

## **MINIMUM WAGES (CENTRAL) RULES, 1950**

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### **MINIMUM WAGES (CENTRAL) RULES, 1950**

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

#### CHAPTER 1

#### PRELIMINARY

#### **1. Short title and extent :-**

These rules may be called the Minimum Wages (Central) Rules, 1950.

#### **2. Interpretation :-**

In these rules, unless the context otherwise requires,-

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

(b) 'advisory committee' means an advisory committee appointed under section 6 and includes an advisory sub-committee appointed under that section;

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

- (d) 'Board' means the Advisory Board appointed under section 7 ;
- (e) 'Chairman' means a Chairman of the Advisory Board, the Committee or the Advisory Committee, as the case may be, appointed under section 9 ;
- (f) 'Committee' means a Committee appointed under clause (a) of sub-section (1) of section 5 and includes a sub-committee appointed under that section;
- (ff) 'day' means a period of twenty-four hours beginning at midnight;
- (g) 'form' means a form appended to these rules;
- (h) 'Inspector' means a person appointed as Inspector under section 19 ;
- (i) 'registered trade union' means a trade union registered under the Trade Union Act, 1926;
- (j) 'section' means a section of the Act; and
- (k) All other words and expressions used herein and not defined shall have the meaning respectively assigned to them under the Act.

## CHAPTER 2

### MEMBERS AND STAFF, AND MEETINGS OF THE BOARD COMMITTEE AND ADVISORY COMMITTEE

#### **3. Term of office of the members of the Committee and the Advisory Committee :-**

The term of office of the members of the Committee or an Advisory Committee shall be such as in the opinion of the Central Government is necessary for completing the enquiry into the scheduled employment concerned and the Central Government may, at the time of the constitution of the Committee or an Advisory Committee, as the case may be, fix such terms and may, from time to time, extend it as circumstances may require.

#### **4. Term of office of members of the Board :-**

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

Provided that such member shall, notwithstanding the expiry of the

said period of two years, continue to hold office until his successor is nominated.

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

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

#### **4A. Nomination of substitute members :-**

If a member is unable to attend a meeting of the Committee or the Board, the Central Government or the body which nominated him may, by notice in writing signed on its behalf and by such member and addressed to the chairman of the said Committee or the Board, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting.

#### **5. Travelling allowance :-**

A non-official member of the Committee, an Advisory Committee or the Board shall be entitled to draw travelling and halting allowances for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a Government servant of the first class under the appropriate rules of the Central Government.

#### **6. Staff :-**

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

(2)

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

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

be.

**7. Eligibility for re-nomination of the members of the Committee, Advisory Committee and the Board :-**

An outgoing member shall be eligible for re-nomination for the membership of the Committee, Advisory Committee or the Board, of which he was a member.

**8. Resignation of the Chairman and Members of the Committee, Advisory Committee and the Board and filling of casual vacancies :-**

(1) A member of the Committee, Advisory Committee or the Board other than the Chairman may, by giving notice in writing to the Chairman, resign his membership.

(2) The Chairman may resign by a letter addressed to the Central Government.

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

**9. Cessation and restoration of membership :-**

(1) If a member of the Committee, Advisory Committee or the Board fails to attend three consecutive meetings, he shall subject to the provisions of sub-rule (2), cease to be a member thereof.

(2) A person, who ceases to be a member under sub-rule (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that if he desires restoration of his membership he may apply therefor within thirty days from the receipt of such letter. The application for restoration of membership, if received within the said period, shall be placed before the Committee, the Advisory Committee or the Board, as the case may be, and if a majority of members present at the next meeting is satisfied that the reasons for failure to attend three consecutive meetings are adequate, the member shall be restored to membership immediately after a resolution to that effect is adopted.

**10. Disqualification :-**

(1) A person shall be disqualified for being nominated as, and for being a member of the Committee, Advisory Committee or the Board, as the case may be,-

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

(ii) if he is an undischarged insolvent; or

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

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

### **11. Meetings :-**

The Chairman may, subject to the provisions of rule 12, call a meeting of the Committee, Advisory Committee or the Board, as the case may be, at any time he thinks fit: Provided that on a requisition in writing from not less than one half of the members the Chairman shall call a meeting within fifteen days from the date of the receipt of such requisition.

### **12. Notice of meetings :-**

The Chairman shall fix the date, time and place of every meeting, and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post at least fifteen days before the date fixed for such meeting : Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

### **13. Chairman :-**

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

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

### **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 member present: <sup>1</sup> [Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members by telegram or by written communication].

