THE PUNJAB MINIMUM WAGES RULES, 1950

Chapter-I

PRELIMINARY

1. Short title and extent.—(1) These rules may be called the Punjab Minimum Wages Rules, 1950.

(2) They extend to the whole of the State of Punjab as formed by section 11 of the State Reorganization Act, 1956.

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

(a) 'Act' means the Minimum Wages Act, 1948;

(b) (omitted)

(c) 'Authority' means the authority appointed under Section (1) of section 20;

(d) 'Board' means the Advisory Board appointed under Section9;

(e) 'Chairman' means the Chairman of the Advisory Board or the Advisory Sub-Committees, 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 mid-night;

(g) 'Form' means a form appended to these rules;

(h) 'Inspector' means a person appointed as Inspector under section 19;

(i) 'Registered trade union' means a trade union registered under the Indian Trade Unions Act. 1926;

(J) 'Section' means a section of the Act; and

(K) all other words and expression used herein and not defined shall have the meaning respectively assigned to them under the Act.

CHAPTER II

MEMBERSHIP, MEETINGS AND STAFF OF THE BOARD AND COMMITTEE 3.

Term of office of members of the Committee.— The term of office of the members of the Committee shall be such as in the opinion of the State Government is necessary for completing the enquiry into the employment concerned and the State Government may at

the time of the constitution of the Committee fix such term 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 member of the Board shall be two years, continue to hold office until his successor is nominated.

(2) A 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 members of the Board shall hold office during the pleasure of the State Government.

5 Travelling Allowance.— A non-official member of the Committee or the Board other than a member who is a member of Legislative Assembly or a Member of Parliament, shall be entitled to draw one first class Railway fare plus incidental charges and road mileage as admissible to a Grade I Government employee drawing a pay of Rs. 1000 and a daily allowance of Rs. 11.00 Rs 13.75 and Rs. 16.50 in plains, hills and special hill tracts (except in Simla) respectively. Except where otherwise provided, other conditions laid down in the Travelling Allowance Rules applicable to Punjab Government employees shall also apply to non-official members for journeys performed by them.

6. Staff.— (1) The State Government may appoint a Secretary to the committee, or the Board and such other staff as it may think necessary and may fix the salaries and allowances payable to them and specify their conditions of service.

(2) (i) The secretary shall be the Chief Executive Officer of the Committee or the Board, as the case may be. He may attend the meeting of such committee, or Board, but shall not be entitled to vote at such meetings.

(ii) The Secretary shall assist the Chairman in convening meetings, shall keep a record of the minutes of such meetings and shall take necessary measures to carry out the decisions of the Committee or the Board, as the case may be.

7. Eligibility for renomination of the members of the members of the Committee and Board and filling of casual vacancies.— An outgoing member shall be eligible for renomination for the membership of the 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 .

(2) A 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 members of the Board shall hold office during the pleasure of the State Government.

9. Cessation and restoration of membership.— (1) If a member of the Committee, or the Board, fails to attend three consecutive meetings without the permission of the Chairman he shall, subject to the provisions of sub-rule (2) cease to be a member thereof.

(2) A person, who cease 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 thereof within thirty days from the receipt of such letter. The application for the restoration of memberships, if received within the said period shall be placed before the Committee, or the Board as the case may be , and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

10. Disqualification.— (1) A person shall be disqualified for being nominated as and for being a member of the Committee, or the Board, as the case may be.—

(i) if he is declared to be of unsound mind by a competent court; or

(ii) if he is an undischarged insolvent; or

(iii) if before or after the commencement of the Act, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1), the decision of the State Government thereof shall be final.

11. Meetings—The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, or the Board, as the case may be, at any time he thinks fit:

Provided that on a requisition in writing from not less than one-half of the members the Chairman shall call a meeting within fifteen days from the 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 [XX] or the Board , as the case may be.

(2) In the absence of the Chairman at any meeting, the members shall elect from amongst the independent members one such member by a majority of votes, who shall preside at such meeting:

Provided that if at any such meeting no independent member is present, the members shall elect from amongst themselves one member who shall preside at such meetings.

14. Quorum.— No business shall be transacted at any meeting unless at least one-third of the members are present:

Provided that if at any meeting less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present:

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members by telegram or by a written communication.

