THE MINIMUM WAGES (TAMIL NADU) RULES, 1953

CHAPTER I

PRELIMINARY

1. Short title and extent. — (1) These rules may be called the Minimum Wages (Tamil Nadu) Rules,1953.

(2) The extend to the whole of the State of Tamil Nadu including the Kanyakumari district, the Shenkottah taluk of the Tirunelveli district and the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act,1959 (Central Act 56 of 1959).

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

(a) „Act" means the Minimum Wages Act, 1948;

(b) „Authority" means the authority appointed under sub-section (1) of section 20 ;

(c) „Board" means the Advisory Board appointed under section 7;

(d) „Chairman" means the Chairman of the Advisory Board or the Committee, as the case may be, appointed under section 9;

(e) „Committee" means a committee appointed under clause (a) of sub-section (1) of section 5 and includes a sub-committee appointed under that section;

(f) „Form" means a form appended to these rules;

(g) „Government" means the Government of Tamil Nadu; (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*; and

(j) „Section" means a section of the Act.

* Now the Trade Unions Act, 1926.

CHAPTER II

MEMBERSHIP, MEETINGS AND STAFF OF THE BOARD AND COMMITTEE

3. Term of office of the members of the Committee. — The terms of the office of the members of the Committee shall be such as in the opinion of the Government are necessary for completing the enquiry into the scheduled employment concerned and the Government may, at the time of the constitution of the Committee, fix such terms and may, from time to time, extend them as circumstances may require.

4. Term of Office of members of the Board. — (1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Board shall be two years commencing from the date of his nomination:

Provided that such member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

1[Provided further that if the Government consider it necessary it may terminate the term of office of a non-official member earlier than the said period of two years.]

(2) A non-official member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office during the pleasure of the Government.

2[4A. Nomination of substitute member. — If a member is unable to attend a meeting of the Committee or the Board, the 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.]

1Ins. by G.O Ms.No.1046, Labour and Employment, dated the 29th November, 1976. 2Ins. by G.O (D).No.322, Labour and Employment, dated the 3rd May, 1993.

5. Travelling allowance. — A non-official member of the Committee or the Board shall be entitled to draw travelling and halting allowance for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a non-official member of first class Committee as laid down by the Government from time to time.

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

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

(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 or the Board, as the case may be.

7. Eligibility for re-nomination of the members of the committee and the Board. — An outgoing member shall be eligible for re-nomination 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(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 Government.

(2) A resignation shall take effect from the date of Communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier.

1 Subs by G.O.Ms.No.1046, Labour and Employment, dated the 29th November,1976.

(3) When a vacancy occurs or is likely to occur in the membership of the Committee or the Board, the Chairman shall immediately submit a report to the Government. The Government shall then take steps to fill the vacancy aforesaid.

9. Cessation and restoration of membership. — (1) If a member of the 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 a period of 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 a period of 30 days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate,

the member shall be restored to membership immediately after a resolution to that effect is passed.

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 Government thereon shall be final.

11. Meetings. — The Chairman may, subject to the provision 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, or not less than two-thirds of the representatives of the employers or of the employees, as the case may be, the Chairman shall call a meeting within a period of fifteen days from the date of 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 at least seven days shall be given to every member.

13. Chairman. — (1) The chairman shall preside at the meetings of the Committee or the Board, as the case may be.

(2) In the absence of the Chairman at any meeting the members shall elect from among the independent members 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 of both the employers and the employees are present:

Provided that when at any meeting, no representative of the employers or employees has turned up or less than one-third of the members are present, the Chairman may adjourn the meeting to a date not later than 7 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 class of members present:]

[2][Provided further that the date and time of such adjourned meeting shall be intimated to the absentee members by registered letter with acknowledgement due.]

[1]Subs.by G.O.Ms.No.1046,Labour and Employment, dated the 29th November, 1976. [2]Added by G.O.Ms.No.380,Labour and Employment, dated the 5th May, 1978.

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 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 question which is referred 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 thereat shall be forwarded to each member and to the Government as soon after the meeting as possible and in any case, not less than 7 days before the next meeting.

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

CHAPTER III

SUMMONING OF WITNESSES BY THE COMMITTEE AND THE BOARD AND PRODUCTION OF DOCUMENTS

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 an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating in any manner to the enquiry.

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

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

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

(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, relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee or the Board.

(5) All books, papers and other documents or things produced before a committee, or the Board in pursuance of a summons under [1][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; [1][but the information so obtained shall be treated as confidential and it will be made public only with the consent in writing of the party concerned:]

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

19. Expenses of witnesses.— 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 of Tamil Nadu.

[1] Subs.by S.R.O.No.A-671 OF 1971, dated the 15th June, 1971.

CHAPTER IV

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

20. Mode of computation of the cash value of wages.— The average retail prices at the nearest market for the period of three months immediately preceding the month for which the wages are to be computed shall be taken into account in computing the cash value of wages paid in kind and of concessions in respect 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 of a worker in any scheduled employment shall be paid before the expiry of the tenth day after the last day of the wage-period—

Provided that in the case of establishments in the Kanyakumari District and the Shencottah Taluk of the Tirunelveli District in which less than one thousand persons are employed, the wages of a worker shall be paid before the expiry of the seventh day after the last day of the wage-period.

(ii) Where the employment of any person is terminated by or on behalf of the employer, or due to the acceptance of the employee‟s resignation, the wages carried by him shall be paid before the expiry of the second working day after the day on which his employment is terminated.

(iii) The wages of an employed person shall be paid to him without deductions of any kind except those authorized 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.

(iv) The employer shall display in a conspicuous place at or near the main entrance of the establishment, a notice [1][***] in the language of the majority of the persons employed therein, specifying the dates on which wages will ordinarily be paid, the dates so specified being not earlier than the expiry of two months from the date on which such notice is displayed.

(2) Deductions from the wages of a person employed in scheduled employment may 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 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 payment to Co-operative Societies approved by the Government or for house accommodation supplied by the employer or by the Central or the State government or any housing board set up under any law for the time being in force (whether the Central or the State Government or the Board is the employer or not) or any other authority engaged in the business of subsidizing house accommodation which may be specified in this behalf by the Government by notification in the Official Gazette; (v) deductions for such amenities and services

supplied by the employer as the Government may, by general or special order authorize;

[1] Certain words omitted by G.O.Ms.No.1046,Labour and Employment, dated the 29th November, 1976.