1. Substituted by the Minimum Wages (Central) (Second Amendment) Rules, 1974, w.e.f. 13-7-1974.

**15. Disposal of business :-**

All business shall be considered at a meeting of the Committee, Advisory Committee or the Board, as the case may be, and shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes the Chairman shall have a casting vote: Provided that the Chairman may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members: Provided further that no decision on any matter under the preceding proviso shall be taken unless supported by not less than a two-thirds majority of the members.

**16. Method of voting :-**

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

**17. Proceedings of the 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 Central Government as soon after the meeting as possible and in any case, not less than seven days before the next meeting.

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

**CHAPTER 3**

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

**18. Summoning of witnesses and production of documents**

**:-**

(1) A Committee, Advisory Committee or the Board may summon

any person to appear as a witness in the course of an enquiry. Such summons may require a witness to appear before it on a date specified therein and to produce any books, papers or other documents and things in his possession or under his control relating 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 rules may be served-

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

(ii) in the case of an employers' organisation or a registered trade union of workers, by being delivered or sent by registered post to the secretary or other principal officer of the organisation or union, as the case may be.

(4) The provisions of the Code of Civil Procedure, 1908 (5 of 1908) relating to the summoning and enforcement of the appearance of witnesses and the production of documents shall, so far as may be, apply to proceedings before a Committee, Advisory Committee or the Board.

**1** [(5) All books, papers and other documents or things produced before a Committee, or the Board in pursuance of a summons issued under sub-rule (1)

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

1. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1969, w.e.f. 21-3-1970.

### **19. Expenses of witnesses :-**

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

#### CHAPTER 4

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

### **20. Mode of computation of the cash value of wages :-**

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

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

(1)

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

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

(ii) 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.

(iii) The wages of an employed person shall be paid to him without deduction of any kind except those authorised by or under these rules. Explanation.-Every payment made by the employed person to the employer or his agent shall. For the purposes of these rules, be deemed to be a deduction from wages.

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

(i) fines;

(ii) deductions for absence from duty;

(iii) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(iv) deductions for house accommodation supplied by the

employer;

(v) deductions for such amenities and services supplied by the employer as the Central Government may, by general or special order, authorise. Explanation.-The words 'amenities and services' in this clause does 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 installment of deduction exceed one-fourth of the wages earned in that month;

(vii) deductions of income-tax payable by the employed person;

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

(ix) deductions for subscriptions to, and for repayment of advances from any provident fund to which the Provident Fund Act, 1925, applies or any recognised provident fund as defined in S.58A of the Income tax Act, 1922, or any provident fund approved in this behalf by the Central Government during the continuance of such approval;

(x) deductions for payment to co-operative societies <sup>1</sup>[or deductions for recovery of loans advanced by an employer from out of a fund maintained for the purpose by the employer and approved in this behalf by the Central Government] or to a scheme of insurance approved by the Central Government;

<sup>2</sup>[(xi) deductions for recovery or adjustment of amounts, other than wages, paid to the employed person in error or in excess of what is due to him : Provided that prior approval of the Inspector or any other officer authorised by the Central Government in this behalf is obtained in writing before making the deductions, unless the employee gives his consent in writing to such deductions.]

<sup>3</sup>[(xii) deductions made with the written authorisation of the employed persons (which may be given once generally and not necessarily every time a deduction is made), for the purchase of securities of the Government of India or of any State Government or for being deposited in any Post

**4**[(xiii) deductions made with the written authorisation of the employed person for contributions to the National Defence Fund or the Prime Minister's National Relief Fund or to any Defence Savings Scheme **5**[approved by the Central Government or to such other Fund as the Central Government] may, by notification in the Official Gazette, specify in this behalf; and]

**6**[(xiv) deductions for recovery of loans granted for house building or other purposes approved by the Central Government, and for the interest due in respect of such loans, subject to any rules made or approved by the Central Government regulating the extent to which such loans may be granted and the rate of interest payable thereon.]

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

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

(ii) 50 per cent of such wages in any other case: Provided that where the total amount of deductions which have to be made under sub-rule (2) in any wage period from the wages of any employee exceeds the limit specified in clause (i), or, as the case may be, clause (ii) of this sub-rule, the excess shall be carried forward and recovered from the wages of succeeding wage period or wages periods as the case may be, in such number of installments as may be necessary.]

(3) Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss caused by him shall explain to him personally and also in writing the act or omission or the damage or loss, in respect of which the 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.

**8**[(4) The amount of fine or deduction for damage or loss mentioned in sub-rule (3) shall be subject to such limits as may be specified in this behalf by the Central Government. All such fines imposed and deductions made shall be recorded in the registers

maintained in Forms I and II, respectively. These registers shall be kept at the works pot and maintained upto-date. Where no fine or deduction has been imposed or made on or from any employee in a wage period, a 'nil' entry shall be made across the body of the relevant register

**9**[(4A) Every employer shall send annually a return in Form III **10**[ \* \* \*] so as to reach the Inspector not later than the 1st February following the end of the year to which it relates.