15. Disposal of business.— All business shall be considered at a meeting of the Committee, or the Board as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of the 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 securing written opinion of the members:

Provided further that no decision on any question which is inferred under the 1st proviso shall be taken unless supported by not less than a two-third majority of the members.

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

17. Proceedings of the Meeting.— (1) The proceedings of each meeting-showing inter alia the names of the members present thereat shall be forwarded to each member and to the State Government soon after the meeting as possible and in any case, not less than seven days before the next meeting.

(2) The proceedings of each meeting shall be confirmed with such modifications if any, as may be considered necessary at the next meeting.

CHAPTER III
SUMMONING OF WITNESS BY THE COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS.

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

(1-A) All books, papers or other documents and things produced before a committee or the Board, in pursuance of summons 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 other party, but the information obtained therefrom shall not be made public:

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

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

(3) A summons under this ruled 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' organization or a registered trade union of workers, by being delivered or sent by registered post to the Secretary or other principal officer of the organization or union as the case may be.

(4) The provisions of the Civil Procedure Code relating to the summoning and enforcement of the appearance of witnesses, and their production of documents shall, so far as may be apply to proceedings before a Committee, or the Board.

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

CHAPTER IV
COMPUTATION AND PAYMENT OF WAGES, HOURS OF WORK AND HOLIDAYS

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

21. Time and conditions of payment of wages and the deductions permissible from wages.— (1) (i) The wages period with respect to any scheduled employment for which wages have been fixed shall not exceed one month and the wages of a worker in such employment shall be paid:—

(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 establishment before the expiry of the tenth day , after the last day of the wages 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 before the expiry of the second working day after the day on which his employment is terminated:

Provided that the Government, on receipt of a representation in respect of any scheduled employment or class or classes of employees in such employment may, after inviting public comments, notify any other wages periods or time limits for payments, which shall then apply to all, or any class or classes of employees in such employment.

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

Explanation I.— 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.

Explanation II.— Any loss of wages resulting from the imposition for good and sufficient cause upon an employed person of any of the following penalties, namely: —

(i) the withholding of increment or promotion (including the stoppage of increment at an efficiency bar);

(ii) the reduction to a lower post or time scale or to a lower stage in a time scale; or

(iii) the suspension;

shall not be deemed to be deduction from wages in any case where the rules framed by the employer for imposition of any such penalty are in conformity with the requirements, if any, which may be specified in this behalf by the State Government, by notification in the Official Gazette.

(2) Deduction from the wages of a person employed in a scheduled employment shall be of one or more of the following kinds, namely: —

(i) Fines which may be imposed on any of the following grounds:—

(a) Absence from duty without leave, without sufficient cause (fine may be imposed only as an alternative to the deduction permissible under clause (ii) of such-rule (2) of Rule 21.

(b) Negligence in work or neglect of work.

(c) Smoking on the premises of the work place except in places where smoking is permitted.

(d) Entering or leaving or attempting to enter or leave, the premises except by the gate provided for the purpose.

(e) Absence without leave or without sufficient cause from appointed work in the establishment.

(f) Breach of any rules or instructions for the maintenance and running of any department and maintaining its cleanliness.

(g) Damage to work in process or to any other property of the employer.

(h) Interference with any safety devices installed on the premises.

(i) Distributing or exhibiting on the premises handbills, pamphlets or posters without previous sanction of the employer.

(j) Misconduct (fine may be imposed only as an alternative to a heavier permissible punishment).

(ii) deduction 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 or by a State Government or any authority constituted by a State Government for providing housing accommodation.

(v) deductions for such amenities and services supplied by the employer as the Government may by general or special order, authorize.

Explanation.— The words "amenities and services" in this clause do not include the supply of tools and protective required for the purpose of employment.

(vi) deduction 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 persons and, in no case, shall the monthly instalment of deduction exceed one fourth of the wage earned in the 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 Fund Act, 1952, applied or any recognized provident fund as defined in section 58-A of the Indian Income-tax Act, 1922 or any Provident Fund approved in this behalf by the Government during the continuance of such approval.

(x) deductions for payment to co-operative society or to a Scheme of insurance approved by the Government.

(xi) deduction made with the written authorization of the employed persons (which may be given once generally and not necessarily every time a deduction is made) for the purchase of the 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.