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 instalments of deductions exceed one-fourth of the wages earned in that month and the entire advance shall be recovered within a period of twelve months;

(vii) deduction of income-tax or any tax that may be levied by the Government or local authority payable by the employed person;

(viii) deductions required to be made by order of a Court or other authority;

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognized provident fund as defined in section 58A of the Indian Income Tax Act, 1925*, or any provident fund approved in this behalf by the Government during the continuance of such approval;

(x) deductions made with the written authorisation of the employed person for payment of any premium on his life insurance policy to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 31 of (1956), or to a scheme of insurance maintained by the Indian Post Office or for the purchase of securities of the Government of India or of any State Government or for being deposited in any

* Now Act 43 of 1961.

Post Office Savings Bank in furtherance of any savings scheme of any such Government;

(xi) deductions made with the written authorisation of —

(a) the employed persons; or

(b) the President or Secretary of the registered trade union of which the employed person is a member on such conditions as may be specified by the State Government;

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

(3) Any person desirous of imposing a fine on an employed person or of making a deduction for damage or loss of goods caused by him, shall explain to him 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 the amount of fine or deduction proposed to be imposed or made and give him an opportunity to offer an explanation in writing, and also to be heard in person, if he so desires. The fine shall be levied or the deduction ordered after due consideration of the explanation offered in writing or in person, as the case may be.

(4) (i) The total amount of fine which may be imposed under sub- rule (3) shall not exceed in any one wage-period, an amount equal to three per cent of the wages payable to the employed person in respect of such wage-period.

(ii) The total amount of deduction for damage or loss ordered under sub-rule (3) shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery, or the book value of the article whichever is less.

Where the amount of deduction exceeds an amount equal to one-third of the wages payable to the employed person in respect of a wage-period, the deduction shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and the other.

[1][(iii) All realisations under clause (i) and all deductions under clause (ii) shall be recorded in a register maintained in Forms I and II, as the case may be.

A return in

Form III with all the columns duly filled in and with the correct particulars shall be submitted annually by the employer to such Inspectors and before such time as may be notified by the Government in this behalf:

2[Provided that no annual return in Form III need be sent by an employer, if a combined annual return in Form No.22 as required in clause (2) of rule 100 of the Tamil Nadu Factories Rules, 1950 3[or Combined Annual Return in Form XXV under Schedule XIII as required in rule 242 under the Tamil Nadu Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2006] is furnished.]

4[Provided further that no annual return in Form No.III need be sent by an principal employer, if --

(a) a combined annual return in Form No.XIII as required in rule 42 of the Tamil Nadu Catering Establishments Rules, 1959 is furnished; or

(b) a combined annual return in Form No.XII as required in sub-rule (ii) of rule 35 of the Tamil Nadu Beedi and Cigar Workers (Conditions of Employment) Rules, 1968 is furnished; or

(c) a combined annual return in Form No.28 as required in sub-rule (1) of rule 83 of the Tamil Nadu Plantations Labour Rules, 1955 is furnished ; or

1 Subs.by G.O.Ms.No.996,Labour, dated the 8th May, 1984 (See also Erratum dated the 10th October,1984)

2 Subs.by G.O.Ms.No.260,Labour and Employment(M-2), dated the 16th August, 2004(deemed to have come into force with effect from 18th August,2004).

3 Ins by G.O.Ms.No.48,Labour and Employment(J-1), dated the 19th April, 2018.

4 Added by G.O.Ms.No.148,Labour and Employment(J-1), dated the 29th October,2018.

(d) a combined annual return in Form No.XIX as required in rule 43 of the Tamil Nadu Motor Transport Workers Rules, 1965 is furnished.]

(5) All realisations from fines shall be applied only to such purposes which are beneficial to the persons employed in the scheduled employments as are generally approved by the Government in this behalf but in the case of any establishment to which the Tamil Nadu Labour Welfare Fund Act, 1972 (Tamil Nadu Act 36 of 1972) applies all such realizations shall be paid into the Fund constituted under the aforesaid Act.

(6) Nothing in this rule shall be deemed to affect the provisions of the Payment of Wages Act, 1936, and the Tamil Nadu Shops and Establishments Act, 1947.

Form X containing an abstracts of the provisions of the Act, and the rules made thereunder, the minimum rates of wages fixed under the Act for the employment concerned, and the name and address of the Inspector or Inspectors concerned shall be displayed [1][***] in a language understood by the majority of the workers in the employment at such place as may be selected by the Inspector and shall be maintained in clean and legible condition. Such notices shall also be displayed on the notice boards of all Offices of the Collectors, Revenue Divisional Officers, Tahsildars and Deputy Tahsildars in all the districts. In the case of employment in Agriculture, the notices shall also be displayed in all the District Offices of the Agricultural Department and in the case of any other scheduled employment, such notices shall also be displayed in all the District Offices of the Industries and Labour and Factories Departments.

23. Weekly holidays. — (1) Unless otherwise permitted by the Government, no worker shall be required or allowed to work in a scheduled employment, on the first day of the week (hereinafter referred

[1] Certain words omitted by G.O.Ms.No.1046,Labour and Employment, dated the 29th November, 1976.

to as the said day) except where he has or will have a holiday for the whole day on one of the three days immediately before or after the said day. Every worker who is required or allowed to work in a scheduled employment on the said day and who gets a substituted holiday within the same week shall be paid at the rate of wages to which he is entitled for a normal working day.

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than 10 days consecutively without a holiday for a whole day.

(2) Every worker in any employment other than the employments in Agriculture, Plantations, Road Construction, Building Operations, Stone Breaking or Stone Crushing, Oil Mill and Rice Mill, Flour Mill or Dhal Mill for whom minimum rates of wages have been fixed by the day shall be paid remuneration for the said day or for the substituted holiday, at a rate not less than the minimum rate fixed for his category of employment.

[1][Provided that in the case an employee other than the Out-Worker carrying the process in the home and employed on piece rate, the wages for the weekly holiday shall be the average of the earnings of the employee during the period of 6 days immediately preceding the weekly holiday.]

(3) Where in accordance with the provisions of sub-rule(1) any worker works on the said day and has had a holiday on one of the five days immediately preceding it, the said day shall, for the purposes of calculating his weekly hours of work, be included in the preceding week.

Explanation. - For the purposes of this rule, „week" shall mean a period of seven days beginning at midnight on Saturday night.

(4) Notwithstanding anything contained in this rule, no substitution of the weekly holiday shall be made in the case of any plantation if it is to

[1] Ins.by G.O.(D)No.691,Labour and Employment, dated the 2nd September, 1993 (w.e.f 22nd September,1993).

result in any worker working for more than 54 hours in a week as laid down in the Plantations Labour Act, 1951.

24. Number of hours of work which shall constitute a normal working day. — (1)The number of hours which shall constitute a normal working day shall be —

(a) in the case of an adult, 9 hours;

(b) in the case of a child, 4 1/2 Hours; and

(c)

in the case of an adolescent employed in any plantation, 6 1/4 hours.