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

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

1. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1960.

2. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1937.

3. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1961.

4. Substituted by the Minimum Wages (Central) (Amendment) Rules, 1980, w.e.f. 21-6-1980. Earlier existing item (xiii) was inserted by the Minimum Wages (Central) (Amendment) Rules, 1963.

5. Corrected for "approved by the Central Government" by the corrigendum vide Notification No. GSR 463 (E), dated 2-8-1980.

6. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1980, w.e.f, 21-6-1980.

8. Substituted by the Minimum Wages (Central) (Amendment) Rules, 1960.

9. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1960.

10. The words "showing the deductions from wages" omitted by the Minimum Wages (Central) (Second Amendment) Rules, 1962.

11. Substituted by the Minimum Wages (Central) (Amendment) Rules, 1954.

## **22. Publicity to the minimum wage fixed under the Act :-**

Notices **1**[in Form IX-A] containing the minimum rates of wages fixed together with **2**[abstracts of] the Act, the rules made thereunder and the name and address of the Inspector shall be displayed in English and in a language understood by the majority of the workers in the employment **3** [at the main entrances to the establishment and at its offices] 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.

1. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1954.
2. Substituted for "extracts from" by the Minimum Wages (Central) (Amendment) Rules, 1960.
3. Substituted for "at such place as may be selected by the Inspector" by the Minimum Wages (Central) (Amendment) Rules, 1960.

**23. 16[Weekly day of rest :-**

(1) Subject to the provisions of this rule, an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as the 'rest day') which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees in that scheduled employment: Provided that the employee has worked in the scheduled employment under the same employer for a continuous period of not less than six days: Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector in this behalf. Explanation.-For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule-

(a) any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work, <sup>1</sup>[\* \* \*]

(b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 , <sup>2</sup>[and

(c) any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days immediately preceding the rest day], shall be deemed to be days on which the employee has worked.

(2) Any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless he has or will have a substituted rest day for a whole day on one of the five days immediately before or after the rest day: Provided that no

substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

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

(4) An employee shall be granted for the rest day wages calculated at the rate applicable to the next preceding day and in case he works on the rest day and has been given a substituted rest day, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day: Provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six, or where the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee, no wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate; and if any dispute arises whether the daily rate of wages has been worked out as aforesaid, the Chief Labour Commissioner may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations: Provided further that in the case of an employee governed by a piece rate scheme, the wages for the rest day, or, as the case may be, the rest day, and the substituted rest day, shall be such as the Central Government may, by notification in the Gazette of India, prescribe, having regard to the minimum rate of wages fixed under the Act, in respect of the scheduled employment. <sup>3</sup>[\* \* \*]

<sup>4</sup> [(5)] The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee

shall be entitled only to the more favourable terms aforesaid. Explanation.-For the purposes of this rule, 'week' shall mean a period of seven days beginning at midnight on Saturday night.]

1. Word "and" omitted by the Minimum Wages (Central) (Third Amendment) Rules, 1963.

2. Inserted, by the Minimum Wages (Central) (Third Amendment) Rules, 1963.

3. Sub-rule (5) omitted by the Minimum Wages (Central) (Amendment) Rules, 1979,. w.e.f. 27-1-1979.

4. Sub-rule (6) renumbered as sub-rule (5),by the Minimum Wages (Central) (Amendment) Rules, 1979,. w.e.f. 27-1-1979 .

**24. Number of hours of work which shall constitute a normal working day. :-**

(1) The number of hours which shall constitute a normal working day shall be-

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

(b) in the case of a child, 4 hours.

(2) The working day of an adult worker shall be so arranged that inclusive of the intervals for rest, if any, it shall not spread over more than twelve hours on any day.

(3) The number of hours of work in the case of an adolescent shall be the same as that of an adult or a child according as he is certified to work as an adult or a child by a competent medical practitioner approved by the Central Government.

(4) The provisions of sub-rules (1) to (3) shall, in the case of workers in agricultural employment, be subject to such modifications as may, from time to time, be notified by the Central Government.

**1** [(5) No child shall be employed or permitted to work for more than 4 1/2 hours on any day.]

1. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1954.

**24A. Night Shifts :-**

Where a worker in a scheduled employment works on a shift which extends beyond midnight-

(a) a holiday for the whole day for the purposes of rule 23 shall in his case mean a period of twenty-four consecutive hours beginning

from the time when his shift ends; and

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

## **25. Extra wages for overtime :-**

**1** [(1) When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to wages at double the "ordinary rate of wages". 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** [(2) A register of overtime shall be maintained by every employer in Form IV in which entries under the columns specified therein shall be made as and when overtime is worked in any establishment. The register shall be kept at the works-spot and maintained upto-date. Where no overtime has been worked in any wage period, a 'nil' entry shall be made across the body of the register at the end of the wage period indicating also in precise terms the wage period to which the 'nil' entry relates].