(xii) deductions for rent of accommodation for cattle sheds and storage supplied by the employers.

(xiii) deductions made with the written authorization of.– (a) the employed person. or

(b) the President or Secretary of the registered union of which the employed persons is a member on such conditions as may be prescribed;

for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the Central Government or the State Government.

(xiv) deductions for recovery of loan made from any fund constituted for the Welfare of Labour in accordance with the rules approved by the State Government and the interest due in respect thereof;

(xv) deductions for recovery of loans granted for house building or other purposes approved by the State Government and the interest due in respect thereof;

(xvi) deduction for payment of insurance premium on Fidelity Guarantee Bond.

(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 of omission or damage or loss in respect of which the fine or deduction is proposed to be imposed or made and give him an opportunity to offer any explanation in the presence of another person. The amount of the said fine or deduction shall also be intimated to him.

(4) (i) Notwithstanding anything contained in these rules, the total amount of deduction which may be made under sub-rule (2) in any wage period from the wages of an employed person shall not exceed.—

(a) in cases where such deductions are wholly or partly made for payments to co-operative societies under clause (x) of sub-rule (2) seventy-five per cent of such wages and

(b) in any other case fifty per cent of such wages.

(ii) Nothing contained in these rules shall be construed as precluding the employer from recovering from the wages of the employed persons or otherwise any amount payable by such persons under any law for the time being in-force other than the Indian Railways Act. 1890.

(iii) (a) No fine shall be imposed on any employed person save as provided in clause (i) of sub-rule (2)

(b) A notice specifying such act and omissions shall be exhibited in, at or near the main entrance of the establishments in Punjabi with a translation thereof in Hindi.

(c) The total amount of fine which may be imposed in any one wage period in any employed person shall not exceed an amount equal to three paisa in a rupee of the wages payable to him in respect of such wage period.

(d) No fine shall be imposed on any employed person who is under the age of fifteen years.

(e) No fine imposed on any employed person shall be recovered from him by instalments on or after the expiry of sixty days from the day on which it was imposed.

(f) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(g) No fine may be imposed by any person other than employer, as defined in clause (e) of section 2 of the Act.

(h) All fine realized may be credited to a common fund maintained for the staff as a whole.

Provided that the fund shall be applied only for the welfare of the employees of the establishment from which the fine has been realized.

(iv) (a) Deductions under clause (ii) of sub-rule (2) may be made only on account of the absence of any employed person from the place or places where by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(b) The amount of such deductions shall, in no case, bear to the wages payable to the employed persons in respect of wage period for which the deductions are made a larger proportion than the period for which he is absent bears to the total period within such wage period during which, by the terms of his employment, he was required to work:

Provided that, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving notice which is required under the terms of their contract of employment) and without reasonable cause such deduction from any such persons may include such amount not exceeding his wages for eight days as may be any such terms, be due to the employer in lieu of due notice.

Explanation.—For the purpose of this clause an employed person shall be place where he is required to work is,

although present in such place, he refuses in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

(c) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(d) No deduction for breach of contract shall be made from the wages of an employed person unless.—

(i) there is a provision in writing forming part of the terms of contract of employment requiring him to give notice of the termination of his employment;

(ii) the period of his notice does not exceed one month or the wage period whichever is less.

(iii) the period of notice does not exceed the period of notice which the employer is required to give for the termination of the employment;

(iv) this rule has been displayed in Punjabi and Hindi at or near the main entrance of the establishment and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made and;

(v) a notice has been displayed at or near the main entrance of the establishment giving the names of the persons from whom the deduction is proposed to be made, the number of days in respect of which the wages are to be deducted and the conditions (if any) on which the deductions will be remitted;

Provided that where deduction is proposed to be made from all the persons employed in any department or

section of the establishment, it shall be sufficient, in lieu of giving the names of the persons in such department or section to specify the departments or sections affected.

(e) No deduction for breach of contract shall exceed the wages of the persons employed for the period by which the notice of termination of service falls short of the period of such notice required by the contract of employment.

(f) If any conditions have been specified in the notice displayed under sub-clause (d) (v), no deduction for breach of contract shall be made from any person who has compiled with these conditions.

(v) Deductions under clause (iii) of sub-rule (2) shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the employed person.