(2) No worker shall be required or allowed to work in an employment for more than nine hours in any day and forty-eight hours in any week:

Provided that a worker may be allowed to work in an employment for any period in excess of the limit fixed under this sub-rule subject to the payment of overtime wages, if the period of work, including overtime work, does not exceed 10 hours in any day and in the aggregate fifty-four hours in any week.

(3) The period of work each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of atleast half an hour.

(4) The periods of work of an adult worker in a scheduled employment, other than employment in any plantations, shall be so arranged that inclusive of his interval for rest under sub-rule (3), they shall not spread over more than twelve hours in any day.

(5) The number of hours of work in the case of an adolescent worker in a scheduled employment other than employment in any plantation shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Government.

(6) The provisions of sub-rules (1) to (5) shall, in the case of workers in agricultural employment including employment in plantations,

be subject to such modifications as may, from time to time, be notified by

the Government.

24-A. Certain provisions of rule 23 and 24 not to apply to certain specified employees. — The provisions of rules 23 and 24

specified in column (1) of the Table below shall not apply in relation to the

classes of employees specified in the corresponding entries in column (2)

of that Table subject to the conditions specified in the corresponding

entries in column (3) thereof:

THE TABLE

Provisions of rules 23 and 24 which shall not apply	*Classes of employees*	*Conditions*
(1)	(2)	(3)
Rule 23 and sub-rules (2),(3) and (4) of rule 24.	Employees engaged on urgent work, or in any emergency which could not have been foreseen or prevented.	(1)No employee shall be employed for more than 12 hours on any one day, 30 hours during any three consecutive days or 60 hours during each

period of seven consecutive days, commencing from his

first employment on urgent work or in any emergency which could not have been foreseen or prevented.

(2)A separate running record of such work done shall be maintained in addition to making entries in

Form IV.

Provisions of rules 23 and 24 which shall not apply	*Classes of employees*	*Conditions*
(1)	(2)	(3)
		(3)Within twenty-four hours of the commencement of work, notice shall be sent to the [1][Assistant Director of Industrial Safety and Health] in respect of Factories governed by the Factories Act, 1948 (Central Act LXIII of 1948), to the [1][Assistant Commissioner of Labour (Plantations)] in respect of plantations governed by the Plantations Labour Act, 1951 (Central Act LXIX of 1951), and to the Assistant Inspectors of Labour in respect of all other establishments having jurisdiction over such other establishments describing the nature of urgent work and the period probably required for its completion. (4)A compensatory holiday for every weekly holiday lost for each employee shall be granted within one month from the day on which the weekly holiday was lost.

1 Subs. by G.O. (Ms) No.22 Labour and Employment (J1), dated the 21st February 2019.

Provisions of rules 23 and 24 which	*Classes of employees*	*Conditions*

shall not apply (1)	(2)	(3)
		(5)Extra wages for overtime shall be paid as provided in rule 26.
Sub-rule (3) of rule 24.	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.	Exemption shall apply only in respect of the persons who are permitted by the [1][Assistant Director of Industrial Safety and Health] in respect of factories governed by the Factories Act, 1948 (Central Act LXIII of 1948), [1][Assistant Commissioner of Labour (Plantations)] in respect of plantations governed by the Plantations Labour Act, 1951 (Central Act LXIX of 1951), and by the Assistant Inspectors of Labour in respect of other establishments within whose jurisdiction such other establishments are situated, on an application made by the employer.
	Employees whose employment is essentially intermittent.	Sufficient time though not fixed period shall be given for meals to the satisfaction of the Inspector concerned.

1 Subs. by G.O. (Ms) No.22 Labour and Employment (J1), dated the 21st February 2019.

Provisions of rules 23 and 24 which shall not apply	*Classes of employees*	*Conditions*
(1)	(2)	(3)

Employees engaged in any work which for technical reasons has to be completed before the duty is over.	The total overtime hours worked beyond 9 hours per day and 48 hours per week shall not exceed 50 hours per quarter of a calendar year.
Employees engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces.	Extra wages for overtime shall be paid as provided in rule 26.

[1][24-B. Night Shifts. — Where a worker in a Scheduled employment works on a shift which extends beyond midnight,

(a) „a holiday for the whole day" for the purpose 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 mid-night during which the worker was engaged in work shall be counted towards the previous day.]

1 Ins. by G.O.Ms.No.1046, Labour and Employment, dated the 29th November, 1976.

25. 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. — (1) The following shall be 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: —

(a)tempest, fire, rain, breakdown of machinery or stoppage of or any cut in the supply of power, epidemic, civil commotion or other causes beyond the control of the employer.

(b)Refusal to work.

(c)Strike or stay-in-strike.

(2) In the case of interruption brought about by tempest, fire, rain, breakdown of machinery, epidemic, civil commotion or other natural causes beyond the control of the employer, the employee who has already started work for the day shall be paid wages at half the minimum rates of wages fixed for a normal working day if the interruption occurs at any time before the

interval for midday rest. If the interruption occurs after the interval for midday rest, he shall be paid wages for a full normal working day.

(3) If by reason of stoppage or of any cut in the supply of power, effected by the Government, an employer is prevented on any working day from giving work to his employees for a full normal working day, the employees shall receive wages for such day in the proportion the number of hours be worked bears to the number of hours constituting the normal working day.

26. Extra wages for overtime. — (1) When a worker works on any day for more than the number of hours constituting the normal working day, or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages —

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

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

Explanation. — The expression "ordinary rate of wages" means the basic wage plus such allowances including the cash equivalent of the advantages 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.

(2) A register showing overtime payment shall be kept in Form IV. Overtime work shall be entered up in the register before the expiry of 24 hours from the commencement of such work.

27. Form of registers and records. — (1) A register of wages shall be maintained by every employer at the workspot or the principal office attached to it and kept in such form as may be notified by the government and shall include the following particulars: —

(a) The minimum rates of wages payable to each employed person;

(b) (i) Total overtime worked (or total production during overtime in the case of piece rate workers) in the wage-period. [This entry should agree with the total for each wage-period shown in column (8) of the overtime register];

(ii) Overtime earnings in the wage-period. [This entry should correspond with the total for each wage-period shown in column (13) of the overtime register;]

(c) The gross wages of each person employed for each wage- period;

(d) All deductions made from wages, with an indication, in each case of the kinds of deductions mentioned in sub rule (2) of rule 21; and

(e) The wages actually paid to each person employed for each wage-period and the date of payment.

