

FORM X

(Notice Rule 23)

Abstracts from the Minimum Wages Act, and the Rules made thereunder

I. Whom the Act affects

- (a) The Act applies to persons engaged on scheduled employments on specified class of work in respect of which minimum wages have been fixed.
- (b) No Employee can give up by contract or agreement his rights in so far it purports to reduce the minimum rates of wages fixed under the Act,

II. Definition of Wages

- (1) "Wages" means all remuneration payable to an employed person on the fulfilment of his Contract of employment. It excludes :
 - (i) The value of any house-accommodation-supply of light, water, medical attendance on any other amenity or any service extended by general or special order of the appropriate Government;
 - (ii) Contribution paid by the employer to and Pension Fund or Provident Fund or under any scheme of social Insurance;
 - (iii) The travelling allowance or the value of any travelling concession;
 - (iv) The sum paid to the person employed to defray special expenses entitled on him by the nature of his employment;
 - (v) Gratuity payable on discharge.
- (2) The minimum rate of wages may consists of :
 - (i) A basic rate of wages and a special allowance called the cost of living allowances;
 - (ii) A basic rate of wage with or without a cost of living allowance and the cash value of any concessions, like supplies of essential commodities at concession rates;
 - (iii) An all inclusive rate comprising of basic rate; cost of living allowance and cash value of concession, if any
- (3) The minimum wages payable to employees of scheduled employments notified under Section 5 read with Section 3 or as revised from time to time under Section 10 read with Section 3 may be :
 - (a) A minimum time rate.
 - (b) A minimum piece rate.
 - (c) A guaranteed time rate.
 - (d) An overtime rate
differing with
 - (1) different scheduled employments,
 - (2) different classes of work,
 - (3) different localities
 - (4) different wage period
 - (5) different age groups.

III. Computation and conditions of payment

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

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

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

Wage shall be paid on working day within 7 days of the end of the wage period or within ten days if 1,000 or more persons are employed.

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

If an employee is employed on any day for a period less than the normal working day he shall be entitled to receive wages for a full normal working day provided his failure to work is not caused by his

unwillingness to work but by the omission of the employer to provide him with work for that period.

Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work wages as not less than the minimum rate in force in respect of each such class.

Where an employee is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed, the employer shall pay to such employee wages at not less than the minimum time rate.

IV. Hours of work and Holidays

The number of hours which shall constitute a normal working day shall be:

- (a) In the case of an adult 9 hrs;
- (b) In the case of a child 4-1/3 hrs.

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

"The employer shall allow a day of rest with wages to the employees every week. Ordinarily Sunday will be weekly day of rest, but any other day of the week may be fixed as such rest day. No employee shall be required to work on a day fixed as rest day, unless he is allowed a substituted rest day with wages. The employer shall give prior intimation to the employee if he is required to work on the rest day (See rule 24)".

When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall in respect of overtime worked be entitled to wages in scheduled employment other than agriculture, at double the ordinary rate of wages.

V. Fines and deductions

No deductions shall be made from wages except those authorised by or under the rules : Deductions from the Wages shall be one or more of the following kinds, namely

- (i) **Fine** :-The act or omission in respect of which the fine is proposed to be imposed shall be explained in person and also in writing to an employed person and he shall be given an opportunity to offer any explanation in the presence of another person. The amount of the said fine shall also be intimated to him. It shall be, such may be specified by the State Government. It shall be utilised in accordance with the directions of the State Government.
- (ii) Deductions for absence from duty.
- (iii) Deductions or damages to or loss of goods entrusted to the employee for custody, or for loss of money for which he is required to account, where such damages or loss is directly attributable to his neglect or default. the damage or loss in respect of which the deduction is proposed to be made shall be explained in person and also in writing to the employed person, and he shall be given an opportunity to offer any explanation in the presence of another person. The amount of the said deduction shall also be intimated to him, It shall be such as may be specified by the State Government.
- (iv) Deductions for house accommodation supplied by the employer;
- (v) Deductions for such amenities and services supplied by the employer as the State Government may by general or special order authorize. These will not include the supply of tools and protectives required for the purpose of employment.
- (vi) Deductions for recovery of advances or for adjustment of over payment of wages such advances shall not exceed an amount equal to wages for two calendar months of the employed person and the monthly installment of deduction shall not exceed one-fourth of the wages earned in that month.
- (vii) Deductions of Income-tax payable by the employed person;
- (viii) Deductions required to be made by order of a court or other competent authority;
- (ix) Deductions for payment to Co-operative Societies or a scheme of Insurance approved by the State Government.

VI. Maintenance of Registers and Records

Every employer shall maintain a register of wages specifying the following particulars for each period in respect of each employed person :

- a) The minimum rates of wages payable.

- b) The number of days in which overtime was worked.
- c) The gross wages.
- d) All deductions made from wages.
- e) The wages actually paid and the date of payment.

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

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

Entries in the Wage-books and wage-slips shall be properly authenticated by the employer or his agent. A muster roll shall be maintained by every employer and kept in the form prescribed.

Every employer shall keep exhibited at such places selected by the Inspector notices in English and in language understood by majority of the workers of the following particulars in a clean and legible form :

- a) Minimum rate of wages
- b) Extracts from the Act and the rules made thereunder
- c) Name and address of the Inspector

XII. Name(s) and Address(es) of the Inspector(s)

Name	Address

VII. Inspections

An Inspector can enter in any premises and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

VIII. Claims and complaints

Where an employee is paid less than the minimum rates of wages fixed for his class of work or less than the amount due to him under the provisions of this Act, he can make an application in the prescribed form within six months to the authority appointed for the purpose. An application delayed beyond this period may be admitted if the authority is satisfied that the applicant had sufficient causes for not making the application within such period.

Any legal practitioner, official of a registered Trade Union, Inspector under the act or other person acting with the permission of the Authority can make the complaint on behalf of the employed person.

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

A complaint regarding less payment of notified wages under Section 22 of the Act can be made to the Court only with the sanction of the Authority within one month of the grant of such sanction.

A complaint under Section 22 of the Act can be made to the Court only or with the sanction of an Inspector within six months of the date on which the offences are alleged to have been committed.

IX. Action by the Authority

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

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

X. Penalty for the offence under the Act

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

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

XI. Minimum rates of wages fixed

Name of undertaking

Sl. No.	Category of Employees	Minimum Wages