(vi) A deduction under clauses (iv) and (v) of sub-rule (2) shall not be made from the wages of the employed persons unless the house accommodation amenity or service has been accepted by him as a term of employment or otherwise and such deduction shall not exceed an amount equivalent to the values of the house accommodation amenity or service supplied.

(vii) Deduction under clause (vi) of sub-rule (2) shall be subject to the following conditions, namely:-

(a) recovery of an advance of money given before the employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advance given for travelling expenses;

(b) an advance of wages not already earned shall not without the previous permission of an Inspector, exceed an amount equivalent to the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the two subsequent calendar months.

(c) the advance may be recovered in instalments by deductions from wages. No instalment shall exceed one third or where the wages for any wage period are not more than twenty rupees, one fourth of the wages for the wage periods in respect of which deduction is made.

(viii) All such fines imposed and deductions made and advances given shall be recorded in the registers maintained in forms I, II and II-A, respectively. These registers shall be kept at the work-spot and maintained up to date. Where no fine has been imposed or no deduction has been made from an employed person in any wage period, a 'nil entry shall be made in the relevant register at the end of

the wage period, indicating also and in precise terms the wage period to which the 'nil' entry relates.

(4-A) Every employer shall send annually a return in form III showing the deductions from wages so as to reach the Inspector not later than the 1st February following the end of the year to which it relatees.

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

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to the more favourable terms aforesaid.

Form IX-A containing the minimum wages of rates fixed together with abstracts of the Act, the rules made thereunder and the name and the address of the Inspector shall be displayed in Punjabi at the main entrance of the establishment and 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.

23. Weekly day of rest.—(1)Subject to the provisions of this rule, an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as "the rest day") which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees in that scheduled employment:

Provided that the employee has worked in the scheduled employment under the same employer for a continuous period of not less than six days:

Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector in this behalf.

Provided further that nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948, or any other Act for the time being in force.

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,

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

(c) any day on which the employee was on leave which was a holiday, with or without pay granted by the employer during 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 three days immediately before or after the rest day:

Provided that no substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

(3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) An employee shall be granted for rest day wages calculated at the rate applicable to the next preceding day and in case he works on the rest day and has been given a substituted rest day, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day:

Provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six, or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day, 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 Labour Commissioner may, on application made to him in this behalf decide the same after giving an opportunity to the parties concerned to make written representations:

Provided further that in case of an employee governed by a piece-rate scheme, the wages for the rest day, or as the case may be, the rest day and the substituted rest day, shall be such as the Punjab Government may, by notification in the Official Gazette, 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.

(5) (omitted)

(6) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to 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 day shall be:-

(a) In case of an adult not more than 9 hours;

(b) In case of a child not more than 4 and half hours

Provided that subject to the provisions of these rules no workers shall work for more than 48 hours in a week.

(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 10 ½ hours on any day. The period of work on any day, in a scheduled employment, shall be so fixed that no continuous period of work shall exceed five hours and that no worker shall be required or allowed to work for more than five hours unless he has/had an interval for rest for at least half an hour on the expiry of the said four hours:

Provided that where the spread over under any other law is not more than twelve hours, the provisions, regarding lesser spread over shall be applicable.

(2-A) Working hours including overtime shall not exceed 10 hours in a day or 60 hours in a week, provided that the total overtime shall not exceed 50 hours in a period of three months.

(3) The number of hours of work in a case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or child by a competent medical practitioner approved by the State Government. No adolescent or child shall be required or allowed to work on any plantation defined in section 2 (f) of the Plantation Labour Act, 1951, for more than 40 hours in any one week, and no child who has not completed his 12th year shall be required or allowed to work in any such plantation.

(4) The provisions of sub-rules (1) to (3) shall be subject to such modifications as may, from time to time, be notified by the State Government.

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

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

(a) a holiday for the whole day for the purposes of rule 23 shall in his case mean a period of 24 consecutive hours beginning from the time where his shift ends: and

(b) the following day in such a case shall be deemed to be the period of 24 hours beginning from the time when such shift ends and the hours after the midnight during which such worker was engaged in work shall be counted towards the previous day.

25. Extra Wages for overtime.—(1) Where an employee in a an employment is governed by the provision of Factories Act or any other enactment prescribing extra wages for overtime, he shall receive overtime wages at the rates so prescribed.