1[(2) Wage-slips containing the aforesaid particulars and such other particulars as may be notified by the Government shall be issued by every employer to every person employed by him a day prior to the disbursement of wages or atleast on the date of disbursement of wages or if the wages are paid daily, along with wages.] 2[The copies of wage-slips issued to the workers shall be maintained by the employer and produced to the Inspector on demand.]

3[Provided that no such wage slip as aforesaid need be issued by the employer if a wage slip containing the above particulars are issued as required under any other labour law.]

(3) Every employer shall get the signature or thumb-impression of every person employed on the wage books at the time of the payment of wages.

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

(5) A muster roll shall be maintained by every employer at the work-spot or the principal office attached to it and kept in

Form V and it shall be written up every day on which work is performed.

[4][Provided that no separate register as aforesaid need be maintained, if the particulars maintained in

Form V are contained in any other records maintained by the employer under any other labour law].

Note. — In the case of a plantation, the estate will to be the workspot but the employer shall make the registers available for inspection by the Inspector at the actual division or place of work in the estate, if so required.

[1]Subs. by G.O.Ms.No.642, Labour, dated the 1st April, 1985.

[2]Added by G.O.Ms.No.170, Labour and Employment(J-1), dated the 13th October, 1999. [3]Added by G.O.(D) No.1241, Labour and Employment(J-1), dated the 23rd November, 2005. [4] Ins by G.O.Ms.No.166, Labour and Employment, dated the 23rd July, 1992.

(6) A register of employees shall be maintained by every employer at the workspot or principal office attached to it in

Form XI:

Provided that no separate register as aforesaid need be maintained if the particulars required in Form XI are contained in any other records maintained by the employer under any other labour law.

27-A. Certain documents deemed to be maintained under the rules. —If any register maintained as part of the routine of the scheduled employment or under any other enactment gives in respect of any or all of the employees in the scheduled employment, the particulars required for the enforcement of the Act, the inspectors mentioned in column (2) of the Table below may in respect of the establishments specified in column (3) thereof and which are scheduled employments, direct, by an order in writing, that such register, shall, to the corresponding extent, be maintained in the place of and be treated as the register required under these rules in respect of such establishments and scheduled employments.

THE TABLE

Serial number	*Inspectors*	*Establishments*
(1)	(2)	(3)
1.	[1][Director of Industrial Safety and Health]	Establishments covered by the Factories Act, 1948 (Central Act LXIII of 1948).
2.	Chief Inspector of Plantations	Plantations covered by the Plantations Labour Act,1951 (Central Act LXXX of 1951).
3.	[1][Joint Commissioners of Labour]	All other establishments

27-B. Power to exempt from rules. —The Government may, if, for special reasons, it thinks so fit, by notification in the *Fort St. George Gazette*, direct that, subject to such conditions and for such period as it may specify, the provisions of these rules 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.

[1] Subs. by G.O. (Ms) No.22 Labour and Employment (J1), dated the 21st February 2019.

28. The registers, records and notices maintained as exhibited under the provisions of these rules shall always be available at or as near as practicable, to the site of employment and shall be produced or caused to be produced for inspection, at all reasonable hours by any Inspector having jurisdiction over the establishment.

[1][***28-A.*** The registers, records and notices required to be maintained by the employer under the provisions of these rules shall be preserved for a period of 12 months from the date of the last entry noted on them and shall always be readily available in the establishment for inspection at all reasonable hours by an Inspector having jurisdiction over the establishment.]

[2][***28-B. Self certification by information technology software Establishments or Information Technology Software Enabled Services.*** — Employer of every information technology Software Establishment or Information Technology Software Enabled Service, shall furnish to the [3][Assistant Commissioner of Labour (Enforcement)], a half-yearly certificate of maintenance of registers, records and notices, which are required to be maintained or exhibited under the provisions of these rules, in

Form XII (in duplicate), the certificate for the half year ending 30th June shall be furnished before the 31st July of the year and the certificate for the half year ending 31st December shall be furnished before the 31st January of the succeeding year.

Explanation. — Employment in the said establishments is not a scheduled employment under the Act. However, they are covered under the scheduled employment, namely, employment in Shops and Commercial Establishments. As such minimum rates of wages fixed by the Government, for the employment in Shops and Commercial Establishments are applicable to the said employment also.]

1 Ins by S.R.O.No.a-1131 of 1970, dated the 31st October, 1970.

2 Ins by G.O.(D)No.248 Labour and Employment(J-1), dated the 15th July, 2008. 3 Subs. by G.O. (Ms) No.22 Labour and Employment (J1), dated the 21st February 2019.

CHAPTER V

CLAIMSUNDER THE ACT

29. Applications.— (1) (i) 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 or Form VII, as the case may be.

(ii) Each application in Form VI or Form VII shall be accompanied by a statement containing the following particulars, namely:—

(a) Name of applicants;
(b) Period of service of each applicant;
(c) Minimum wages payable in respect of each applicant; (d) Wages actually paid in respect of each applicant; and (e) Difference between the minimum wages payable and the wages actually paid in respect of each applicant.

(2) A single application on behalf of or in respect of any number of employed persons shall be entertained only where the employed persons, for whom the single application is presented, belong to the same scheduled employment working under the same employer.

30. 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 VII by an instrument which shall be presented to the Authority bearing the application and shall form part of the record.

31. 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 so specified.

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

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

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

CHAPTER VI

SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

32. 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 onsubsistence 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.

(iv) expenses incurred by the parties on subsistence and travelling in connection with the claims subject to a limit of Rs.10.

(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 cost as it may deem proper.

33. Court-fees. — The Court-fees payable in respect of proceedings under section 20 shall be-

(i) For every application to summon a witness — One rupee in respect of each witness;

(ii) For every application made by or on behalf of an individual or group of employees — one rupee:

Provided that the Authority may, if in its opinion the applicant is a pauper, exempt him wholly or partly from the payment of such fees:

Provided further that no fee shall be chargeable —

(a) from persons employed in agriculture; or

(b) in respect of an application made by an Inspector.

34. Nothing contained in these rules shall affect any rights or privileges which any employee in a scheduled employment is entitled to under any other law, contract, custom or usage applicable to such employment if such rights or privileges are more favourable to him than those which he would be entitled to under these rules.

35. Preservation of records. — Files relating to the claims under section 20 of the Act, shall be preserved for a period of five years from the date of final decision.

36. Manner of destruction of records. — After the period of retention mentioned in rule 35, the records may be destroyed either by tearing or by burning in the presence of the head of the office provided that records of secret or confidential nature shall be destroyed only by burning.

The records destroyed by tearing may be sold or otherwise disposed of in such manner as the head of the office thinks fit.

