.

4 S.O. 807 dated 4-2-76.

5 S.O. 558 dated 29-1-77.

6 S.O. 1823 dated 14-6-78.

7 S.O. 2945 dated 22-9-78.

8 S.O. 2950 dated 25-9-78.

9 S.O. 3671 dated 7-12-78.

10 S.O. 1757 dated 16-6-80.

11 S.O. 2473 dated 28-9-80.

12 S.O. 1824, dated 22-3-1983.

13 S.O. 1957, dated 11-4-1983.

14 Subs. by S.O. 90 (E), dated 25-1-2006. 15

S.O. 3455, dated 20-8-1983.

16 S.O. 2093, dated 23-4-1983.

17 S.O. 2693, dated 1-8-1986.
18 S.O. 493(E), dated 20-5-1998.

1[Employment in gravel Mines.]

2[Employment in State Mines.]

3[Employment in laying of underground cables, electric lines, water supply lines and sewerage of pipe lines.]

4[Employment of Sweeping and Cleaning excluding activities prohibited under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.]

PART II

1. Employment in agriculture, that is to say, in any form of farming, including the cultivation and tillage of the soil, dairy farming, the production, cultivation, growing and harvesting of any agricultural or horticultural commodity, the raising of live-stock, bees or poultry, and any practice performed by a farmer or on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation to market of farm produce).

1 S.O. 493(E), dated 20-5-1998.

2 S.O. 493(E), dated 20-5-1998.

3 S.O. 493(E), dated 20-5-1998.

4 Added by S.O. 1573(E), dated 3-11-2005 (w.e.f 7-11-2005).

THE MINIMUM WAGES (CENTRAL) RULES, 1950[1]

[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; „Form‟

(g) 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

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 thatsuch 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.

22 The Minimum Wages (Central) Rules, 1950 Rule 9

(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.

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 employees are present:

Provided thatif 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:

2[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 this 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.

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.

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 thatnothing 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) 2[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

1 Inserted by G.S.R. 466, dated 2-3-1970. 2
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)1, 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 societies 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

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);

1[(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 :

2[(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;]

3[(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 4[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;]

5[(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 thatprior 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.]

6[(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, cl ss 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.]

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.

1[(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.]

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

4[(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.]

Form IX-A] containing the minimum rates of wages fixed together with 6[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 7[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.

8**[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 thatthe employee has worked in the scheduled employment under the same employer for a continuous period of not less than six days:

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, 1[***]

(b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 (14 of 1947), 2[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:

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.

1[***]

2[(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.

3[(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).

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

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.

1**[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.]

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 uptodate. 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:-[3][(1) A Register of Wages shall be maintained by every employer at the workspot in

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.

(3) Every employer shall get the signature or the thumb impression of every person employed on the 5[Register of wages] and wage slip.

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 1[Register of Wages] and wage slips shall be authenticated by the employer or any person authorised by him in this behalf.

2[(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.]

3[***]

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

6**[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.]

7**[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 8[Central Government.]

CHAPTER V
CLAIMS UNDER THE ACT

27. 9**[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.

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;

[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:]

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.

[2][CHAPTE R VII MISCELLA NEOUS

[3][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 NEGLECT OR DEFAULT OF THE EMPLOYED PERSONS [RULE 21(4)]

.....EMPLOYER.....

Serial No.	Name	Father's/ Husband's name	Sex	Department	Damage caused dat
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

[1][FORM III

[RULE 21(4A)]

ANNUAL RETURNS

Returns for the year ending the 31st December .....

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

.....

.....

(b) Name and residential address of the owner/contractor

.....

(c) Name and residential address of the Managing Agent/ Director/ Partner 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** Rs.	**amount** 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.....

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

[2][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.

[1][(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.

[1][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. ……

(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);

[1][(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.

[2][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:

1 Ins. by the Minimum Wages (Central) (Second Amendment) Rules, 1961.

2 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;

[1][(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,

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.

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

Date.....

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 thump-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.

1[FORM IX-A
(RULE 22)
NOTICE
2[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 3[and includes house rent allowance].It excludes-

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 [1][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.

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. [1][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 worke4d 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

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

(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. [1][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 [2][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;

[3][(x) deductions for payment to co-operative societies [4][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;

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;

[1][(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 1st of February following the end of the year to which it relates.]

VI. Maintenance of registers and records

Every employer [2][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 [3][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.

[4][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.]

[5][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) [6][abstracts of] the Acts and the rules made thereunder;

(c) name and address of the Inspector.

[7][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.

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. 1[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. 2[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.

[1][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. [2][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

[1][FORM X

[RULE 26(1)]

REGISTER OF WAGES Name of Establishment.....

Wages period from.

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
10	11	12	13	14	15	16	17	18

[2][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].