(2) In cases not covered by sub-rule (1) when a worker works in an employment for more than the number of hours of work constituting a normal working day prescribed in rule 24, or for more than 48 hours a week, he shall in respect of overtime work be entitled to wages at double the ordinary rate of wages:

Provided that the Government on receipt of representations in respect of any scheduled employment or class or classes of employees in such employment, may after inviting public comments, notify any other rate of payment of extra wages for overtime in respect of any scheduled employment or class or classes of employees in such employment.

Explanation.— The expression 'ordinary rate of wages' means the basic wage plus such allowances including the cash equivalent of the advantage accruing through the concessional sale to the person employed of food-grains and other articles as the person employed is for the time being entitled to but does not include a bonus.

(3) A register of overtime shall be maintained by every employer in Form IV in which entries under the columns specified therein shall be made as and when overtime is worked in any establishment. The register shall be kept at the work-spot and maintained up-to-date. Where no overtime has been worked in any wage period, a 'nil' entry shall be made across the body of the register at the end of the wages period indicating also in precise terms the wage period to which the 'nil' entry relates.

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

25-A. Part-time Employees.— Where an employee is employed on part-time basis, with one or more employers, and his minimum wages are fixed by the day, he shall be entitled to claim from each employer for whom he works in a given day for less than the normal working day, wages for the number of hours for which he works, on *Pro rata* basis.

26. Form of registers and records.— (1) A register of wages shall be maintained by every employer at the work-spot and kept in such form as may be notified by the State Government and shall include the following particulars:

(a) the minimum rates of wages payable to each person employed;
(b) the number of days for which each employed person worked over-time for each wage period;
(c) the gross wages of each person employed for each wage period;
(d) all deduction made from wages with an indication in each case of the kinds of deductions mentioned in sub-rule (2) of rule 21;
(e) the wages actually paid to each person employed for each wage period and the date of payment.

(2) Wages slips containing the aforesaid particulars and such other particulars as may be notified by the State Government 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 wage book and wage slip.

(4) Entries in the wage books and wage slips shall be authenticated by the employer or any person authorized by him in this behalf.

form V.

(6) Notwithstanding anything contained in this rule where a combined form is sought to be used by the employer to avoid duplication of work for compliance with the provisions of any other Act or rules framed thereunder, an alternative suitable form in lieu of any of the forms prescribed under this rule may, be used with the previous approval of the Labour Commissioner, Punjab:

Provided that the Government on sufficient cause being shown may by notification in the Official Gazette, exempt any scheduled employment and any units of such employment conditionally or otherwise, from the observance of any of the requirements under this rule, or may vary those requirements in respect of the employees or a class or classes of employees in such employment.

26-A. Employers to provide cards to employees engaged in public motor transport.— (1) Every driver, conductor or any other employee in public motor transport shall at the beginning of every month be provided with a card in

form XII, which may be in Hindi, Punjabi, Urdu or in the language understood by such employee.

(2) The card shall be in the custody of such employee during the month and there after shall be returned to the employer who shall preserve it for a period of three years.

(3) The entries in such card shall be made each day in the presence of the employee by the employer or any person authorized by him in that behalf and the employed shall produce the card whenever required for the purpose.

(4) If the employee loses his card, the employer shall, on payment of ten paisa provide him within a week with another card duly completed from his record.

26-B. Preservation of registers.— A register required to be maintained under rule 21(4), 25 (3) and 26(1) and the muster roll required to be maintained under rule 26(5) shall be preserved for a period of 3 years after the date of last entry made therein.

26-C. Production of registers and other records.– All registers and records required to be maintained by an employer under these rules shall be produced on demand before the Inspector:

Provided that where an establishment has been closed, the Inspector may demand the registers and records in his office or such other public place as may be nearer to the employer.

CHAPTER V

CLAIMS UNDER THE ACT

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

28. Authorisation.— The authorization 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 shall be presented to the Authority hearing the application and shall form art 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 shall inform the applicant of the date so specified.

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

(3) If the applicant or his representative fails to appear on the specified date, the Authority may dismiss the application.

(4) An order passed under sub-rule (2) or sub-rule (3) may, be set aside on sufficient cause being shown by the defaulting party within one month of the date of the said order, and the application shall, then be re-heard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub-rule (1)

CHAPTER VI

SCALE OF COST 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 now follow the event.