37. Authority for purposes of section 22-D. — The prescribed Authority for the purposes of section 22-D shall be the authority appointed under Section 20 (1).

FORM I

[Rule 21 (4)]

Register of Fines

……Employer……

1	2	3	4	5	6	7	8	9	10	11	12
Serial No.	Name.	Father‟s/Husband‟s name.	Sex.	Department.	Rate of wages.	Nature and date of the offence for which fine imposed.	Whether show-cause notice was served. Whether worker showed cause If so, enter date.	Whether workman against fine or any.	Date and amount of instalments, if which fine realised. Date on which all fine imposed.	Damage or loss caused with date. Whether show-cause Father‟s/Husband‟s Department.	Date on which fine deduction against deduction.	Remarks.

FORM II

[Rule 21 (4)]

Register of deductions for damage or loss caused to the employer, by the neglect or default of the employed person.

……Employer……

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		mposed.									
		Number of Remarks.									
1	2	3	4	5	6	7	8	9	10	11	12

FORM III

[Rule 21(4A)]

[1]*[Annual Return]*

Return 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

*3. Number of mandays worked during the year

^4. 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.

[1] Subs by G.O.No.Ms.No.996,Labour, dated th 8th May, 1984.

7. Deductions:

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

8. Disbursement from fines:

	Purpose	Amount Rs.	P.
(a)			
(b)			
(c)			
(d)			

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

Dated: *Signature* Designation

[1][*Explanation*. — This return shall be sent by employers even if no deduction from wages or imposition of fine was made).

*This is the aggregate number of attendances during the year.

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

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

———

1 Explanation added by G.O.Ms.No.996, Labour, dated the 8th May, 1984.

FORM IV

[Rule 26(2)]

Overtime register for workers

Month ending……19

Serial No.	Name	Father "s/Husband"s Name	Sex	Designation and Department	Dates on which overtime worked	Extent of overtime on which occasion	Total overtime worked or production in case of piece workers	Normal hours	Normal rate	Overtime rate	Normal earnings	Overtime earnings	Total earnings	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	

FORM V

[Rule 27 (5)]

Muster Roll

Name of Establishment……Place……..

work commenced

Father‟s/Husband‟s

Time at which the

Time at which the

Hours worked on

w o r k

c e a s e d

N a t u r e

o f

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R e s t

I n t e r v a l

S e r i

al No.

Name

Remarks (1)(2)(3)(4)(5)(6)

Name

Sex

1 2 3 4 5 6 7 8 9 10

FORM VI

(Rule 29)

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 19

(1)
(2) Applicant(s)
(3)

Address

(through a Legal Practitioner/

an official of Union which

is a registered trade union)

Versus

(1)
(2)
(3) Opponent(s)

Address

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

(1) that —
(2) that —

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

The applicant(s) estimate(s) the value of the relief sought by him(them) at the 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 the Government and the wages actually paid,

(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.

Date: Signature or thumb-impression of the employee(s), legal practitioner or official of a Registered Trade Union duly authorised.

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

This verification is signed at on day of 19

*

Signature or thumb-impression of the employee(s), legal practitioner or official of a Registered Trade Union duly authorised.

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

———

FORM VII

(Rule 29)

Form of application by an Inspector or person acting with the permission of the Authority under section 20(2)

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

Application No. of 19

(1) Applicant

Address

Versus

(2) Opponent

Address

The applicant above named begs respectfully to submit as follows: (1) that —

(2) that —

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

(1)

(2)

(3)

The applicant estimates the value of the relief sought for the employees at the sum of Rs.

The applicant prays that a direction may be issued under sub-section (3) of section 20 for : —

(a) payment of the difference between the wages due according to the minimum rate of wages fixed by the Government and the wages actually paid, and

(b) Compensation amounting to Rs.

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

Date:

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

——

FORM VIII

(Rule 30)

Form of Authority in favour of a Legal Practitioner or any official of a Registered Trade Union referred to in Section 20(2).

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

Application No. of 19 .

(1)

(2) Applicant(s) (3)

Versus

(1)

(2)

(3) Opponent(s)

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

Date: *Signature or thumb-impression of the employee.*

FORM IX

(Rule 30)

[Form of summons to the Opponent to appear before the Authority when an application under sub-section (2) of Section 20 or under Section 21 is entertained.]

(Title of the application) To

(Name, description and place of residence).

Whereas has made the above said application to me under the Minimum Wages Act, 1948, you are hereby summoned to appear before me in person or by a duly authorised agent, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day of 19 , at O‟clock in the noon, to answer the claim, and as the day fixed for the appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

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

Date: *Signature of the Authority*

_____

FORM X

(*See* rule 22)

NOTICE CONTAINING AN ABSTRACT OF THE PROVISIONS OF THE MINIMUM WAGES ACT, 1948, AND OF THE MINIMUM WAGES (MADRAS) RULES, 1953, THE MINIMUM RATES OF WAGES FIXED FOR

THE EMPLOYMENT CONCERNED AND THE NAME AND ADDRESS OF THE INSPECTOR OR INSPECTORS CONCERNED.

1. Whom the act applies. — (1) The Act applies to persons employed on scheduled employments in respect of which minimum wages have been fixed.

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

2. Interpretation. — (a) „Act" means the Minimum Wages Act, 1948.

(b) „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 the Minimum Wages Act, 1948 (Central Act XI of 1948) any person named under class (f) of sub-section (1) of section 7 of the Factories Act, 1948 (Central Act LXIII of 1948), as manager of the Factory;

(ii) in any scheduled employment under the control of any Government in India or a local authority, the person or authority appointed for the supervision and control of employees or where no person or authority is so appointed, the Head of the Department or the Chief Executive Officer; and

(iii) in any other case, any person responsible to the owner for the supervision and control of employees or for the payment of wages.

(c) "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 Union.

(d) “scheduled employment” means an employment specified below or any process or branch of work

forming part of such employment.

Part I

1. Employment in any woolen, carpet making or shawl weaving establishment.

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

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.

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.

13.Employment in cotton ginning and pressing.

14.Employment in salt pans.

15.Employment in coir manufactory.

16.Employment in match and fire works manufactory.

17.Employment in hosiery manufactory.

18.Employment in bricks and tiles manufactory.

19.Employment in Cotton Waste.

20.Employment in laundries and washing clothes excluding woolen. 21.Employment in Sago industry.

22.Employment in Timber industry.

23.Employment in Automobile workshops.

24.Employment in Powerloom industry.

25.Employment in Cashewnut industry.

26.Employment in Gold ornaments.

27.Employment in boat working in Minor ports.

28.Employment in Handloom Weaving industry.

29.Employment in Handloom Silk Weaving industry.

30.Employment in Hotels and Restaurants.