1. Substituted by the Minimum Wages (Central) (Amendment) Rules, 1979, w.e.f. 27-1-1979.

2. Substituted by the Minimum Wages (Central) (Amendment) Rules, 1960.

## **26. Form of registers and records :-**

**1** [(1) A Register of Wages shall be maintained by every employer at the work-spot in Form X.]

**2** [(1A) Every employer shall, in respect of each person employed in the establishment, complete the entries pertaining to a wage period-

(a) in columns 1 to 15 of Form X, before the date on which the wages for such wage period fall due ;

(b) in columns 16 and 17 of the said Form, on the date when

payment is made, and obtain the signature or thumb impression of the employee in column 18 of the said Form on the date when payment is made.]

**1**[(2) A Wage Slip in Form XI shall be issued by every employer to every person employed by him at least a day prior to the disbursement of wages.]

(3) Every employer shall get the signature or the thumb impression of the every person employed on the **4**[Register of wages] and Wage slip.

(4) Entries in the **3**[Register of Wages] and wage slip shall be authenticated by the employer or any person authorised by him in this behalf.

**6**[(5) A muster roll shall be maintained by every employer at the works-pot in Form V and the attendance of each person employed in the establishment **7** [\* \* \*]

1. Substituted by the Minimum Wages (Central) (Amendment) Rules, 1966.

2. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1974, w.e.f. 2-2-1974.

4. Substituted for "Wage Book" and "Wages Books", respectively, by the Minimum Wages (Central) (Amendment) Rules, 1965, w.e.f. 15-5-1965.

6. Substituted by the Minimum Wages (Central) (Amendment) Rules, 1974, w.e.f. 2-2-1974.

7. Sub-rule (6) was omitted by the Minimum Wages (Central) (Amendment) Rules, 1963. Earlier it was inserted by the Minimum Wages (Third Amdt.) Rules, 1961.

#### **26A. 26A :-**

**1**[Preservation of registers A register required to be maintained under rule 21(4), rule 25(2) and rule 26(1)**2** [and the muster roll required to be maintained under rule 26(5)] shall be preserved for a period of three years after the date of last entry made therein,]

1. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1960.

2. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1960.

#### **26B. 31[Production of registers and other records. :-**

(1) All registers and records required to be maintained by an employer under these rules shall be produced on demand before

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

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

**26C. 26C :-**

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

CHAPTER 5

CLAIMS UNDER THE ACT

**27. 27 :-**

(1) An application under sub-section (2) of section 20 or sub-section (1) of section 21 , by or on behalf of an employed person or group of employed

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

**28. Authorisation :-**

The authorisation to act on behalf of an employed person or persons, under sub-section (2) of section 20 or of sub-section (1) of section 21 shall be given in Form VIII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

**29. Appearance of parties :-**

(1) If an application under sub-section (2) of section 20 or section 21 is entertained, the Authority shall serve upon the employer by

registered post a notice in Form IX to appear before him on a specified date with all relevant documents.

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

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

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

#### CHAPTER 6

#### SCALE OF COSTS IN PROCEEDINGS UNDER THE ACT

### **30. Costs :-**

(1) The authority, for reasons to be recorded in writing, may direct that the cost of any proceeding pending before it shall not follow the event.

(2) The costs which may be awarded shall include-

(i) expenses incurred on account of court-fees;

(ii) expenses incurred on subsistence money to witnesses; and

(iii) pleader's fees to the extent of ten rupees provided that the authority in any proceeding, may reduce the fees to a sum not less than five rupees or for reasons to be recorded in writing increase it to a sum not exceeding twenty-five rupees.

(3) Where there are more than one pleaders or more than one applicants or opponents the authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

### **31. Court fees :-**

The Court fee 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 - One rupee;

**1** [(iii) for every application made on behalf or in respect of a number of employees - One rupee per employee subject to a maximum of twenty rupees:] Provided that the authority may, if in its opinion, the applicant is pauper, exempt him wholly or partly from the payment of such fees : Provided further that no fee shall be chargeable,-

(a) from persons employed in agriculture; or

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

1. Inserted by the Minimum Wages (Central) (Amendment) Rules, 1960.

#### CHAPTER 7

#### MISCELLANEOUS

### **32. Explanations :-**

These rules shall not apply in relation to any scheduled employment insofar as there are already in force rules applicable to such employment making equally satisfactory provisions for the matters dealt with by these rules.]