(2) The cost 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 proceedings under section 20 shall be.—

(i) for every application to summon a witness in respect of each witness

(ii) For every application made by or on behalf of an individual … one Rupee;

Provided that the Authority may , if in its 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:

Provided that Government may by notification reduce the scale of court-fees in respect of any class or classes of employees in any scheduled employment.

FORM-I

[Rule-21(4)]

Register of

Fines

Employer.....

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

FORM-II

[Rules 21 (4)]

Register of deduction for damage or loss caused to the employer by the neglect or default of the employed persons

Employer.....

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

FORM-II-A

Register of Advances of Employed persons

_____Factory/Establishment

S. No.	Name	Father's Name	Department	Date and amount of advance made	Purpose for which advance made	No. of instalments by which advance to be repaid	Post-ponement ground	Date on which amount re-paid	Remarks
1	2	3	4	5	6	7	8	9	10

FORM-III

[Rules 21 (4-A)]

Deduction from

Wages Return for the 31st December_____

1. Name of the employer and postal address_____ 2. Total Number of persons employed:

a. Adults :_____

b. Children:_____

3. Total Wages paid : _____

4. No. of cases and amounts realized as:-

	Number of cases	Amount
(a) Fines		
(b) Deductions for damage or loss		
(c) Deduction for breach of contract		

5. Disbursement from fund:

Amount	Purpose

Dated_____ Signature

Designation

FORM IV

[Rule 25(3)]

OVERTIME REGISTER FOR WORKERS

Month ending …….....… 20….

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM V

[Rule 26(5)]

Muster Roll

Name of establishment……. Place……

S.No.	Name	Father's/ Husband's	Sex	Nature of	1	2	3	4	For Period ending ……..	Remarks
		Name		Work					Total Attendance	
1										
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)……..

(2) .....

(3) ....Applicant (s)

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

Address…..…….

Versus

(1)……..

(2)……..

(3)…….. ...Opponent(s)

The applicant(s) above-named beg(s) respectfully to submit as follows:-

(1) That _____ (2) That _____ The applicant(s) has (have) been paid wages at less than the minimum rate of wages.

The applicant(s) estimate(s) the value of the relief sought by him (them) at a sum of Rs. _____.

The applicant(s) pray(s) that a direction may be issued under sub-section (3) of section 20 for:- (a) payment of the difference between the wages due according to the minimum rates of wages fixed by Government and the wages actually paid; and

(b) compensation amounting to Rs…..

The applicant(s) beg(s) leave to amend or add to or make alterations in the application, if any and when necessary.

Signature or *thumb impression of the employee(s)_ legal practitioner or official of a registered Trade Union duly authorised. Date.....

The applicant(s) do(es) solemnly declare that what is state above is true to the best of his (their) knowledge, belief and information.

This verification is signed at _____ on _____ day of _____ 20____.

Signature or *thumb impression of the employee(s)
legal practitioner or official of a registered Trade Union duly authorised.

*when the application is by a group of employees, the thumb impression or signatures of the applicants need be put to the application and a full list of applicants should be attached to the application.

FORM VII

FORM OF APPLICATION BY AN INSPECTOR OR PERSON ACTING WITH THE PERMISSION OF THE AUTHORITY UNDER SECTION 20(2)

In the court of the Authority appointed under the Minimum Wages Act, 1948 for ……. area

Application no…..…….of 20…..

(1)…….. ...Applicant Address…..……..

Versus

(1)…….....

Address..... ...Opponent

The opponent is bound to pay wages at the minimum rates of wages fixed by Government but he has paid less wages to the following employees:-

(1).....

(2).....

(3).....

The applicant(s) estimate(s) the value of the relief sought by him (them) at a sum of Rs. _____.

The applicant(s) prays that a direction may be issued under sub-section (3) of section 20 for:- (a) payment of the difference between the wages due according to the minimum rates of wages fixed by Government and the wages actually paid; and

(b) compensation amounting to Rs…..

The applicant(s) begs leave to amend or add to or make alterations in the application, if any and when necessary.

Date: _____ Signature

The applicant(s) do(es) solemnly declare that what is state above is true to the best of his (their) knowledge, belief and information.

This verification is signed at _____ on _____ day of _____ 20____.

Signature

FORM VIII

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)……..