Part II

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).

(e) "Wages" means all remuneration, payable to person employed on the fulfillment of his contract of employment and includes house-rent allowance but excludes —

(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;

(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.

3. Computation and conditions of payment. — (1) The employer shall pay to every employee engaged in a scheduled employment under him, wages at the rate not less than the minimum rates of wages fixed for that class of employees. The minimum rates of wages fixed for the employment carried on in this establishment are given in Annexure-A.

(2) The minimum wages payable under this Act shall be paid in cash unless the Government authorises payment thereof either wholly or partly in kind where such payment is customary. The average retail price at the nearest market for the period of three months immediately preceding the month for which the wages are to be computed shall be taken into account in computing the cash value of wages paid in kind and of concessions in respect of essential commodities supplied at concession rates.

(3) The wages of a worker in any scheduled employment shall be paid before the expiry of the tenth day after the last day of the wage period. In the case of establishments in the Kanyakumari district and Shencottah Taluk of the Tirunelveli District in which less than one thousand persons are employed the wages of a worker shall be paid before the expiry of the seventh day after the last day of the wage period. A notice specifying the dates on which wages will ordinarily be paid shall be displayed in a conspicuous place in the establishment. The wages of a person discharged shall be paid before the expiry of the second working day after his discharge.

(4) An employee shall be entitled to receive wages for a full normal working day, even if he is employed on any day for a period less than the normal working day except —

(i) Where an interruption of work occurs before the interval for the midday rest, due to tempest, fire, rain, breakdown of machinery, epidemic civil commotion or other causes beyond the control of the employer. In these cases, the employee shall be entitled to half the minimum rate of wages; or

(ii) Where it is due to refusal to work or strike or stay-in-strike; or

(iii) Where it is due to stoppage of or any cut in the supply of power. In these cases, the employee is entitled to wages in the proportion the number of hours he worked bears to the number of hours constituting the normal working day.

(5) Where an employee does two or more classes of work, he is entitled in respect of the time respectively occupied in each such class of work to wages at not less than the minimum rate in force in respect of each such class.

(6) Where any employee is employed on piece work for which a minimum time rate and not a minimum piece rate has been fixed, he is entitled to wages at not less than the minimum time rate.

(7) Where the amounts payable by an employer to an employee under this Act 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, they shall be deposited with the prescribed authority who shall deal with the money so deposited in such manner as may be prescribed.

4. Contracting out. — No employee can, by contract or agreement, relinquish or reduce his right to a minimum rate of wages or any privilege or concession accruing to him under the Act.

42 ***5.***

Deduction from wages. — (1) The wages of an employed person shall be paid to him without deduction of any kind except the following :—

(i) fines in respect of the following acts and omissions, namely:—

(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 sub-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 the cleanliness;

(g) damage to work in process or to any other property of the employer;

(h) interference with any safety devices installed in the premises;

(i) distributing or exhibiting inside the premises hand-bills, pamphlets or posters without the previous sanction of the employer;

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

(k) habitual late attendance inspite of warning;

(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) deduction for payments to Co-operative Societies approved by the Government, or for the house accommodation supplied by the employer or by the Central or the State Government or any housing board, set up under any law for the time being in force (whether the Central or the State Government or the Board is the employer or not) or any other authority engaged in the business of subsidising house accommodation which may be specified in this behalf by the Government by notification in the *Official Gazette*;

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

(vi) deductions for recovery of advances or for adjustment of overpayments 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 instalments or deduction exceed one-fourth of the wages earned in that month and the entire advance shall be recovered within a period of twelve months;

(vii) deductions of income-tax or any tax that may be levied by the Government or local authority payable by the employed person;

(viii) deductions required to be made by order of a Court or other authority;

(ix) deductions for subscriptions to and for repayment of advances from any provident fund;

(x) deductions made with the written authorisation of the employed person for payment of any premium of his life insurance policy, the Life Insurance Corporation of India established Under the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956), or to a scheme

of insurance maintained by the Indian Post Office or 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.

(2) Any person desirous of imposing a fine or of making a deduction for damage to or loss of goods caused by the employee shall explain to him 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 his explanation in writing and also to be heard in person, if he so desires. The fine shall be levied or the deduction ordered after due consideration of the explanation offered in writing or in person as the case may be.

(3) (i) The total amount of fine which may be imposed shall not exceed in any one wage period an amount equal to three per cent of the wages in respect of such wage period.

(ii) The total amount of deduction for damage or loss ordered shall not exceed the cost of replacing the article damaged or lost on the date of passing the order of recovery or the book value of the articles, whichever is less. The deductions shall be made in instalments in such a way that the amount of each instalment does not exceed one-third of the average wages payable to him between one instalment and another.

(4) All realization of fines shall be applied only to purposes beneficial to the employees and approved by the Government.

6. Fixing hours for a normal working day, etc. — (1) The number of hours of work which shall constitute a normal working day shall be (a) in the case of an adult 9 hours, (b) in the case of a child 4 1 /2 hours, (c) in the case of adolescent employed in any plantation 6 1 /2 hours.

(2) No worker shall be required or allowed to work in an employment for more than 9 hours in any day and 48 hours in any week :

Provided that a worker may be allowed to work in an employment for any period in excess of the limit fixed subject to the payment of overtime wages if the period of work including overtime work does not exceed 10 hours in any day and in the aggregate fifty-four hours in any week.

(3) The periods of work each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour.

(4) The periods of work of an adult worker in a scheduled employment other than the employment in any plantation shall be so arranged that inclusive of his intervals for rest they shall not spread over more than 12 hours on any day.

(5) The number of hours of work in the case of an adolescent worker in a scheduled employment other than employment in any plantation shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by the competent Medical Practitioner approved by the Government.

7. Weekly holidays. — (1) Unless otherwise permitted by the Government no worker shall be required or allowed to work in a scheduled employment on the first day of the week except where he has or will have a holiday for the whole day on one of the three days immediately before or after the said day. Every worker who is required or allowed to work in a scheduled employment on the said day and who gets a substituted holiday within the same week shall be paid the rate of wages to which he is entitled for a normal working day:

Provided that the weekly holiday may be substituted by another day:

Provided further that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Every worker in any employment other than the employments in agriculture, plantations, road construction or building operations, stone breaking or stone crushing or oil mill and rice mill, flour mill or dhal mill for whom minimum rates of wages have been fixed by the day shall be paid remuneration for the said day or for the substituted holiday at rate not less than the minimum rate fixed for his category of employment.

(3) Where in accordance with the above provisions any worker works on the said day and has had a holiday on one of the five days immediately preceding it the said day shall for the purpose of calculating his weekly hours of work be included in the preceding week.