(2).....

(3)..... ...Applicant (s) Address…..……..

Versus

(1)…….....

(2).....

(3).....

Address..... ...Opponent (s)

I hereby authorise Mr. _____, a legal practitioner _____ official of the registered union of _____ to appear and act on my behalf in the above-described proceeding and to do all things incidental to such appearing and acting.

Date: _____ Signature or thumb impression of the employee

FORM IX

FORM OF SUMMONS TO THE OPPONENT TO APPEAR BEFORE THE AUTHORITY WHEN AN APPLICATION UNDER SUB-SECTION (2) OF SECTIN 20 OR UNDER SECTION 21 IS ENTERTAINED

(Title of the application)

To

(Name, description and place of residence)

Whereas……(name of the applicant) has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorized agent, and required to answer all material questions relating to the application, or who shall be accompanied by some person able to answer such question on the …….day of….....….20….....at ….....o'clock in the.....….noon, to answer the claim; and as the day fixed for the appearance is appointed for the final disposal of the application, you must

be prepared to produce on that day all the witnesses upon whose evidence and the documents upon which you intend to rely in support of your defence.

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

Date…….....

FORM IX-A

NOTICES (RULE 22)

Abstracts of the Minimum Wages Act, 1948 and the Rules made there under

I. WHOM THE ACT AFFECTS.

(a) The Act applies to persons engaged on scheduled employments on specified class of work in respect of which minimum wages have been fixed.

(b) No employee can give up by contract or agreement his rights in so far as it purports to reduce the minimum rates of wages fixed under the Act.

II. DEFINITION OF WAGES

1. "wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment. It excludes.-

(i) the value of any house-accommodation-supply of light, water, medical attendance or any other amenity or any service extended by general or special order of the appropriate Government;

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

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

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

(v) Gratuity payable on discharge.

2. The maximum rate of wages may consist of –

(i) a basic rate of wages and a special allowance called the cost of living allowance;

(ii) a basic rate of wage with or without a cost of living allowance and the cash value of any concession like supplies of essential commodities at concession rate;

(iii) an all inclusive rates comprising of basic rate, cost of living allowance and cash value of concession, if any.

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

(a) a minimum time rate;

(b) a minimum piece rate;

(c) a guaranteed time rate;

(d) an overtime rate.

differing with (1) different scheduled employments (2) different classes of work (3) different localities (4) different wage period and (5) different age groups.

III. COMPUTATION AND CONDITIONS OF PAYMENT

The employer shall pay to every employee engaged in scheduled employment under him wages at a rate not less than the minimum rate of wages fixed for that class of employee.

The minimum wages payable under this Act shall be paid in cash unless the Government authorized payment thereof either wholly or partly in kind.

Wage period shall be fixed for the payment of wages at intervals not exceeding one month.

Wage shall be paid on a working day within seven days of the end of the wages period or within ten days if 1,000 or more persons are employed.

The wages of a person discharged shall be paid not later than the second working day after his discharge.

If an employee is employed on any day for a period less than the normal working day he shall be entitled to receive wages for a full normal working day provided his failure to work is caused by his unwillingness to work but the omission of the employer to provide him with work for that period.

Where an employee does two or more classes of work to each of which a different minimum rates 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.

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

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 child, 4½ hours.

The working day of an adult worker inclusive of the intervals of rest shall not exceed twelve hours in any day.

The employers shall allow a day of rest with wages to the employee 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 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 of overtime worked be entitled to wages in scheduled e employment other than agriculture at double the ordinary rate of wages.

V. FINE 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 a nd also in writing the act or omission in respect of which the fine if proposed to be imposed and given an opportunity to offer any explanation in the presence of another 3[workman]. The amount of the said fine shall also be intimated to him. It shall be such as may be specified by the State Government of Punjab. It shall be utilized in accordance with the directions of the State Government of Punjab.

(ii) Deductions for absence from duty.

(iii) Deductions for damage to or loss of goods entrusted to the employee for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default. The employed person shall be explained personally and also in writing the damage or loss, in respect of which the deduction is proposed to be made and given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him. It shall be such as may be specified by the State Government of the State of Punjab.