(4) In the case of any plantation no substitution of the weekly holiday shall be made if it is to result in any worker working for more than 54 hours in a week as laid down in the Plantations Labour Act, 1951 (Central Act LXIX of 1951).

8. Extra wages for overtime. — When a worker works on any day for more than the number of hours constituting the normal working day, or for more than 48 hours in any week he shall in respect of overtime work be entitled to wages —

(a) in the case of employment in agriculture including plantations at one and a half times the ordinary rate of wages :

Provided that in the case of plantations situated in the Kanyakumari district, and Shencottah Taluk of the Tirunelveli district, the worker shall be entitled to wages at double the ordinary rates of wages ;

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

9. Maintenance of the registers and records. — (1) Every employer shall maintain in the following registers : —

(a) Register of fines in Form I.

Form II.

(c) Register of deductions from wages in Form III.

(d) Register showing overtime payment in Form IV.

(e) Muster Roll in Form V.

(f) Register of wages.

(2) Every employer shall issue to every employed person wage slips containing the prescribed particulars.

(3) Every employer shall get the Signature or the Thumb- impression of every person employed on the wage books at the time of payment of wages. Entries in the wage book and wage slips shall be properly authenticated by the employer or his agent.

(4) Every employer shall send a return in Form III annually to the Inspector concerned.

10. Inspections. — Inspectors have power to inspect any premises and may examine any person in the premises and require the production of or 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. The name and address of the Inspector or Inspectors in respect of this establishment is given in Annexure „B".

11. Claims and complaints. — (1) Where an employee is paid less than the minimum rates of wages fixed for his class of work or in respect of the payment of remuneration for days of rest or for work done on such days under this Act, the employee himself or any legal practitioner or any officer of a registered trade union authorized in writing to act on his behalf of any Inspector or any person acting with the permission of the claims authority appointed by the Government may apply to such authority for a direction.

(2) Subject to the provisions contained in the rules, a single application in the prescribed

form may be presented 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.

(3) The authority may direct —

(i) in the case of a claim arising out of payment of less than the minimum rate 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.

(4) If a malicious or vexatious complaint is made by the employee the authority may impose a penalty not exceeding Rs.50 and order that it be paid to the employer by the person presenting the application. The amount directed to be paid may be recovered as if it were a fine imposed by a magistrate.

(5) Every direction of the authority is final.

12. Penalties. — (1) Any employer who 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 the Act, or contravenes any rule or order made under Sec.13 of the Act 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.

(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 for such contravention by the Act, be punishable with fine which may be extended to five hundred rupees.

(3) 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 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.

(4) Where an offence is 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 be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Annexure 'A'

(Here enter the minimum rates of wages fixed for the employment concerned.)

Annexure 'B'

(Here enter name and address of Inspector or Inspectors concerned.)

[1]

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X I

Register of Employees

Name of Establishment…….

Name of Employer…….

Serial No.	Name and surname of employee	Age and sex	Father"s/Husband"s name	Nature of employment designation	Permanent house address of employee (village, taluk, district.)	Date of commencement of employment.	Date of termination of or leaving employment.	Signature of thumb-impression of employee.
1	2	3	4	5	6	7	8	9

1 Ins. by S.R.O No.A-258 of 1971, dated the 7th January, 1971.

1[FORM XII

[*See* Rule 28-B]

SELF-CERTIFICATION BY INFORMATION TECHNOLOGY SOFTWARE ESTABLISHMENTS OR INFORMATION TECHNOLOGY SOFTWARE ENABLED SERVICES FOR THE HALF YEAR ENDING ……

1.	Name and address of the Information Technology Software Establishment or Information Technology Enabled Services					
	Phone No:		Fax:		E-mail:	
2.	Name and address of the Employer					
	Phone No:		Fax:		E-mail:	
3.	Whether the employees are paid minimum wages as fixed under the Minimum Wages Act, 1948 ?					
4.	Whether the employees are issued the wage slip as prescribed under rule 27(2) ?					
5.	Whether a notice in Form X prescribed in rule 22 displayed ?					
	Signature of the Employer					

CERTIFICATE

Certified that during the half year ending ……, we have complied with all the provisions of the Minimum Wages Act, 1948 (Central Act XI of 1948), and the Minimum Wages (Tamil Nadu) Rules, 1953 in addition to those specifically mentioned above.

[1] Ins by G.O.(D) No.248, Labour and Employment (J-1), dated the 15th July, 2008.

This certificate is issued with full knowledge of the provisions of the said Act and Rules. We are jointly and severally responsible for any information found incorrect subsequently and are liable for prosecution under the said Act and the said Rules.

Signature of the Manager
Name:
Designation:
Office Seal:
Date:

Signature of the Employer
Name:
Designation:
Office Seal:
Date:

Accepted by:
Assistant Inspector of Labour.]

THE MINIMUM WAGES (UNDISBURSED AMOUNTS) (TAMILNADU) RULES, 1963

[G.O.Ms.No.865, Industries, Labour and Co-operation (Labour), 17th February, 1964.]

S.R.O.No.A-256 of 1984. — In exercise of the powers conferred by sections 22-D and 30 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Governor of Madras hereby

makes the following rules the same having been previously published as required by sub-section (1) of the said section 30.

1. Short title. — These rules may be called the Minimum Wages (Undisbursed Amounts) (Tamil Nadu) Rules, 1963.

2. Definitions. — In these rules unless the context otherwise requires —

(a) "Act" means the Minimum Wages Act, 1948 (Central Act XI of 1948);

(b) "Form" means a Form appended to these rules;

[1][(c) "Prescribed authority" means the Commissioner for Workmen‟s Compensation in their respective areas notified under section 20 of the Act in respect of Scheduled employments other than the employment in agriculture and the Taluk Tahsildars within their respective jurisdiction in respect of employment in agriculture and works ancillary to agriculture as specified in item 1 of Part II of the Schedule to the Act.]

(d) "Section" means a section of the Act; and

(e) "treasury" means the Reserve Bank of India wherever it functions and elsewhere, the Government Treasury.

3. Undisbursed amounts to be deposited with prescribed authority within specified time. — Any amount payable by an employer to an employee as the amount of minimum wages of the employee under the Act or otherwise due to the employee under the Act or any rule or order made thereunder shall be deposited by the employer with the prescribed authority —

(i) Where the amount due to the employee is remaining undisbursed on account of his death before payment or on account of his where abouts not being known, within one month after the expiry of three months from the date on which such amount was realized or after the commencement of these rules, whichever is later; and

(ii) in any other case, within one month after the expiry of three months from the date on which the amount became payable or after the commencement of these rules, whichever is later.