(iv) deductions for house accommodation supplied by the employer;

(v) deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorize. These will not include the supply of tools and protective required for the purposes of employment;

(vi) deductions for recovery of advances or adjustment of over-payment of wages; such advances shall not exceed an amount equal to wages for two calendar months of the employed persons and the monthly installment of deductions shall not exceed one-fourth of the wages earned in that month;

(vii) deductions of income-tax payable by the employed persons;
(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;
(x)
deductions for payment to co-operative societies or to a scheme of insurance approved by the Government of the State of Punjab.

VI MAINTENANCE OF REGISTERS AND RECORDS

Every employer shall maintain a register of wages 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 wage;

(d) All deductions made from wages;

(e) The wages actually paid and the date of payment.

Every employer shall issue wage-slips containing prescribed particulars to every person employed.

Every employer shall get the signature or the thumb impression of every person employed on the wages-book and wage-slips.

Entries in the wage-books and wage-slips shall be properly authenticated by the employer or his agent.

A muster Roll shall be maintained by every employer and kept in the form prescribed. Every employer shall keep exhibited at such places selected by the Inspector, notice in [Hindi and English language] of the following particulars in a clean and legible form:- (a) Minimum rate of wages.

(b) Abstract from the Act and the Rule made thereunder.

(c) Name and address of the Inspector.

VII. INSPECTIONS

Any Inspector can enter in any premises and can exercise 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 AND COMPLAINTS

Where an employee is paid less than the minimum rates of wages fixed for his class of work, or less than the amount due to him under the provisions of this Act, he can make an application in the prescribed form within six months to the authority appointed for the purpose.

An application delayed beyond this period may be admitted if the authority is satisfied that the applicant had sufficient cause for not making the application within such period.

Any legal practitioner, official of a registered trade union, Inspector under the Act or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

A single application may be presented by or on behalf of any number of persons belonging to the same factory the payment of whose wages has been delayed.

A complaint regarding less payment of notified wage s under section 21 of the Act can be made to the court only with the sanction of the Authority within one month of the grant of such sanction.

A complaint under section 22 of the Act can be made to the court only by or with the sanction of an Inspector within six months of the date on which the offence is alleged to have been committed.

IX. ACTION BY THE AUTHORITY

The authority may direct the payment of the amount by which the minimum wages payable exceed the amount actually paid together with the payment of compensation not exceeding ten times the amount of such excess. The Authority may direct payment of compensation in cases where the excess is paid before the disposal of the application.

If a malicious or vexatious complaint is made, the authority may impose a penalty not exceeding Rs. 50/- on the applicant and order that it be paid to the employer.

Every direction of the Authority shall be final.

X. PENALTY FOR OFFENCE UNDER THE ACT

Any employer who pays to any employee matt the amount due to him under the provision of this Act or infringes any order of rules in respect of normal working day, weekly holiday shall be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Any employer who fails to maintain a register or record required to be maintained under section 18 shall be punishable with fine which may extend to five hundred rupees.

XI. MINIMUM RATES OF WAGES FIXED

Name of undertaking……

S. No.	Category of employees	Minimum wages
1.		
2.		

XII. NAME AND ADDRESS OF THE INSPECTOR(S)

Name.....

Address:.....

SCHEDULES

SCHEDULE

FORM X
[Rule 26(1)]
REGISTER OF WAGES

Name of establishment……..... Place…….....…..
month_____ 20.....

S.No.	Name of worker	Wage period	Minimum rates of wages payable	Dates on which overtime worked	Gross wages payable	Deductions, if any	Actual wages paid	Signature or thumb impression of the employee
1	2	3	4	5	6	7	8	9

FORM XI
[Rule 26(2)]
WAGE SLIP

Name of establishment……..... Place…….....…..
month_____ 20.....

S.No.	Name of worker	Wage period	Minimum rates of wages payable	Dates on which overtime worked	Gross wages payable	Deductions, if any	Actual wages paid	Signature or thumb impression of the employee
1	2	3	4	5	6	7	8	9

FORM XII

[Rule 26-A]

Name of establishment…….....….Depot .....

Garage..... Name of employee.....

month_____ 20.....

Date	Reporting time	Relieving time	Rest intervals	Overtime hours	Endorsement of employer, officer or agent
1	2	3	4	5	6

Note:— The words 'H' shall be made in column relating to any day on which a weekly holiday is given and 'A' if the employee is absent on any other day.