1 Subs. by G.O.Ms.No.2228, Labour, dated the 6th November, 1986.

4. Procedure for depositing the amount. — Any person who is required by rule 3 to deposit any undisbursed amount, shall deposit the same in the treasury under the head of account "Deposit under section 22-D of the Minimum Wages Act, 1948" and shall send the original challan showing the deposit to the prescribed authority within a week from the date of the deposit together with a statement in duplicate in Form „A‟.

5. Notification of deposits. — The prescribed authority shall at intervals of six months publish a statement in Form „B‟ showing the total amount deposited with it as undisbursed wages under rule 3, the names and last known addresses of the persons entitled to receive payment of such amounts, the amount to which each is entitled and the nature of his claim thereto —

(1) on the notice board of its office;

(2) in the office, place or establishment where the deceased employee or the employee whose whereabouts are not known was last employed;

(4) on the notice boards of the taluk offices in the taluk in which the office, place or establishment aforesaid is situated.

6. Claims. — (1)Any person who claims payment of an undisbursed amount deposited with the prescribed authority shall make an application in writing in Form „C‟ to such authority within three years from the date on which the money was deposited with such authority;

Provided that the prescribed authority may admit claims preferred after the expiry of the said three years, if the person who prefers the claim proves to the satisfaction of the prescribed authority that he had sufficient cause for not preferring the claim within the said three years.

(2) Where an application under sub-rule (1) has been made by the employee entitled to the payment of the undisbursed wages, the prescribed authority shall after such scrutiny of the claims as it may think fit and after being satisfied about the identity of the applicant, make payment of the undisbursed wages as early as may be practicable.

(3) Where an application under sub-rule (1) has been made on behalf of a deceased employee to whom the undisbursed wages was payable, the prescribed authority shall, after giving notice by registered post to such persons as may appear to it to be likely to be interested in or affected by the payment of the undisbursed wages to the applicant and after making such inquiry as it may think fit, make payment of the undisbursed amount to the applicant if it is satisfied on the evidence produced before it that the applicant is legally entitled thereto. If there is a doubt as to the validity of the claim of the applicant or if there are rival claimants the prescribed authority shall make payment only to the person whose claim is established by a succession certificate granted by a competent Court.

7. Amount unclaimed for three years to be credited to the State Government. — Amounts due to a deceased employee or to an employee whose whereabouts are not known, and which are deposited with the prescribed authority and not claimed by any person within a period of three years from the date on which the amount is deposited with or received by the said authority shall at the end of the financial year in which the said period of three years expires, be treated as unclaimed deposit and credited to the State Government by book adjustment by the Accountant-General, Madras.

8. Notification of unclaimed amounts in the office of the authority. — In the month of January each year, a statement showing the amount which at the end of the immediately preceding financial year

becomes due for being credited to the State Government under rule 7 and the names of the employees to whom the said amounts are payable shall be published in the office of the prescribed authority and on the notice board of the office, place or establishment in which such employees were last employed.

9. Refund. — If any person claims that any amount credited to the State Government under rule 7 is due to him from the prescribed authority he shall present an application to that authority, stating the details of his name and address or the name and address of the employee in question, in respect of whom the said amount is payable, as the case may be. On receipt of the application, the prescribed authority after satisfying itself that the amount claimed has not been paid earlier shall make an application to the Accountant-General, Madras, for refund in Madras Treasury Code,

Form 65. The Accountant-General, Madras, shall order the refund of the said amount to that authority after verifying that the amount was credited to the State Government under rule 7.

10. Deposits of the money with the prescribed authority. — Money deposited with the prescribed authority under section 22D shall be deposited in the State Treasury in a personal ledger account to be opened in the name of the prescribed authority.

11. Rules applicable to undisbursed amounts already deposited.— Any such amount as is referred to in rule 3 which had been deposited before the commencement of these rules shall be deemed to have been deposited under these rules and shall be dealt with accordingly.

FORM 'A'

[*See* rule 4 of the Minimum Wages (undisbursed Amounts)

(Tamil Nadu) Rules, 1963.]

Statement of particulars of undisbursed amounts deposited with the prescribed authority under section 22-D of the Minimum Wages Act, 1948 (Central Act XI of 1948), as per the enclosed treasury challan No. dated the

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No.								Signature of remitter / authority	
Date:								Address:	

FORM 'B'

[*See* rule 5 of the Minimum Wages (undisbursed Amounts)

(Tamil Nadu) Rules,1963.]

Deposits received under section 22-D of the Minimum Wages Act, 1948 (Central Act XI of 1948), for the period commencing from the and ending with the

Notice is hereby given that the amounts noted in column (5) due to the employees mentioned in column (3) below have been deposited in the Office of the , the prescribed authority appointed under section 22-D of the Minimum Wages Act, 1948 (Central Act XI of 1948) on the dates noted in column (4) and any person who has a claim to such amount, may apply to the prescribed authority for payment of such amount, as may be due to him/her in the prescribed Form „C" and if no claim is received from any person within a period of three years from the date of deposit, the amount shall be credited to the accounts of State Government after the expiry of the aforesaid period.

Particulars of deposit

Name and last known

address of the persons referred to in column (3)	Name and address of the employer person in respect of whom the	Amount to which the person or	Period or periods for which the	who deposited the amount.	amount was deposited.	amount was due.	is/are entitled.	Nature of claim.	Date of deposit.	Serial number.	Remarks.
1	2	3	4	5	6	7	8				

FORM 'C'

[*See* rule 6 of the Minimum Wages (undisbursed Amounts) (Tamil Nadu) Rules, 1963.]

Application for payment of amount lying with the prescribed authority under section 22-D of the Minimum Wages Act, 1948 (Central Act XI of 1948.)

1. Name and address of the applicant.

2. Father"s/Husband"s name of the applicant.

3. Name of employee/legal heir, where the employee is not the applicant.

4. Where the applicant is the heir of the employee to whom the undisbursed wages are due, the relationship of such applicant with the deceased employee/employees whose whereabouts are not known (evidence to be furnished).

5. (a) Establishment in which the employee to whom the undisbursed amount is due was last employed.

(b) Capacity in which he was employed.

6. Period to which the undisbursed amount relates.

7. The total amount claimed.

Form prescribed for maintenance of Register of Wages in G.O.Ms.No.3283, Industries Labour and

co-operation, dated 26th August, 1958.

Register of Wages

[Rule 27(1)]

Father"s/Husband" name. of piece-rate workers. Net Wages paid for each Minimum rates of wages wage period and the overtime in the case Gross Wages for each production, during Overtime earnings in											Deductio
1	2	3	4	5	6	7	8	9	10	11	12

Commissioner of Labour.